**UNREVISED HANSARD**

**MINI PLENARY - NATIONAL ASSEMBLY (VIRTUAL) THURSDAY, 10 NOVEMBER 2022**

***PROCEEDINGS OF VIRTUAL* MINIPLENARY**

The House met at 14:00.

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

The CHAIRPERSON (Ms R M M Lesoma): ...to remind you that virtual mini plenary is deemed to be in the precinct of Parliament and constitutes a meeting of National Assembly for debating purposes only, in addition to the rules of the virtual sitting.

The rules of the National Assembly including the rules of debate apply. Members enjoy the same powers and privileges that apply in the sitting of the National Assembly. Members should equally note that anything said in the virtual platform is deemed to have been said to the House and maybe ruled upon.

All members who have logged in shall be considered present and are requested to mute their microphones and only unmute when recognised to speak. This is because the mics are very sensitive and will pick up noise which might disturb the attention of other members.

When recognised hon members to speak, please unmute your microphone and where connectivity permits connect your video. Members may make use of the icons on the bar at the bottom of their screens, which has an option that allows a member to put up his or her hand to raise point of order.

The secretariat will assist in alerting the presiding officer to members requesting to speak. When using the virtual system, members are urged to refrain or desist from unnecessary points of order or interjections.

Lastly hon members, I wish to remind you that we meeting in a mini-plenary session and therefore any decision would be made in a full plenary session of the Assembly. The first item on the order paper hon member is a subject for discussion in the name of hon Hlengwa on: Building a Culture of Accountability and Responsibility to Balance with the Proper Exercise of Constitutional Rights and Freedoms.

# BUILDING A CULTURE OF ACCOUNTABILITY AND RESPONSIBILITY TO BALANCE WITH THE PROPER EXERCISE OF CONSTITUTIONAL RIGHTS AND FREEDOMS

Mr M HLENGWA: Thank you very much House Chairperson, South

Africans came together at *Convention for a Democratic South Africa,* CODESA to negotiate a way forward, as well as their vision for a new democratic South Africa. The Inkatha Freedom Party led by our founder and President Emeritus Prince Mangosuthu Buthelezi, advocated for amongst others the constitutional court, independent organ of state controlling the executive and the recognition of indigenous and customary law and importantly the need for a Bill of Rights.

As the IFP we therefore feel very strongly that each citizen is entitled to exercise their constitutionally mandated rights and freedoms, as well as the protections that such rights and freedom provide.

However, individuals cannot expect to enjoy these freedoms without recognizing that with rights comes responsibilities, more sore, when an individual has influence.

Members of the... [Inaudible.] ... state, like politicians speak to the people and their words can influence perceptions and decisions. Unlike many however, they are meant to speak on behalf of truth not a particular world view or political ideology. It is therefore essential that members of the press provide information to the public in a balance way, based on facts without inclusion of personal preferences and biasness.

Unfortunately, there are journalists and editors who use their platforms to drive their own agendas. One such journalist is the former editor of the Sunday Times and current Editor in Chief of City Press, Mondli Makhanya.

For decades he has been using his public platform to defame the IFP’s founder and President Emeritus Prince Mangosuthu Buthelezi. He has publicly called Prince Buthelezi amongst others; a butcher, a mass murderer and blood thirsty. It is important to note that there’s no ... [Interjection.]

The CHAIRPERSON (Ms R M M Lesoma): Hon Hlengwa, just a second. Hon members, please mute your mics please, you are interjecting the speaker on the floor. Thank you very much, you may proceed hon Hlengwa.

Mr M HLENGWA: ... thank you House Chair, it important to note that there’s no evidence to support any of Mr Makhanya’s allegations. Prince Buthelezi has never been accused, arrested, tried or convicted for murder. Just to call him a murderer is automatically slander and defamatory.

Despite such extreme defamation, Mr Makhanya has never been held accountable for his lies nor has he been successfully stopped from publishing them. Even in the instances where Prince Buthelezi has been granted a right to reply, such cannot remedy the damage caused by the editor’s article.

The editor of a national newspaper has a significant position of influencing and power and Mr Makhanya abuses his power by using this platform to carry on a personal vendetta.

As the IFP we wish to state that we respect the Constitution, including section 16 which provides that:

Everyone has the right to freedom of expression which includes amongst others; freedom of the press and other media.

However, if Mr Makhanya cannot accept the responsibilities that come with his rights, there should be at the very list mechanism to hold him accountable and others accountable.

South Africa does a press code which demands amongst others that:

In the gathering and reporting of news, the media take care to report news truthfully, accurately and fairly and present news in context, in a balanced manner without any intentional or negligent departure from the facts, whether by distortion, exaggeration or misrepresentation, material omissions or summarizations.

Prince Buthelezi has submitted multiple complaints to the press ombud and attempted to exercise his right to reply. In the pursuit of accountability, the IFP chose to exercise its right to peaceful protest and march to the offices of the City Press in September to hand over a memorandum, calling for Mr Makhanya to cease and desist from his persistent deformation.

In preparing for the protest action, the IFP took responsibility for its actions and followed the latter of the law, notifying all those involved amongst others.

At this point the South African National Editor’s Forum, in response to the intended march, issued the reactionary press statement. The South African National Editor’s Forum, SANEF, by right should the fiercest advocate for right of freedom to press, to be balanced with the responsibility, to provide information based on facts not fiction. Yet instead SANEF claimed the IFP’s march constituted bullying, intimidation and was a dangerous idea.

Indeed, labelling the exercise of our right in this way, in itself was an act of bullying and intimidation by SANEF. When the IFP previously approached SANEF to raise the issue of Mr Makhanya, they claim that they could not intervene, yet in issuing the statement that was an intervention in itself.

Here you have a body, tasked with accountability, yet unable to make and take their own to task. In the interest of upholding our constitutional democracy, we must acknowledge that persons cannot hide behind their rights to avoid being held accountable, nor can they hide behind being held accountable to uphold theirs rights.

For our democracy to flourish, it is our duty as this House and the society to ensure that we consistently work to build

the culture of accountability and responsibility in all areas of South African society. It is our duty in this House to advocate publicly that rights must be abused and that rights come with responsibilities.

A society built on a lack of accountability has got no progress. A society that does not take responsibility has no progress. And we hope that those charged with the responsibility of rights and the privilege of rights, will be able to honour their rights and the responsibilities for the greater good of the national discourse. Madam House Chair, thank you very much.

The DEPUTY MINISTER OF WATER AND SANITATION (Mr M D Mahlobo):

Hon Chair, hon members, with this debate our caucus have asked to look at the developmental state as a vehicle towards realising constitutional rights and the freedom of all. South Africa is a constitutional democracy and a government that strives to serve all the people in the country. Our Constitution set out the core functions of government and the division of responsibilities and powers between national, provincial and local government. We are a unitary state wherein policy and oversight in the main is at a national level of a central government.

The democratic developmental state can be viewed as a state that purses high levels of socioeconomic development in a participatory manner by Robust Long-Term Plans and a state that has a requisite capacity, the elicit development in its approach influence by developmental ideologies and the state is appropriately organised for predetermined objectives. I want to quote that since the advent of democracy the RDP Paper says that: no political democracy can survive and flourish if the mass of our people remain in poverty; without land; without tangible prospects for a better life,” “Attacking poverty and deprivation must therefore be the first priority of a democratic government.”

Our Constitution further enshrines socioeconomic environmental rights that must be advanced and protected and realised progressively through government deliberate policies and programmes especially the developmental state.

Our country has a long history of divisions and conflict throughout the years of colonisation and apartheid. The state plays a key role in maintaining inequality and protecting the privileges of the minority. Since the birth of democracy in 1994, the country has faced incredibly challenges to overcome the legacy of the past and meet the needs of the people today.

Apartheid left the country with not only the divided society but also with a very unequal one. In most towns and cities, the landscape still shows a society with huge inequalities and sharp differences between rich and poor. We have had a housing backlog, we have issues around crime even the world that is still being divided on rational lines, unemployment figures are high depending where you stand between 30 to 40% which measure that we are using.

Our challenge that we faced as government was to build a strong economy that can provide jobs and opportunities for all the people. This is a long term project and there are many other things that is to be done to make sure that government creates a better life for all for the people now by providing better access to services like healthcare, education, employment opportunities, water and others.

We are committed in building this developmental state that affectively tied the national economic development by mobilising resources of the society and directing them towards the realisation of common goals. We placed the needs of the poor and social issues such as healthcare, housing, education and social safetiness at the top of the national agenda.

As government, we understand that, no, we cannot grow the economy, solve all the community problems or deliver in all the services to bring about the better life for all our people. The government is working together with all social partners, is involving everyone in an effort to develop our country in what we refer as the people’s contract, is a phrase that sums out what we normally do. A forum like the National Economic Development and Labour Council, Nedlac, the ... [Inaudible.] ... are all some of these mechanism that we are using to involve our citizens for the benefit of our country and our people.

We are also playing a much stronger role in establishing a clear measurable and time bound targets for common programmes and monitoring and their implementation. We continue to establish in government institutional and organisational capacity that we have for effective and efficient structures and system to realise our goals.

We know that over the few years our institutions have been hallowed, they have been working out and Statistics SA have been taken as we speak right now to rebuild institutions and progress is being made to improve the system as structures with its spheres of government at national government that has

to provide the necessary cohesion to deliver the results that are required.

We are reestablishing and building our technical capacity as a state to improve our ability to translate broad objectives into programmes and projects and to ensure their implementation.

We have adopted a District Developmental Plan during this term of the administration to make effective use of intergovernmental and integrated planning across government and between different government department. All of these features requires a strong emphasis on the state human capacity to carry out its work.

Over the last 28 years of our democracy, we have witnessed some areas of poor performance but also areas of strong performance. Many South Africans they depend on the state to lay the foundation of a successful economy and stable society.

We, as the ANC-led government, cannot determine the country’s both projectry and the kind of society we inveighing on our own. We have managed to build a foundation of a truly united, nonracial, nonsexist, democratic and a prosperous society as

envisaged, in the Freedom Charter, the Constitution and the National Development Plan.

South Africa has made a remarkable progress under the ANC from the transition of apartheid to democracy. In the nearly every facet of our lives as South Africans advances are being made in building an inclusive society. We are rolling back the shadow of these and broadening opportunities for all. South Africa has been able to build the institutions necessary for a democratic transformative state.

Access to services has been broaden. The economy has been stabilised though there are challenges as we speak and the economy has grown since 1994 took about triple or quadruple. We are on track in actually ensuring that the society is becoming non-natural. Millions who were previously excluded have access to education, water, electrify, healthcare and housing. Social security and poverty rate has declined and leverage income grow steadily in real terms.

