# TUESDAY, 14 MARCH 2023

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 14:00.

The House Chairperson Mr M L D Ntombela took the Chair and requested members to observe a moment of silence for prayer or meditation.

# SOUTH AFRICA AND UGANDA STRENGTHEN ECONOMIC AND POLITICAL BILATERAL TIES

(Member’s Statement)

Mr O M MATHAFA (ANC): The ANC has always believed that our relations with neighbouring African countries bodes well for our collective development. Thus, we welcome the deepening of our economic and political relations with Uganda.

President Ramaphosa hosted President Museveni on a State Visit at the Union Buildings recently and the visit was directed at consolidating bilateral relations between the two countries.

The two Heads of State held discussions encompassing political, economic, regional, continental and international issues. A Memoranda of Understanding signed between the two countries were on the following: Co-operation between the Industrial Development Co-operation, Uganda Development Corporation, and Uganda Development Bank Limited; co-operation in tourism; co- operation in transport related matters; co-operation in the field of information and communication technologies; co- operation in the field of correctional services and prisons, and co-operation in the fields of women, youth and persons with disabilities.

We are also encouraged by the commitment made by the two Presidents that they will find ways to resolve the issues that impede economic growth and development between the two countries and have agreed that the trade Ministers from the respective countries will engage to put in place a mechanism that will ensure matters such as the protection of investments in our respective countries.

Hon House Chairperson, the ANC hope this bilateral relationship will grow from strength to strength as we strongly believe in the development of our African continent!

Let me put this on record that the ANC will win the elections in 2024 and lead the society going forward. Thank you, House Chairperson.

# ESTABLISHMENT OF ADHOC COMMITTEE BY DEMOCRATIC ALLIANCE

(Member’s Statement)

Mr Z N MBHELE (DA): After the spirited opposition of the ANC last year during the Section 89 Panel Report vote, it then turned out that President Ramaphosa did not declare his cash in the couch dollars to SA Revenue Service, Sars, as it was revealed to the DA last week.

The ANC has so far have used every trick in the book to block Parliament from doing its job of holding the executive to account. When the allegations of elicit foreign currency at the President’s farm surfaced, instead of doing what is

expected of this institution; oversight and accountability, the ANC shields government from scrutiny.

The Sars customs policy on