We have intervened on behalf of the poor, the marginalised and the voiceless through our transformative policy. In our country the poor are relying on the ANC-led state and have the most to lose when the state fails to deliver.

Since 1994, we have pursued policies with vigor thats are resonating with the imperatives of a developmental state as exposed in the Constitution. But we are the first to admit that we have not gone far enough to address the stubborn triple challenges of unemployment, inequality and poverty.

Public confidence as we speak now is very low because of corruption, maleficent and incompetent. And these issues are being addressed by the State President. And we are going to renew our country, we are collectively going to correct our missteps. Where there are certain aspects that this has negatively impact on the poor in terms of quality of lives and access to opportunities. To accelerate progress and deepen democracy and build more inclusive society South Africa must translate people emancipation into economic wellbeing and is up to all of us as South Africans to fix our country for the future.

We all yearn and inspire South Africa where everyone is feels free yet bounded to others, where everybody embraces their full potential, where a country opportunity determines not by birth but by ability, education and hard work. Realising such society will require transformation of the economy and focus efforts to build the country’s capability.

The opportunities coming out of Ukraine conflict, COVID-19 and climate change requires to make a shift on how we address these issues. And we have the capacity to address them. On our shoulders as leaders we bear the biggest responsibility to build this nation for the sake of the next generation. We should draw our inspiration from Nelson Mandela when he said:

Like slavery and apartheid, poverty is not natural. It is

man-made and it can be overcome and eradicated by the actions of human beings. And overcoming poverty is not a

gesture of charity. It is an act of justice.

Madiba then further said:

Do not look the other way; do not hesitate. Recognize that the world is hungry for action, not words. Act with courage and vision.

These people that are trapped in poverty right now, we as a collective of public representatives, we must set them free. We have the political will and you are with us to take these areas where the state is failing to deliver but this which will certain our aspiration.

But the National Development Plan, NDP, and our Constitution they remain our law star. Ours is the mission to liberate our people from all socioeconomic bondages as outlined by our Constitution and set them free through our collective efforts

... [Inaudible.] ... Thank you very much. [Time expired.]

Mr R A LEES: Chair, there will be very few South Africans who do not believe that there has been little or no accountability for malfeasance in South Africa over the past 15 years. Most South Africans would probably blame politicians and they are correct. Certainly, the Zondo Commission found Parliament to have been delinquent in this respect.

Whilst there is much rhetoric in Parliament about accountability and so-called consequence management, a term that is a favourite amongst ANC MPs, there are seldom, in my opinion never, members of the executive who are held accountable. Even in the Select Committee on Public Accounts, Scopa has the legacy of the Arms Deal debacle and the brave actions of Ken Andrew, Gavin Woods, Andrew Feinstein and Barbara Hogan to follow have failed to hold a single member of the executive to account.

When ANC Scopa member Mervin Dirks, whatever his agenda may have been, proposed that President Ramaphosa be held accountable for his public statement that state budgets had been used for ANC party funding, the members of the ANC in Scopa simply voted against summoning President Ramaphosa and let him off the hook.

Retribution against Dirks followed swiftly with his summary removal from Scopa and his subsequent disappearance into obscurity. With no delay at all there was immediate consequence management for Mervin Dirks but President Ramaphosa, the perceived icon of the fight for accountability, was tjoepstil [absolutely silent] as the hon Dirks was given his marching orders by the ANC.

During a Scopa meeting on the Beitbridge border fence debacle, hon Mapisa-Nqakula, the then Defence Minister, justified the actions of soldiers to allow the fence to be cut to give illegal entry into South Africa for Zimbabweans as well as to give the illegal entrants from Zimbabwe rides in military vehicles to do their shopping and to visit clinics in Messina.

When the DA attempted to ensure that the recommendations in the Scopa report on the Beitbridge border fence washing line

included action to be taken against hon Mapisa-Nqakula, the ANC refused to include any such recommendation. This report, which was ATC’d in November 2020 some two years ago, has still not been adopted by Parliament.

A discussion on accountability failure would be incomplete ... [Interjections.] ...

Mr M A TSEKI: Chairperson, on a point of order: The name of the Speaker is ... [Interjections.] ...

The CHAIRPERSON (Ms R M M Lesoma): Is that a point of order, hon member?

Mr M A TSEKI: I am just correcting that he is pronouncing the name of the Speaker wrongly.

The CHAIRPERSON (Ms R M M Lesoma): Noted, hon member although it is not a point of order. You may proceed, hon Lees.

*IsiZulu*:

Mnu R A LEES: Ngiyabonga-ke, Sihlalo.

*English*:

... without mention of the failure of hon Pravin Gordhan to be held accountable for the SAA-Takatso deal that he announced some 17 months ago. Despite numerous attempts during Scopa meetings and through written parliamentary questions to get details of the SAA-Takatso deal, hon Gordhan has steadfastly refused to provide details and to be held accountable for the immoral wastage of some R14,7 billion to keep the SA Airways, SAA, operational as a failed SOE. One can’t but wonder what is being hidden in this stonewalling by Minister Gordhan.

Even Dudu Myeni, the delinquent director of SAA used to provide full and detailed replies to questions but hon Gordhan the state capture crusader just refuses to give substantive replies. Despite some clucking of tongues from some members, Scopa has allowed Minister Gordhan to escape accountability for 17 months. A culture of accountability is yet a far-off dream that will require a very different Parliament before it is accomplished. As Alan Paton wrote in 1948 the year that gave birth to apartheid, so too today do we lament, *Cry the Beloved Country*. Thank you, Madam Chair.

Ms C N MKHONTO: Chairperson, when South Africa voted in 1994 and when we adopted the Constitution in 1996, many of our people thought that the country had entered a new era, one in

which elected leaders and those given powers to administer the affairs of the nation will do so with the utmost respect for the people of this country.

The people, as a whole, expected a government that will be in touch with the aspirations of the nation, a government that responds emphatically to the desperate cry for basic needs by the majority of our people. Very few people expected the ruling party to descend to the levels of filth it has now descended to.

Early on during its reign, the party in government showed a middle finger to the people as it watched hundreds of thousands of people die while the government refused to provide lifesaving HIV medication. The principal architect of that genocide is walking around pretending to be a voice of reason today without any ounce of shame. To this day, there is no accountability for the many lives lost of HIV/ Aids denialism. There is no accountability for the lives of the mentally sick people who died at Life Esidimeni. Rather, we see low-level functionaries being hounded while the politicians who took the decision and who may have benefited from the crime are walking free.

There is no accountability for the deaths of so many of our people who get killed by police during service delivery protests. There is no accountability for Andries Tatane who died fighting for water for his community. Perhaps the greatest tragedy that has befallen this country after 1994 is the cold-blooded murder of 34 mineworkers in Marikana after now President Ramaphosa called their protest a dastardly criminal act and called for concomitant actions by the police.

In response to this call, the police mowed down 34 black fathers, brothers, uncles and husbands in Marikana and killed some of them after hunting them down like wild animals in the koppie [small hill]. To this day, no one has been held to account for these dastardly cold-blooded acts, and the person who called for concomitant action is now the President of the country.

Marikana is just one of the President's many sins, under his administration, the country has been plunged into darkness. The people overseeing Eskom, Mr Pravin, Gordhan, Mr Andre De Ruyter and Mr Jan Oberholzer are stumbling along like headless chickens, and no one is holding them accountable for the mess that Eskom has become. Mr Gordhan is leaving a trail of destruction wherever he goes. He destroyed SAA and sold it to

his friends for a pittance. He destroyed a prime arms manufacturing giant in Denel. Now he's finishing off Eskom. No one is holding him accountable for this, making a mockery of our democracy and Constitution.

The Minister of Finance was accused of sexual harassment and used his powers to block a thorough investigation into the crime. The biggest scandal since 1994 has to be the President being criminally accused of keeping huge amounts of foreign currency in his farm stashed under mattresses, and when it got stolen, the President is accused of instructing people to kidnap his farmworkers, assaulting them, hunting those who stole illicit money using state resources, then bribing them not to disclose the monies they've stolen.

Despite all this evidence, Mr Ramaphosa still goes around pretending to be fighting crime and corruption. There is no accountability of any kind that should be expected from the ANC. Under them, the country has sunk into the deepest level of rot ever seen. There is no accountability for the highest level of unemployment in history. No accountability for the rampant crime, rape, murder, and the killing of children and women. The only way the country can rebuild itself is to rid

our politics of the ruling party and install a new government driven by the interest of our people. Thank you, Chair.

Ms Z MAJOZI: Hon Chair ... [Inaudible.]

The CHAIRPERSON (Ms R M M Lesoma): You sound very far. Can you move closer to your microphone please?

Ms Z MAJOZI: Is it fine now?

The CHAIRPERSON (Ms R M M Lesoma): It’s much better. You may proceed.

Ms Z MAJOZI: I’m asking if I can leave my video off as I have a problem with my ... [Inaudible.] I’m on the road.

The CHAIRPERSON (Ms R M M Lesoma): Okay, permission granted.

Ms Z MAJOZI: Hon Chairperson, it is unfortunate that a general lack of accountability and responsibility is characterised and shown by leadership structures in government, as well as the media. For a country with a progressive institution such as ours, this is often of extreme concern. This same Constitution affords individuals and entities their rights. However, the

responsibilities that accompany those rights do not often receive the same attention. That shouldn’t be the case, more especially when the same responsibilities serve to balance the exercise of rights by bigger institutions.

When it comes to the rights and responsibilities that we all exercise, processes of learning and relearning should be at the forefront of our society, and the press should lead by example as they carry a particular social responsibility. When it comes to our communities we look to them to provide information.

We have seen the press exercise their freedom of expression; however, we have also seen them fail to hold themselves accountable in meeting the responsibilities that come with that right. An example of this is what my colleague hon Hlengwa shared, on the ongoing defamation against IFP founder and president emeritus Prince Mangosuthu Buthelezi, perpetrated by *City Press* editor**,** *Mondli Makhanya*. Another example is the infamous public relations firm Bell Pottinger, that, through the manipulation of the media on behalf of the Gupta family, was accused of, “inciting racial tension and operating fake Twitter accounts to mount racially driven campaigns.”

It is clear that this type of behaviour poses a danger to society as well as the persons falsely reported on. We should not need to remind the media of the important role they play in society as a source of information, neither should we be reminding them of the accountability measures they have to exercise to ensure that their work does not infringe on the rights and freedoms of others. We cannot continue to build a country that houses exceptions to accountability when it comes to powerful institutions like the press and the media.

{Inaudible.] ... captured the essence of today’s discussions when he said an overall social responsibility for the quality of press service to the citizens cannot be escaped. We believe that it should also not be ignored. The media, just like our government, has to acknowledge that they have a social responsibility to the public. The liberty that the press ... [Inaudible.] ... through freedom of the press and the right of expression through the media should and must be exercised.

However, it should also be exercised with the caution that is accountable to the people who consume those ... [Inaudible.]

Mr F J MULDER: Hon Chair, on the websites of the South African government and various other departments it is published that the Constitution of South Africa is the supreme law of the

Republic and that it provides the legal foundation for the existence of the Republic. It sets out the rights and duties of its citizens and defines the structure of government. The Bill of Rights is the cornerstone of democracy in South Africa. The Bill of Rights applies to all law. It binds the legislature, the executive, the judiciary and all organs of state.

*Afrikaans*:

Toe ek onlangs in hierdie Huis aanhalings uit die boek van Prof Koos Malan met die titel, *There is No Supreme Constitution*, gebruik het, het die Minister van Justisie onder andere hewig en ontkennend gereageer. Die Suid-Afrikaanse Grondwet word telkens vertolk en toegepas in lyn met die politieke agenda en doelwitte van die regering. Die woorde staatskaping, korrupsie, wanadministrasie en swak wetstoepassing word deesdae en daagliks vrylik in hierdie debats-Huis, in die media en in elk Suid-Afrikaanse huishouding gebruik met die groot frustrasie dat daar net eenvoudig geen gevolge is nie.

Ten spyte van die bevindings en aanbevelings van die Zondo- kommissie was daar tot nou selde vordering met die verloop van

vervolgings na die blatante diefstal van belastingbetalers se geld deur amptenare in magsposisies.

*English*:

Accountability means that Parliament, government, the executive and officials should show a willingness in obligation to accept responsibility for actions. The culture of entitlement that currently exists in South Africa and ... well promoted by the ANC government, is a you owe me attitude; one where people believe that society, a ... [Inaudible.] ... or a government owes them something, and that they do not have to earn or deliver any value for what they receive. That is exactly why the South African economy is under pressure.

The culture of entitlement and blame shifting has become the main agenda, and often the only agenda, and common sense suddenly is not so common anymore.

*Afrikaans*:

Suid-Afrika sal sy huis in orde moet kry. Die Suid-Afrikaanse kiesers publiek het nie meer vertroue in die huidige bedeling nie, juis vanweë die feit dat die regering nie verantwoordbaar is nie en dienslewering oor die algemeen ’n laagtepunt bereik

het. Ons het heelwat verlore aansien om te herwin, ook by die internasionale gemeenskap.

*English*:

The culture of entitlement and blame shifting must be replaced by a culture of accountability and responsibility in line with the South African Constitution. Thank you, Chair.

Ms E R J SPIES: Hon House Chairperson, what happened to accountability and basic rights? We have a local government that is broken. Running a municipality is not a rocket science. Ask Umgeni Local Municipality Mayor Chris Pappas, how do you get from a 133 households, receiving free basic services to 3 005 households receiving free basic services in one year, paying off a R10,4 million in only 11 months, saving ratepayers R450 000 in interest for the year.

A lack of competence and capacity due to a lack of skills, qualifications and innovation contribute to the failure of governance, lack of rule of law, a little system that is unable to provide sanctions for officials and political office bearers that engage in corruption. Political instability, cadres that do not grasp the horrific impact that the

incompetence and criminality have on their fellow human beings and I believe they just do not care.

In the aspect of the total disregard for human dignity is there much of a difference between what is happening to our people now and what happened then? How do you justify a municipality paying an employee that has never reported for duty since day one earning salary from December 2016 to July 2019? Corrupt officials suspended for four years with full pay while sitting at home with no disciplinary process in sight.

The position of a Director of Corporate Services been vacant for four years because a deployment committee of the ANC cadres does not agree with the appointment recommended. How do you approve and regularise irregular, fruitless and wasteful expenditure of over R400 million taking into account that this irregular expenditure resulted from noncompliance with supply chain processes? Where is the consequence management from this? Where is the oversight from councillors? Who do these officials account to?

Senior managers and staff from the Auditor-General reportedly to have been threatened and intimidated by municipal officials while on site during an audit. Where have you heard of a

municipality being closed for five weeks? What happens to the services to the residents of that municipality? This is how broken local municipality of our country? Where is the accountability in all of this? For how much longer must the people of this country be drawn into ANC infighting?

The battle of our crooks is better than the battle of your crooks. Deploy capable and competent cadres. You have them amongst you but it seems that the incompetent in the ANC is the prerequisite for being demoted. Part of mature and responsible leadership is to take unpopular decisions. It is time to get your house in order. I thank you.

Ms T MGWEBA: Hon House Chair, good afternoon hon members. House Chair, professionalising the public service through capacity building and improving accountability and transparency are critical elements in building a capable and developmental state. South Africa is a developing country with persistent challenges of poverty, inequality and unemployment. The challenges that our society face require dedicated and professional public service.

However, let me recap what we entail by a capable and a developmental state. As depicted in the National Developmental

Plan, NDP, our interpretation of the developmental state as the ANC-led government has always been clear. There is no capable state without state capacity which include having adequate human resources with requisite skills in driving the state machinery. Capable means implementing policies that serve the interests of the nation which deals with the structures, processes, systems and governing instruments at a macro level. Developmental in that, our policies as government focus on overcoming the root causes of poverty and inequality and building the state capacity to fulfil this. Our policies are developmental and respond to the needs of our people.

However, strategies in implementation still need to improve through adequate and qualified human resources. As the ANC we have understood that building a strong capability is one of the most significant steps in achieving a developmental state. We have recognised and remain adamant that the developmental state will bring about a rapid and sustainable transformation in our country’s economic and social conditions through intensive and effective interventions in the structural cause of economic and social underdevelopment. As the ANC-led government we are constantly striving in improving the quality of life for all our people.

A developmental state requires a well-run and effectively co- ordinated institution with skilled public servants who are committed to serving our people and capable of delivering high quality services. The ANC-led government is aware of the challenges that our public service is ceased with. A capable human resource is one of the challenges that our public service experiences and this hampers the effectiveness of government’s plans and programmes.

A meritocratic and professional public service is one that is built on skilled and qualified public servants in all spheres of government and has a recruitment and selection process where managers at senior levels should be based on experience and expertise while at junior levels the focus should be developing the skills and expertise that will be necessary.

Lack of skills, qualifications and expertise are challenges that ANC-led government diagnosed in the public service. That resulted in fractures in the implementation of government programmes and policies. That is why we persistently work to ensure that these challenges are resolved in the public service through the implementation of the professionalization framework of the public service.

House Chair, we must consistently invest in the National School of Government, NSG and encourage public servants to take opportunities presented by the National School of Government capacity building and the programmes of the NSG. The NSG must continue to provide support for talent management across the spheres of government and provide governance for appointments, succession planning and career development. The NSG must be repositioned to be a centre of excellence that produces the most talented professionals and qualified public servants.

We live in an ever-changing global environment and we need public servants that will navigate the country in both internal and external challenges. However, a professional public service requires a special public servant. In fact, it requires a public service cadre. What do we mean by a public service cadre? A public service cadre is one that upholds the interests of our people and serve our people with diligence and professionalism. A cadre dedicates loyalty and patriotism to the people that it serves. A cadre embodies a character of servitude to its people. The public service cadre we are referring to must not only regurgitate to the Batho Pele principles. However, it must also need to ensure that the Batho Pele principles are lived experiences of our people.

With that said, we need to move with speed in fast tracking the professionalization of the public service that will resolutely respond to the needs of our people. We need to attract and recruit skilled public service cadres that have the relevant skills and qualifications. We welcome the fact that professionalization framework has been adopted by the Cabinet and that the lead department will finalise its implementation plans before the end of the current financial year.

House Chair, we note the challenges of the political interface in the public service and recognise the instability and impact it has in the public service and service delivery. Ours as the ANC-led government is to stabilise the political administration interface that entails becoming more stringent with the prescripts that declare the separation of roles such as the Public Service Act and the Public Administration Management.

Having an accountable and transparent public service is what the ANC-led government is aiming to achieve and has done through the implementation ... [Inaudible.] 01:21 – 15:00.

However, we must strengthen the implementation and conduct of the lifestyle audit and ensure that they are implemented

across all national departments. The implementation of the lifestyle audit is the way of mitigating the challenges of the public servants conducting business with the state and our promise of accountable and transparent government. All those that have been found to be conducting business with the state must be held accountable.

The conduct of a public servants must never be overlooked. Public servants have the responsibility to uphold the code of conduct and face the consequences when breached. This applies to all public servants. Lack of transparency affects the integrity of government and has led to corrupt practises that robbed our people of the service to which they are entitled to. South Africans should experience the Batho Pele principles and not be told of them. I thank you, hon House Chair and hon members.

Mr A M SHAIK EMAM: Thank you very much, Chairperson, let me start off by saying I am glad that speaker after speaker recognises the challenges we face in South Africa as far as accountability is concerned. So, I think what is very clear that we all know and understand that we have a problem. The question that arises is then: What are we doing about ensuring that we are all accountable? It’s easy to come and attack one

another, but I can assure you that everyone, wherever they govern do not hold their people accountable. One of the solutions, I repeat will be separate politics from administration completely. Yes, on paper that’s the way it’s supposed to be. It is not the case. Let no politician have anything to do with appointing anybody, whether it is a tender or whether it is an official. Keep politicians out of it if you want accountability. But Chairperson, when we want to talk about accountability today 28 years later, why are we not talking about accountability pre1994 when many people today, even sitting in this Parliament also colluded with the apartheid regime? If you remember, Chairperson, tenths of thousands of blacks were massacred in this country, because of the collusion between some individuals and the apartheid regime. We have just heard of the case of Imam Haroon which the inquest is currently on its way like that there are so many of these people that have no closure. Then the next question is: Did those people that negotiate on our behalf negotiate in the interest of the country? How is it some of them have enriched themselves to such an extent that today we have selective accountability in the country that some of them pay the ultimate price and other just seem to be getting away with it.

Now if you want to talk about accountability, then don’t you think, Chairperson, it should start with us? I want to say and that is why, as the NFP, I requested repeatedly to give us in the last two years or three years all those contracts that have been awarded in local government starting KwaZulu-Natal and Chairperson, you will be shocked what you will find and the very same people are now going to talk about accountability. So, if you want accountability the Auditor– General’s, AGs, report is telling you clearly how many people have been held accountable. How many people that have ensured they were consequence management for very little or none of them? So, people still tend to get away. It needs to start, Chairperson, each and every one of us to take responsibility to ensure that all of us are accountable. Thank you very much. I can see you want me off. Thank you.

*IsiZulu*:

Mnu Z N MBHELE: Ngiyabonga Sihlalo ngaphambili, ...

*English*:

... our Constitution is clear that members of the Cabinet are accountable collectively and individually to Parliament and this accountability is exercised through written and oral questions as well as committee meetings. However, there are

still gaps and weaknesses in that framework, which are hindering the process of building a culture of accountability and responsibility in the public sector and specifically, through our oversight mandates as Members of Parliament.

A long standing and a very big gap in the system is the lack of a Portfolio Committee on the Presidency. The DA has long held that a single hybrid portfolio committee for the DPME and the DPSA, among other entities, cannot do effective oversights over those two departments and our position has recently been vindicated by the recommendation of the Zondo Commission on State Capture, which says that Parliament should consider the desirability of establishing an oversight committee on the President and the Presidency. By having two portfolios on one committee, it means the finite time and available in a given year to perform oversight on each basket of Ministries and entities is split in halves, which is further diluted by the fact that Minister Gungubele really appears before the committee. And before someone thinks to point out that the President does account to Parliament through oral questions, it should firstly be highlighted that this is only four times a year and therefore not enough. Secondly, that Ministers have oral questions, but they also have to appear before and

directly account to portfolio committees. The President and Presidency should be held to the same standard if not higher.

The Phalaphala saga clearly demonstrated the need for a dedicated Presidency portfolio committee because that would have been the obvious and ideal first port of call of a parliamentary platform to interrogate and probe the scandal, as an oversight exercise. In addition, Parliament needs an avenue for follow-up scrutiny and oversights of the litany of presidential projects and initiatives that are announced in the Sonas and various Presidential convening’s such as the GBV Summits that happened last week. Of course, and as always, it is the DA that is setting the standard where we govern, because in the Western Cape Provincial Parliament there is a dedicated Standing Committee on the Premier and so as Parliament takes forward the process, we will draw on this benchmark model from the Western Cape to implement the needed parliamentary reform. Thank you.

The CHAIRPERSON (Ms R M M Lesoma): I assume you are requesting to switch off your video?

Mr M A TSEKI: Oh, thank you Chair, I am not even aware that it is off.

The CHAIRPERSON (Ms R M M Lesoma): Okay you may proceed.

Mr M A TSEKI: Maybe I am using the same gadget.

The CHAIRPERSON (Ms R M M Lesoma): No problem, you may continue hon member.

Mr M A TSEKI: Hon Chairperson the past Tuesday, driving school owners protested not against the traffic officials demanding bribery fees as you might expect but against an increase in bribery fees demanded by traffic officials.

There appears to be nothing wrong with paying the bribe to driving school owners for students to pass their driving their driving licenses. In other words, paying a bribe in that part of the country has become a daily interaction between driving school owners and traffic officials.

Hon Chair, the protest by these driving school owners demonstrate a lack of consciousness on their part since the ability to continue getting new clients solely depends on bribing traffic officers and not on the ability to train people how to drive safely and pass their drivers licenses without bribery.

Speaking on the 10th anniversary of the democracy of South Africa in 2004, the late former President Mr Mandela was apainsed to acknowledge that even though much progress has been made on the reconstruction and development of our country, what we have left behind is the reconstruction and development of our souls. He said the following and I quote:

Values of human solidarity that once drove our quest for human society to seem to have been replaced or threatened by cuss materialism in pursuit against social goals of instant gratification.

Complained Mr Nelson Mandela.

The protest by driving schools’ owners demonstrate that what was said by the President when he was describing that the mentality of many of South African society in the driving school fraternity is to get rich quicker at the expense of human lives that would be lost on the accident due to impaired driving.

Chairperson, acts of corruption and unethical behaviour have permeated all of force of our lives, whether at home, church and work places. Today we are no longer shocked to hear of a

pastor or a teacher or a colleague or even a family member that have been arrested on acts of fraud and corruption in one way or another, that is what we call normal abnormality.

The clarion call for the RDP as it is needed today than it was needed by the former President has instructed the nation to undertake the process to restore human solidarity, respect for each other and the rule of law.

The call for the RDP of the soul, involves restoring the values of Ubuntu-Botho in our society. In our quest to restore values of Ubuntu-Botho, the South African Constitution is our first point of reference. The Constitution is embedded in building an egalitarian society to protect the rights and freedoms of all.

The rights on freedom are two sides on the same coin as responsibility and accountability. The words of the people’s poet Mzwakhe Mbuli who once said, I quote:

*IsiZulu*:

Ukulimala komzima ukulimala komuntu, ukulimala komuntu ukulimala komphakathi, ukulimala komphakathi ukulimala kwesizwe.

*English*:

Collectively we are responsible for advancing our society’s moral regeneration with ethical and moral consciousness for the better and more inclusive political economy.

Chairperson, we must acknowledge the vibrancy of civil society in our country as demonstrated in the last couple of years when we faced state capture phenomenon. Civil society organisations, political parties, citizens at large in the country expose corruption with the government and state owned enterprises. They push for the establishment of the State Capture Commission as recommended by the former Public Protector

The President recently tabled an implementation plan on the findings of the commission. Parliament has already begun the process on the recommendations.

Parliament and the three spheres of government and civil society organisations have a responsibility to ensure civic education is rolled out in our communities not just for ticking the boxes in their annual programmes but to strengthen participatory democracy.

Communities should be empowered with information and what actions a community member should undertake when encountering fraud and corruption in the public or private sector.

All spheres of our democratic state should work with all of civil society like the FBO, fixed business operator, workers’ business and law enforcement agencies against extortion and corruption.

Chairperson, as we all agree that the fight against corruption is a societal matter and cannot be left to the law enforcement agencies alone.

If it were not for the brave people that we saw in the State Capture Commission and the countless many others, we may have not known about the extent in which the state capture and the entities the state has. We must commend those South Africans for what they have done for their country and we need more people of that calibre in society, people with morals and ethical structure.

Chairperson, having the courage to expose fraud and corruption has all manner of things including the possibility of being threatened. It has recently come to attention that many

comrades or whistle blowers who have been threatened when they expose the corruption in the public sector and in particular in many different companies in our country.

As the ANC, we welcome President Ramaphosa’s announcement on the step that our country is undertaking to ensure the safety and security of whistle blowers in our country. We are calling upon the law enforcement agencies to act swiftly against those involved in the killing of Mr Phenya and those involved in the failed assassin of Ms Mashele and many others that we can remember of.

Hon Chairperson, the IFP dares not to stand in front of this House and talk about government being corrupt. There are mechanisms that as a state we have in government that the IFP should have consulted.

If you look at the pointing fingers to today’s government, the IFP must be reminded by their own statement of their President, Mr Mangosuthu Buthelezi when he said in the conference in 2020, he said the following and I quote:

The people trying to get into positions next year, there will be new mayors, they want to have people that they can manipulate and loot the coffers of municipalities.

We have noted at Phongolo and AbaQulusi municipality that are led by the IFP where we have experienced a lot of extortions and bribery and even the community stood up against the mayor in those two municipalities.

I must correct the IFP that the IFP is knocking at the wrong door. If they could take what they quoted in terms of Codesa and the Constitution and the Bill of Rights as stated by the FF Plus. There are many areas that the IFP can use in addressing the issue of where the media is defaming their own President. Among them is to take these matters to court but to only go on demonstration and the light, that will not result in... [Inaudible.] ...

The CHAIRPERSON (Ms R M M Lesoma): Hon Tseki? Hon Tseki, it seems like we lost you. The network has unfortunately ejected you. That brings to hon Hlengwa.

Ms Z MAJOZI: House Chair, I will be taking on behalf of hon Hlengwa who is now in a flight.

The CHAIRPERSON (Ms R M M Lesoma): Okay, you must come closer to the microphone as well. Switch of the radio.

Ms Z MAJOZI: I am trying to connect via Bluetooth so that you can hear me. Are you able to hear me now?

The CHAIRPERSON (Ms R M M Lesoma): You may proceed hon member. We will just have to listen attentively, at least you are audible. Thank you very much.

Ms Z MAJOZI: Thank you hon House Chair. The IFP will have to start rigorously to promoting and enforcing the building of a culture that holds accountability and responsibility amongst the press, media, leadership and oversight entities and to the highest of press.

It has become apparent that the media and press have started to lose sight of the responsibilities that come with being a source of news. An entity such the Press Council of South African and the government should hammer down on holding the press accountable.

We as the IFP call for a better regulation for the press and media in the country and for the government to nurture the

values of accountability and responsibility in all avenues of the society and as the IFP we want to see a government that believes in Ubuntu-Botho and a government that is transparent to its voters.

I urge all organisations that have been given power of deciding for voters in 2021 to behold the oath of being accountable and transparent. Note that people have lost hope even IEC, Independent Electoral Commission, has stopped funding. To come here and grandstand when them themselves are facing issues of inability to manage municipalities and come here to grandstand when they are faced with internal ill- discipline and squabbles to point, they even have quarrels and structures in their own organisations.

I want members to stop listening to respond but listen for an understanding and then respond later. What is happening here is that people are grandstanding where as we did not point on municipalities but spoke of accountabilities.

What is happening in KZN is happening everywhere in the ANC. What is happening in the Free State where there are dysfunctional municipalities, what is happening in the North West where there are dysfunctional municipalities. So, people

should not come here to grandstand but for solutions. That is why the IFP is always the chosen organisation because we come up with solutions and not problems. We do not behave as if we still want to be voted in but act as an organisation that has been voted in. I thank you.

Debate concluded.

# THE PREVALENCE OF CORRUPTION, POOR MANAGEMENT AND INCOMPETENCE IN PUBLIC HEALTH CARE WHICH HAS LED TO THE VIOLATION OF THE CONSTITUTIONAL RIGHTS OF PATIENTS, BACKLOGS IN MEDICAL PROCEDURES AND A MULTITUDE OF MEDICO-LEGAL CLAIMS

(Subject for Discussion)

Mr P A VAN STADEN: Hon Chairperson, section 27 of the Constitution states clearly that everyone has the right to have access to health care services, including reproductive health care and no one may be refused emergency medical treatment. It is clear that the current government is in violation of section 27 of the Constitution. Our state and provincial hospitals are currently in such a mess that the lives of patients, doctors, nurses and others are seriously

being jeopardized in terms of their constitutional and human rights.

It is sad to say, but the ANC government has, over the years, turned our state and provincial hospitals into butcheries and mortuaries. Corruption, mismanagement, maladministration and the incompetence of government to sort out the mess that has led to the death of our public health care system is a big concern for all South Africans.

When loyal public servants are assassinated for blowing the whistle in the Gauteng Department of Health, we have come to a point where action is urgently needed to completely eradicate corruption and mismanagement. We must ask the question: How many other whistle blowers out there are just too scared to speak out? When the lives of patients are threatened, due to these sort of practices, action is urgently needed.

*Afrikaans*:

Die afgelope agt jaar besoek die VF Plus gereeld staats- en provinsiale hospitale regdeur die land, weens klagtes wat gereeld vanaf die publiek ontvang word. Wat die VF Plus die afgelope agt jaar in hierdie instellings gesien en beleef het is, om die minste te sê, uiters skokkend.

Die afgelope naweek het die Portefeuljekomitee oor Gesondheid oorsigbesoeke aan verskeie hospitale in die Oos-Kaap afgelewer. Wat ons daar aangetref het, was niemand op voorbereid nie. Hierdie hospitale was nie net in ’n uiterse swak toestand nie, maar walglik om te sien en te evaar.

Hierdie hospitale en vele ander regdeur die land is ’n duidelike voorbeeld van Suid-Afrika se openbare gesondheidsorg, wat heeltemal vernietig is. Die hospitale val letterlik uit mekaar.

Dit is ’n voorbeeld van die ANC-regering se onvermoë om Suid- Afrika effektief te regeer. Slegte reuke in die hospitale hang so swaar in die lug, dat ’n mens nie behoorlik kan asemhaal nie. Dit is vieslik, vuil en ’n absolute skande. Dit was so erg dat selfs die ANC-kollegas oor die toestand van hierdie instellings begin huil het.

Dit is nie net ’n probleem wat beperk is tot die Oos-Kaap nie; dit kom landswyd voor in al die provinsies. Pasiënte wat in banke vasgeketting word in die hospitale se gange, wat op vloere in die hospitaalgange lê, omdat daar nie genoeg beddens beskikbaar is nie, wat vir dae sonder kos en water gehou word, in die afwagting op ’n operasie, wie se familie self hul wonde in die hospitale moet skoonmaak, wat met oopwonde gelaat word

en dan later sterf, weens infeksie is maar enkele van die gruwels, wat in ons openbare fasiliteite afspeel.

Die onbeskikbaarheid van noodsaaklike medisyne, waar kankerpasiënte nie gehelp kan word met chemo nie, maar huis toe gestur word is kommerwekkend. Die agterstand van mediese prosedure in hierdie fasiliteite staan tans op 175 000. Dit is ’n toonbeeld van die regering se ongevoeligheid teenoor ons landsburgers. Swanger vroue wat geboorte moet skenk, mediese dokters wat ’n keuse moet maak oor wie gaan lewe en wie gaan sterf, omdat daar nie genoeg mediese voorraad in hierdie hospitale is, om pasiënte doeltreffend te behandel nie, en pasiënte wat sewe jaar in pyn en lyding moet verkeer, omdat hulle heupvervangings dan eers kan plaasvind, is niks anders as ’n walglike doppelspel met mense se lewens nie.

*English*:

In June this year, the FF Plus has requested the Human Rights Commission to investigate the inhumane treatment of patients that took place in state hospitals. We have launched a public campaign where we have asked the public to come forward with such complains, so that government can be held accountable.

The number of complains that we received from the public was shocking. A huge number of people have reacted on our call and have provided the FF Plus with sufficient and trustworthy evidence that shows a real and accurate picture of our state hospitals. It is no wonder that medical legal claims against the Department of Health holds a current value of R125 billion, money that could have been used to pay suppliers on time, to buy medicine and medical equipment that is so desperately needed, and to appoint doctors and nurses that is so urgently needed.

Corruption has brought the public health care sector completely to its knees. The fact that the previous Minister of Health, Dr Zweli Mkhize, was involved in this Digital Vibes saga, when money was looted from the department and the fact that fruitless and wasteful expenditure is currently standing at a staggering R1,3 billion is a clear indication that this government has no intension whatsoever to provide adequate health care of a high standard to its citizens.

*Afrikaans*:

Dit is duidekik dat daar geen werkbare plan in plek is om die haaglike infrastruktuur by hospitale en klinieke uit te wis nie.

*English*:

Covid-19 cannot be blamed for everything that has happened in our public health system, although the ANC and this government are passing the bucket and blame to the Covid-19 situation for their failures.

So, the question is: What must we do and how do we clean up this horrifying mess? First of all, urgent talks are necessary, in order to prevent and stall the current situation. This needs to be done by political parties represented in Parliament, the private health care sector and the public health care sector, and other stakeholders in the medical industry.

Action plans need to be put in place to hold government responsible and to see to it that government is accountable to its citizens. A plan for a health care system, which incorporates both the public and private health care sectors must be developed to ensure that all medical professionals across South Africa work together, to put such a system in place.

Our country needs a system developed by medical experts and not by ANC politicians or government officials. The NHI Bill

currently before Parliament is not a sustainable solution and should be abolished with immediate effect.

*Afrikaans*:

Kom ons staak die mishandeling van ons pasiënte, kom ons staak die mishandelinag van ons dokters en verpleegsters, kom ons staak die korrupsie, wanadminstrasie en wanbestuur, wat hierdie stelsel heeltemal [Tyd verstreke.] Dankie.

Mr T B MUNYAI: Chairperson, I must apologise, because my network here is very bad. May you please allow me to switch off my video?

The CHAIRPERSON (Ms R M M Lesoma): Permission granted, hon member.

Mr T B MUNYAI: Thank you very much. Let me do so. Hon Chair, this debate is not necessary, precisely because, all the issues that hon Van Staden raised, are issues that the Minister of Health clarified in the portfolio committee. It is just because hon Van Staden does not listen, and he wants to play the politics in the political gallery. I will attempt to clarify those issues, hon members and the people of South Africa. This debate explained those issues, when we were

conducting the National Health Insurance, NHI, clause by clause until to its conclusion.

We are now mandated to do much more, and to work hard, because there is much work that needs to be done to conclude the National Health Insurance Bill. It should be noted that, this debate takes place after we have conducted our oversight visit in Gqeberha, and it should also be noted that the ANC government inherited the poor infrastructure in African community, in particular, the black community in general, and in the townships, in the context of spatial plan of apartheid architecture.

In responding to the apartheid spatial plan, for the past 28 years, the ANC-led government has built many hospitals and clinics. Going forward, we are responding to the quality of healthcare through the introduction of the reversal health coverage in the form and the context of the National Health Insurance, whilst we collapse the two-tier systems. The NHI White Paper notes that, “the NHI represents a substantial policy shift that will necessitate a massive reorganisation of the current healthcare system to address structural changes that ... [Interjections.]

The CHAIRPERSON (Ms R M M Lesoma): Hon Munyai, one second, please. Hon Basopu, mute your mic. Thank you very much. You may proceed, hon Munyai.

Mr T B MUNYAI: He’s just taking my minutes. Thank you very much, hon Chairperson. The NHI White Paper notes that:

The NHI represents *a substantial policy shift that will*

*necessitate a massive reorganisation of the current health care system to address structural changes that exists, in*

*both public and private sectors. It reflects the kind of society we wish to live in, the one based on the values of*

*justice, fairness and social solidarity.*

The implementation of the NHI is consistent with the global vision that healthcare should be a social investment, not a capital investment or a private sector investment. Hon Chairperson, the White Paper also indicates that: The NHI is underpinned by the Vision 2030 of the National developmental Plan, NDP, which envisages that, in 2030, everyone must have access to healthcare standard of care, regardless of their income, that the common fund should enable equitable access of healthcare, regardless of what people can afford, and how frequently they can need the use of service.

Hon Chair, it is imperative that I must also quote His Excellency, President Cyril Ramaphosa who also reaffirms the NHI by the following:

The NHI is fundamentally about social justice. The NHI will ensure that, all our people, whether you are black or white, rich or poor, will be enabled access to comprehensive range of healthcare services.

Hon members and the people of South Africa, COVID-19 has brought the unprecedented consequences that human kind has ever seen. It is only those that are blind or those that oppose to progressive change that cannot see and feel the consequences of COVID-19. In this context, hon Chairperson, allow me to salute the healthcare workers, the backbone and the life blood of our healthcare system in the battle against COVID-19, that are our hero’s and our heroines.

Hon House Chairperson, access to healthcare services it’s a human right, constitutionally enshrined in the Bill of Rights. It is imperative that all our people, not the few that can afford medical aid, of which by the way, medical aid force them to be attended at public hospitals, when they can longer pay out of their pockets when their medical aid is diminished.

The evil reality of the two-tier system, has sparked the disaggregated access to healthcare by class and a consequence, race, thus widening the gap in so far as access to quality healthcare is concerned.

The NHI is the future, embrace it now; the NHI is the future, build it now. On the Dr Nelson Mandela and Komandant Fidel Castro programme, the Mandela and Fidel Castro is one of the department’s key programmes aimed at addressing the skill shortages in the healthcare sectors, and will provide much needed resources for strengthening primary healthcare, contributing to the improvement of healthcare outcomes, and ultimately, patient experience care impartiality.

Hon Chairperson, during the oversight at the cardiologic section of Livingstone Hospital, I met the Cuban hero, Dr Valdez Noel who continues to save the lives of the South Africans. He has also introduced an excellent patient filing system. Going forward, the Department of Home Affairs should expedite the renewal of working permits of the Cuban healthcare workers. In fact, I have dedicated this speech to the hard working Cuban doctors in South Africa.

We should pay solidarity to Cuba, the likes of Dr Valdez Noel and many other Cuban doctors that are based in South Africa who are also in solidarity with South Africa. Over the years, healthcare facilities have increased in their intake, to increase the number of the doctors produced from Cuba. Long live Cuban solidarity with South Africa. Over the years, healthcare facilities have increased in their intake, as I have said, to increase the number of doctors produced. Long live the spirit of Dr Nelson Mandela and Komandant Fidel Castro.

We welcome the Minister of Enterprise for exempting all our hospitals from the load shedding crisis, so that we can save lives and reduce the medical procedures backlog. The healthcare sector must be addressed as a matter of priority. Some of the key areas that are important, in order for reversal health primary coverage to be achieved, will include, but not limited to improved adequate healthcare infrastructure, as we all access quality medical consumable.

As recommended by the Budgetary Review and Recommendation Report, BRRR, we have urged the ministry to enable fast-track the healthcare infrastructure and medical supply programme as

a matter of priority. The ANC government champions health equity. I thank you, hon Chair.

Ms M O CLARKE: Good afternoon, Chairperson. I’m going to try and keep my video on I have also got very bad bandwidth due to load shedding.

From what we have heard and will hear today, you would swear that South Africa would be the best run country in the world. A utopia for every one that calls it home. Given all the members strong stances against corruption. They are adamant that it will be dealt with. But as always, when dealing with the ANC-led government, the reality on the ground contradicts the pretty speeches filled with empty promises.

For the millions of people forced to rely on public health sector where illnesses are merely the start of the problems. After queueing for hours, they are usually faced with healthcare personnel that are overworked and underpaid in clinics and hospitals with unmaintained and crumbling infrastructure. Many public health facilities do not have the necessary equipment or have equipment that has been broken for months and years. They do not have enough beds, medicine and sometimes even food.

Why is this? Because, in my infinite wisdom, the ANC-led government decided that expertise will always play second fiddle to cadre deployment. The public health sector has suffered immensely under mismanagement, corruption and incompetence. And while this has been detrimental to the public at large, it has been hugely beneficial to the pockets of corrupt cadres and their political connected comrades.

Eighty percent of South Africans continued to be victims of the public health system and also perpetrates the suffering instead of alleviating it. Those corrupt crooks are living it up in luxury and can afford private health care with the stolen billions. Even Deputy President David Mabuza refused to be treated in South Africa and flee to Russia for health care.

Is not any wonder that medical legal claims have grown over 23% since 2014, and the current value is R125 billion? While the rapid rise must certainly be investigated to root out corruption, many of these claims could have been avoided with a healthy public health sector. The Auditor-General, AG,’s report revealed irregular expenditure of R1,3 billion and an increase of 42% since last year. Surely those responsible would have been held to account even the many in passionate

word spoken against such mismanagement and corruption today. The AG’s report says and I quote.

There seems to be no accountability in the department regarding consequence management, no accountability, and there hasn’t been for years.

And you know who has suffered the consequences, whistleblowers like the Babita Deokaran and Dr. Tim Domeier. But Babita Deokaran exposed corruption of R850 million and last year was murdered for her efforts. Those responsible for the corruption that led to her death have yet to face to music. There will hardly be a member that comes up who won’t mention the tragedy and the deprive the circumstances that led to this. But empty platitudes will not bring her back. And it is certainly won’t protect the next whistleblower.

Last week during the Oral Question Session in Parliament, the Deputy Minister of Health announced the collaboration with the United Nations Office on Drugs and Crime to establish a policy or plan to protect whistleblowers and assess and mitigate risks in the public health sector procurement systems. The details around this collaboration is scant, and without them,

this could easily become another brilliant plan that will never be implemented.

If the ANC government was serious about rooting out corruption, it would dismantle the system that it has allowed and continue to love to flourish. While Cabinet ‘s quiet abolishment of cadre deployment is a step in the right direction, corruption will continue to thrive in an environment where consequence management is never taken seriously. Unless inept and uncaring managers are replaced with competent personnel who take procurement and supply chain management, SCM, regulations seriously, and unless every individual involved with corruption faces the consequences of their actions, the public sector will continue its decline.

South Africa needs to punish those that murder and kill whether they are ... [Time Expired.]

Dr S S THEMBEKWAYO: House Chairperson, in 2018 the EFF adopted a Programme of the Year of Public Health. We adopted the programme because it was clear that public health has collapsed in South Africa. hospitals do not have medications. They are not nurses and buildings are collapsing. We have hospitals and clinics that do not have water and electricity. It is worse in rural areas. We have clinics that closes at

14h00 in the afternoon while there is a queue of sick people outside.

A woman gave birth outside a Burgersfort Clinic in October this year. Women are giving birth outside clinics in 2022 under the ANC-led government. When we adopted the Programme of the Year of Public Health, we visited clinics and gave the country a detailed report of the state of collapse. We came here in Parliament and tabled a Private Members Bill to have all clinics open for 24-hours. But it was the ANC and the DA that rejected the Bill?

The Bill was rejected because of some weak reasoning when our people are dying because clinics operate like Spaza shops. The Bill was rejected without shame. And our people must know that the ANC does not want them to have clinics that open 24-hours.

The reasons that we have a prevalence of corruption, poor management and incompetence of public health, is because we have public health care for the poor and the rich. The rich are sitting comfortable with private hospitals that have medication facilities are clean, and there is decent meals. The rich have medical aids that allowed them to go to the best specialists anywhere, while the poor cannot afford basic

specialist services. As long as we continue with the health system for the rich and the poor, the public health care will continue to experience corruption, poor management and incompetence.

The EFF is the only party that has tabled a practical and implementable solution to address challenges of public health system. This is included in our founding manifesto. We must do away with the health system for the rich and the public health for the poor. We must have free public health for all. We must build clinics in every ward in the whole country. Where we cannot build wards we must put on clinics, but at a strategic level, we must refocus the whole public health away from the secondary healthcare system into primary health care system.

South African public health care must focus on public health care and preventative measures. In this way, we will also reduce the cost of public health care. We must develop a clear register for all of us with a clear health profile and history of all conditions. In this way, we will be able to prevent a lot of diseases.

Lastly, challenges of public health care will not be resolved. By a National Health Insurance that seeks to depend entirely on a private sector. We need a National Health Insurance that

pulls all the resources to develop and build health infrastructure. The EFF will bring dignity to all through decent and free public health care. Thank you, House Chair.

Mr W W WESSELS: House Chair, it is astounding that once again the ANC denies the problem. It is astounding that the hon Munyai says that this debate is not necessary. I want him to go and tell the people out there suffering, who do not receive medication, who do not receive treatments, who have been waiting for such as orthopaedic surgery for almost two years that this debate is not necessary. Go and tell them that.

He says that, the health care system or the state of health care is being used to score political points. Let me tell the hon member that, unlike himself and his failed ANC government, the plight of the vulnerable is not here being used for scoring. But it is the plight of the people out there that the health care system must be addressed. The state of public health which has nothing to do with politics, but the people are suffering. People are dying, but you deny that.

The Chairperson of the Portfolio Committee on Health, the hon Kenneth Jacobs recently said that, the state of hospitals is disappointing, in a state of decay and urgent intervention is

needed. That is correct, that is where we should start, not with that nonsense. The Chairperson of the SA Medical Association, Sama Dr Mzukwa one describes the public health system as a mess, but the hon Munyai today revealed the reason for the fact that the public health care system is a mess.

Firstly, he looks to the origin of the problem in the past and not the present. He does not admit the hundreds and billions of rand being stolen by cadres, by healthcare, by chief executive officers of hospitals, by heads of departments and by public servants that are not there to serve the people. He proves that the ANC is in an unconscious state of denial and blame shifting. He is of opinion that the solution to our problems lie in the National Health Insurance, NHI and with Cuba.

Chairperson, it is an internationally recognised and proven prerequisite for universal health care that there should firstly be a functional public health care system. You will never fix public health care by NHI.

*Afrikaans*:

Laat ek dit so verduidelik. As my glas lek, dan help dit nie dat ek probeer om meer mense uit die glas uit te laat drink nie en meer mense afhanklik van die glas te maak nie.

*English*:

The NHI will lead to more people to be dependent on public health care and it will finally completely destroy the system. We first need to get our hospitals going.

*Afrikaans*:

Die ANC en hul korrupsie het hospitale en klinieke vernietig. Daar is byvoorbeeld in 2014 aan ’n hospitaal in die Vrystaat begin bou. Dit het R380 miljoen gekos en vier jaar later was die hospitaal nog nie eers funksioneel nie. Tot vandag toe is daar nog gebreke. Dit is wat die totale gesondheidstelsel vernietig het — die ANC en hul korrupsie. U moet dit begin erken, en al wat dit werklik gaan oplos is om van die hele spul ontslae te raak en ’n verantwoordbare regering daar te stel wat in die mense se gesondheid en in die mense se werklike behoeftes belangstel en nie in hul eie sakke en hul eie politieke ideologieë nie. Ek dank u.

Ms H ISMAIL: House Chair, health is a fundamental human right, guaranteed by the Constitution and is indispensable for the

exercise of other human rights. Unfortunately, the country’s health services have been severely hampered by incompetence and irregularities. To add insult to injury, South Africa has failed to protect the men and women who bravely exposed ... [Inaudible] ...and corruption at a great risk to themselves.

Babita Deokaran paid with her life when she exposed millions upon millions of rand of the Gauteng Department of Health. She discovered suspicious payments amounting to R850 million.

Despite the great personal risk, she alerted to superiors and the department, and requested the auditing of invoices before payment. Her requests were reportedly ignored and payments continued to flow to suspicious companies. She later told colleagues that she feared for her life, yet report show that, nothing was done to guarantee her safety.

Dr Tim de Maayer faced disciplinary action for his open letter decrying not only the horrific conditions and the Rahima Moosa hospital in Gauteng, but also the failure of the department and his superiors to act on years of reports of declining infrastructure and equipment that endangering patients’ lives. If not for public intervention, Dr De Maayer might well have lost his job. [Inaudible] ... impunity ... [Inaudible] ... and even a worldwide ... [Inaudible] ... and other funds. The

multimillion Digital Vibes scandal being one of several examples.

In fact, Chief Justice Raymond Zondo’s Report on State Capture has shown how extensive the rot of corruption is. According to a report by Corruption Watch, between 2012 and 2019 670 whistle-blower reports were filed regarding corruption in the South African health care system. Despite this report, the Zondo report and multiple instances of corruption exposed in the media, the department strategy to protect whistle-blowers remain opaque.

The department is scant or details regarding its collaboration with the United Nations Office on Drugs and Crime, to establish a policy plan to protect whistle-blowers and assess and mitigate risks in the public health sector procurement system. The Auditor-General, AG has filed fruitless and wasteful expenditure of R1,5 million and irregular expenditure totalling R16,6 million. Yet there are no serious efforts regarding consequence management.

There’s quite a significant portion of the budget allocated towards health care. The ANC’s only investment seems to be in the deployment of cadres and the development of policies that

they neither have the political will nor the skill to fully implemented to manage. Brave individuals like Babita Deokaran have died to expose deep systematic failures. Yet, more than a year later, whistle-blowers remain as exposed as, as they were the day she was brutally murdered. The ANC government has lost the plot. The people of this country deserve much better. I thank you.

Dr K L JACOBS: House Chairperson, there is evidence from provincial and national reports that medical negligence is on the rise in South Africa. We need to protect public healthcare in South Africa from collapse due to uncontrolled negligence claims. In this ... [Inaudible.] ... root causes are not addressed; several provincial health departments will collapse. This is a very complex problem and there is no single solution.

It is only 30 years since South Africa transitioned to a constitutional democracy by adopting its very progressive Bill of Rights. This has led to an increase awareness of the rights of citizens. However, one of the unintended consequences of the evolution of rights ... [Inaudible.] ... society is that the citizens now resort more to the ... [Inaudible.] ... to realise their rights including in the health sector. This

rapid upsurge at medical negligence claims are threatening the survival of both the public and private health sectors. It is making it extremely difficult for the state to realise the ... [Inaudible.] ... section 27 and 28 because the money that should be used for healthcare ... [Inaudible.] ... for provision is used to settle mitigation claims.

The ANC government has ensured that we have these rights through the many laws which are have been enacted including the National Health Act, Consumer Protection Act, Promotion of Access to Information Act, Children’s Act, Mental Healthcare Act and the Protection of Personal Information Act. Medical malpractice claims in our courts are primarily based on negligence. They base their claims on how to ... [Inaudible.]

... by the plaintiff, conduct of the part of the defendant, which is wrongful ... [Inaudible.] ... connection between the conduct and the plaintiff’s ... [Inaudible.] ... and fault of

... [Inaudible.] ... worthiness on the part of the defendant.

The drivers and ports of medical ... [Inaudible.] ... and the importance of an enhanced skill development amounts to ... [Inaudible.] ... including the dissipation of personal doctor patient relationship which influences the intent to litigate, for examples the patients perceive a doctor as impersonal or

not professional. Such doctors usually cannot fully communicate with patients regarding risks and ... [Inaudible.]

... The widespread poverty in patients is more motivation to pursue litigation as state poverty and can be easily convinced by untruthful and unscrupulous lawyers that they have a winnable case.

South African law serves as a driver of medical litigation. South Africa currently does not have legislation that deals with medical negligence. This increase ... [Inaudible.] ... claims in South African law ... [Inaudible.] ... with circumstances in what one person can claim compensation from another ... [Inaudible.] ... that have been suffered. And the

... [Inaudible.] ... demanded by lawyers against health department in South Africa is primarily described to the absence of legislation that would deal with medical negligence. Road accident fund for example, which was once a very lucrative fund for lawyers was amended in 2005, claims are now cut. This ... [Inaudible.] ... lawyer explore other forms of personal injury like medical negligence. Possibly at a large sum that can be claimed as further motivation.

On the common law and the law of ... [Inaudible.] ... there is no limit to what can be claimed by lawyers. Under ...

[Inaudible.] ... they may claim general damages for short pain suffering and loss of abilities, of lives, which are all very subjective. The contingency fees act of ... [Inaudible.] ... people who are ... [Inaudible.] ... to access the justice system and then brings claims against the state for alleged negligence. These lawyers winning at the law of contractual damages and does not allow them to exploit it, therefore they exploit the law of ... [Inaudible.] ...

Other South African compensation laws for example, COIDA and ODMWA, which is the Occupational Diseases in Mines and Works Act and Compensation for Occupational Injuries and Diseases Act also deals with ... [Inaudible.] ... claims. We need to combat the negative practices in the legal fraternities exploiting the healthcare system.

In order to address the tsunami of medical legal claims, I want to suggest the following in terms of legislation. It is that we should develop the legislation that deals with medical negligence, fast track the state liability law, cap the amount of compensation that can be claimed and ... [Inaudible.] ... payments instead of lump sum payments ... [Inaudible.] ... in healthcare instead of money, build capacity to address medical into claims, policies and regulations, combat the negative

practice of some lawyers, for example, their speculations of false claims to general claims of children born in our hospital where they were actually born at home, attempts to litigate the same case twice, sending ... [Inaudible.] ... to healthcare facilities to look for patients with personal injuries, mothers of children with cerebral palsy, ... [Inaudible.] ... of staff members to see patients’ records.

Such practices are prohibited in the code of conduct for all legal practitioners ... [Inaudible.] ... entities on medical records, minimise the handling of records by patients, digitise hospital and patients’ administration medical records, electronic scripting and dispensing, electronic ... [Inaudible.] ... digitise the birth process where the mother is in labour with centralised computer system in a ward accessed biometrically, or the password, ensure security at medical records patrols access to sensitive for vulnerable carriers.

The hospital staff ensure that human resources for health captures the number of patients ... [Inaudible.] ... medical workers and they are well trained or provincial departments they should ensure that they establish medical units in districts. The South African law reform commission should give an annual update on the progress of developments of medical

negligence, and enrol of alternative disputes and ... [Inaudible.] ... negligence claims which in February 2020 ... [Inaudible.] ... allow mediation to be used for conflict reasons. It mandates parties involved in disputes to consider mediation ... [Inaudible.] ... it also sets out the process of how this should occur. It has to be promoted ... [Inaudible.]

...

The ANC is not against medical negligence claims. We support persons who have experienced a particular injustice, but there is a reason the Director General of the World Health Organisation said ... [Inaudible.] ... must be created where healthcare workers are empowered and trained to ... [Inaudible.] ... Hon Thembekwayo, ... [Inaudible.] ... that the Private Members Bill on 24 hour clinics was not approved, but a socio-economic impact assessment was not performed. The ANC is committed to provide quality healthcare for all people and the ANC is addressing this needs through the implementation of the National Health Insurance as funding mechanism to bring this healthcare to all. I thank you, House Chairperson.

Mr A M SHAIK EMAM: House Chairperson, I must agree with Dr Jacobs. There is a massive increase in medical legal claims.

And just like the Road Accident Fund was exploited and abused, it’s exactly the same thing happening in the healthcare sector, to such an extent even in the private sector, particularly gynaecologists, are leaving and going abroad because of the risks of claims against them. But having said that, universal healthcare we must agree - yes it the policy of the ANC - and many of us would love to have universal health coverage in the country to ensure that everybody has equal quality healthcare.

At the moment, quality healthcare is only there for the privilege and those that can afford it. And I can tell you how painful it is to hear of people who go to hospitals and because of age are turned away and they are told that we cannot waste money on you or do much for you because of your age. And people are being turned away. When will this department look at preventative healthcare system rather than a curative? And I know that former Minister of Health, hon Motsoaledi, that is the direction that he was going in. Look at the prevalence of diabetics in this country, and yet, this department will do nothing to put some restrictions on food products that are manufactured like fizzy drinks, Coca Cola has 19 spoons of sugar in one can of Coke. Very little or nothing is happening to deal with these problems. Are you

telling me to go Chairperson, because I see that I still have time?

The CHAIRPERSON (Ms R M M Lesoma): No, you have two minutes for now.

Mr A M SHAIK EMAM: Thank you very much. When I see you I think it’s time for me to go. Look at what is happening at Baragwanath hospital, where surgeries have to be postponed just because they could not find clean linen. Healthcare workers have to take or keep two jobs, one in the private sector and one in the public sector because they are not well taken care of and paid well. The health department cannot attract enough medical practitioners and healthcare workers in order to roll out the NHI, and if you look at the crumbling infrastructure which we have failed to maintain over the couple of years or the last 20 or some years, primary healthcare is not in good quality whatsoever.

So the question is, when are we going to change direction and prevent our people from getting sick and ending up in hospital? When can we create a system so that our people will live healthy, eat healthy, exercise, and be more productive in society? This thing of putting people in hospitals ... you

know Chairperson; we cannot even provide adequate medicine. That is why we have so much stock outs in hospitals. Look at the impact just on what we eat and what we are drinking is having on the healthcare in the country. Shouldn’t we follow the example of Cuba with its preventative system? And that is why we even import healthcare workers and experts from there as well. So I think that it is time that we look at our policies and change direction and create a healthier society. Thank you very much.

Mr S M JAFTA: Hon House Chairperson, the Department of Health faces a number of challenges both at the national and provincial levels. Despite provinces being allocated

R6,8 billion in direct conditional grants in this year’s Budget Vote in order to and I quote, “Revitilise maintain hospitals, clinics and other facilities.” There are glaring challenges of inadequate medical equipment, staff shortages and corruption in most of our public hospitals and clinics.

Concerns around medical and legal claims are also valid and cannot be brushed aside. The effects of these claims as the Minister noted in his Budget Vote earlier this year causes untold and I quote, “Drain onr vital and scarce resources to save life.”

As we heard from the Minister, the key intervention improved the clinical management and record keeping. There is also an immerging trend of collusion between health care workers and legal firms which not only borders on corruption, but also an attempt to cripple the health care services.

The oncology backlogs in KwaZulu-Natal which have resulted in the province partnering with private hospitals to address this problem takes away resources from the province and deprives it ample space to build internal capacity and specialisation.

We have also not forgotten about the Digital Vibes scandal and expect that money looted there will be recovered without fear or favor. I thank you, hon House Chairperson.

Mr S L NGCOBO: Hon House Chairperson, sorry for the glitches. Under section 27 of the Constitution, the citizens of South Africa have constitutional right to access health care services. This right is central to the department and it is critical that it remains at the forefront of our debate today.

When issues such as corruption, poor management, backlogs in medical procedures and mountains of medico-legal claims come before this Parliament in relation to the department, we are

not talking about statistics and rands. Fundamentally we are talking about the lives of the people of South Africa.

Minister, you have revealed that upwards of R121,5 million has been stolen in 76 cases of corruption in public hospitals nationwide, since January 2020.

Whistleblowers are left vulnerable and become targets. Babita Deokaran who courageously highlighted R850 million in transections was then ruthlessly murdered days later, this is on top of the R1,3 billion in irregular expenditure of the department, in the past financial year.

The total expenditure for employee compensation in 2021-22 financial year, was R848 million. That means the department could have completely eradicated the personnel shortages if it simply rooted out corruption and implemented effective monitoring systems.

The Auditor-General, AG, reported more than 15 000 medico- legal claims to the value of R125,3 billion of which departments have only paid R855,9 million. This problem is attributed to both and underutilisation of the case management system as well as the lack of policy and legal framework to

manage these claims. This is unacceptable, as the development and roll-out of the case management system was paid for.

However, only one province is fully using this system.

A lack of monitoring on the implementation of this system has rendered the money spend on it fruitless and wasteful. The department is yet to facilitate the health and healing of South Africans. However, it has become a vessel for selfish crime and corruption.

The department must manage its projects in a legally compliant way. Those who are responsible for corruption and mismanagement must be held accountable. Thank you very much, hon House Chairperson.

Ms E R WILSON: Hon House Chairperson, we are killing people and crippling families. When we cannot treat children in the Intensive Care Unit, ICU, because of no staff. We send them to a general ward and tell their parents they will likely die.

These are just few of the statements we heard by doctors in our recent oversight at hospitals in Nelson Mandela Bay.

Apart from corruption and maladministration, the collapse of health in the Eastern Cape and indeed the country, is as a

result of medico-legal claims. In the Eastern Cape in just 45 claims, of the thousands of claims that are still to go to court, the department was sued for R500 million in negligence claims. Of these 45 claims, the department has won just two. In the 43 cases they lost, the department was told they must settle on merit, as the department has no legal basis to defend the matter and in several, the patient files of the complainants could not be found. They are now bankrupt. For every case the department has paid R1,5 million in legal fees adding to the millions now to be paid.

The results of the appalling conditions in hospitals, which are underfunded and understaffed. It is little wonder that these hospitals are referred to hospitals of death. We heard that often. However, it appears that no one is dealing with one critical reality. Medical claims are leading to more medical legal claims. Orthopedics who cannot operate because of no implants, otolaryngologist, ENT, surgeons, who have to operate on children when there are no lights in the theatres and children who die because they cannot be treated in ICU because of understaffing will lead to more medical legal claims. Every claim lost is to further staffing cut, less equipment made available and no medicines.

Every corrupt lawyer is jumping on the claims wagon. They know that their records are appalling and unlikely to be found.

They know that the hospitals are understaffed and underequipped and they will make up claims and they do. This has led to state capture of an entirely different level.

The country sits with a R125 billion in legal claims as a result of cadre deployment, corruption, maladministration by an ANC-led government that does not care about the people of this country. And no, the National Health Insurance, NHI, is not the answer. Millions have been wasted already on a Bill that has not even been passed, including R30 million for staffing in one direct recruitment survey... [Inaudible] ... Meanwhile people are dying and laying maimed in our hospitals.

You cannot take the people of this country to fund your total incompetence. Shame on you! Medical legal claims will not go away. They are going to escalate and completely kill the health care. It is now time to vote for the DA and bring an end ... [Time expired.]

The DEPUTY MINISTER OF HEALTH: Thank you very much, hon House Chairperson. That corruption is not ended in our country does not mean that the ruling party has not done anything about it.

In health alone in 2018, President Cyril Ramaphosa established what we call a Health Sector Anticorruption Forum which has got the following stakeholders: Special Investigating Unit, SIU, Council for Medical Schemes, Health Professions Council of South Africa, HPCSA, and National Prosecuting Authority, NPA, Financial Intelligence Centre, Directorate for Priority Crime Investigation, Corruption Watch, Section 27, and the Board of Healthcare Funders of Southern Africa, all government departments in the provinces on health, the National Treasury, Compensation Fund, and State Security Agency. Therefore, if hon members continue saying that nothing is done, we will just simply ignore them and tell our citizens that the Members of Parliament, MPs, on the opposition are not being truthful when they say nothing is being done on corruption.

In the state of the nation address of 1994, President Nelson Mandela, the very first state of the nation address, declared that all pregnant women should access antenatal care free of charge. All under five children should be seen and be treated if they are sick free of charge. The impact of this very revolutionary stuns is ... [Inaudible.] huge. Those pronouncements remain in place under this ANC government.

Pregnant mothers now come very early to clinics and hospitals, up to 70% report when they are less than 20 weeks pregnant.

The government is able to intervene and we can proudly say that even if pregnant mothers are human immunodeficiency virus, HIV, positive they give birth to HIV negative babies.

The prevention of mother to child transmission, PMCT, is now sitting at 0,4% in our country. The main beneficiaries of this process has been black women in general and African women in particular. For hon Van Staden this is what we call a mini National Health Insurance, NHI, a mini universal health coverage. We will have a comprehensive NHI for the whole country and we will not be appalling anything in this regard. Therefore, that part you can really rest assured.

However, on issues that have raised by hon Jacobs, there are various strategic interventions by the national Department of Health to assist the provinces in dealing with the scourge of Medico-Legal cases. These include, amongst others, the Medico- Legal Summit, the education strategy, the Project 141 of the SA Law Reform Commission, the provision of future medical treatment in lieu of future medical expenses, mediation, establishment and expansion of medico-legal units, the transversal tender on medico-legal claims and the national proclamation in respect of affairs of the provincial Department of Health on the medico-legal.

On the Medico-Legal Summit in 2015, Medico-Legal Summit came in with three proposed solutions, one was medical solutions that talks to the safety of patients. Therefore, we recognise hon Wilson what you are saying that the safety of patients is key. Number two, the administration solution where it actually says we must ensure the proper record keeping. Therefore, that part we have already started in areas where we are now making records being electronic. The last one on the third is the legal solution. That looks at various legal interventions including, but not limited to mediation ... [Inaudible.] ... and other processes.

On the litigation strategy, there is quite a lot of work that has been done. SA Law Reform Commission Project 141, actually this was an establishment of tribunal on specialised court which explores the possibility of legal reform for the removal of common law once and for all rule. The establishment of National Litigation Authority looking into compulsory mediation, keeping of claims and also there has then been processes that I really need to actually update the hon members here that in 2018, there was a State Liability Amendment Bill, that this Bill came to Parliament, that was before our times in the previous administration. The State Liability Bill, we actually hope that it will assist in

alleviating pressures from provincial budgets in terms of medico-legal claims.

The Department of Health nationally has been providing technical support to the Department of Justice which is the one that is really pioneering this work. However, during the discussions the Portfolio Committee on Justice and Correctional Services had indicated that they do not want to do the piecemeal amendments and therefore would want to wait for the whole process. We are also then disappointed in May this year when the Minister of Justice and Correctional Services wrote a letter to the Minister of Health in which he indicated that his intention was to withdraw this Bill from parliamentary process. In June this year our Minister wrote back to the Minister of Justice and Correctional Services indicating that the national Department of Health does not support the withdrawal of the Bill from the parliamentary process because he further indicated that this Bill is very critical legislation that will assist the state to deal with the scourge of medico-legal claims in our country.

We still await the processing of this and we hope that those discussions will really be fruitful. Now, further on the SA Law Reform Commission has organised various workshops this

year in all our provinces where they were ready and want to get to use of South African with regard to some of the matters that have been raised by the hon members here. Now, there is a very important development, the national Department of Health has published public health facilities that and this was on the government Gazette number 42687 of the 5th of September 2019, where we are saying that we want to guarantee you that the future medical service could be provided very securely in these areas in these various hospitals because almost 80% of what is paid on medico-legal claim is a quantum that goes to future medical expenses. Now, the court, therefore, there has been a decision to support us to say that give us what we want to do and how we want to deal with that.

The Constitutional Court’s, therefore, decision has bolstered the position where we want to say as a public health that we have public health facilities that could actually guarantee future medical expenses and will not necessarily had to pay that all in monetary terms. Charlotte Maxeke and many other hospitals that could probably looking to has been highlighted as a hospital where we could actually provide future medical expenses to support South Africans in that regard. There has already 18 officials across all provinces who have already been trained on process of mediation.

The National Treasury is very supportive of these processes. It, among other things, secures the study that was funded by the Clinton Health Access Initiative, Chai, looking into investigating the causes and the extent of the medico-legal crisis in our country. We would like to actually indicate that we await the actual outcome of that investigation. In terms of other processes that we are dealing with is the forensic investigations. Yes, because there are certain very scrupulous lawyers who actually go around the country. There are investigation that are going in to see whether these are actually very truthful. There’s a whole package of work that we do with regards to these issues. Now, I just wanted to say that something is very interesting that some members of the opposition every second sentence that they have in their debate is about the ANC. Now, we would like to live that to our citizens to decide while they don’t debate about their own issues, but raise the issues about the ANC.

Hon Shaik Emam, we really welcome your support for the National Health Insurance and sometimes you get very concerned as to whether we are really doing this on time and going well on this one. Secondly, hon Thembekwayo, there was a matter of the plan of that Bill. We need to do proper planning before in the country we can say that all facilities can go 24-hours. In

fact, we are closing some of the facilities partially because there’s issues of crime around there and we want to prioritise our nurses not to be taken care of. Hon Wessels, I would wish that you visit Cuba because Cuba has provided during coronavirus disease, Covid, support to all countries in the world including the advanced countries in Europe. In fact, if you could get the statistics you’d know that in the provinces, Western Cape was the best beneficiary of the Cuban Brigade in supporting the ... [Inaudible.] In this country we do not have primary health care forecast the way Cuba has the way primary health care ... [Inaudible.] ... sorry, House Chairperson, for taking a bit of your time. I’m not sure whether I’ve already exhausted my time.

Let me, therefore, say that the processes that we are involved in, these are the processes that go to areas that we already have a problem with and we acknowledge that. I would wish that members from opposition parties to welcome our endeavours and there are some here who have spoken about that like hon Jafta and hon Shaik Emam. You should say that you have done so much but we have ... [Inaudible.] ... that we’re not done enough.

Do not come and actually not recognise the struggle because President Nelson Mandela was not a health care worker, he was not a health care professional, but he was able just like

President Fidel Castro to see the need that if you do not have the healthy country and a healthy nation, you are not going to be able ... [Inaudible.] ... to stand in your economic development. Therefore, that are very key fundamental issues. Hon Jacobs, I would wish to really come and maybe present to you all these comprehensive strategies that we put together as the department, because most of your input was to point at the gaps in terms of closing this up and, therefore, we would want to actually deal with those issues.

Just another one to throw in, I am concerned with the certain things that was raised by hon Wilson, and as she continues to raise some of the issues here. Hon Wilson pointed out that in our public health hospitals, we are actually using dental floss to suture patient. We are still awaiting to hear where that is, because scientifically there’s no way that dental floss that does not have a needle can be used to suture. We are waiting to hear that, hon Wilson, because we are really ready to investigate. If it is true we’ll want to hear that, if it is untrue then we will want the member to apologise.

However, that time will come when she has provided us with the details of where she found that health care workers are using dental floss to suture patients. I thank you very much, hon House Chair.

*Afrikaans*:

Mnr P A VAN STADEN: Ek wil net graag almal wat in hierdie debat deelgeneem het en wie baie goeie insette gelewer het, bedank. Ek dink inteendeel dat lid Munyai - en hy sal verstaan waarvandaan ek kom - tans in ’n droomwêreld lewe, en hy is nie in voeling met realiteit nie.

*English*:

... therefore, with all that is happening currently in the public health care sector, the Freedom Front Plus calls on President Ramaphosa to appoint a commission of inquiry in terms of Chapter 5 section 84(a-f) over Constitution over maintaining treatment of patients and state in provincial hospitals where has political parties that are represented in Parliament can also submit evidence regarding this matter in order to get rid of the small protest. However, they are afraid not only to the lives of patients, but also to vast medical practitioners, doctors and nurses that are really dedicated to fulfil their duties under horrible conditions. I think you, hon House Chairperson.

Debate concluded.

The mini-plenary session rose at 16:16.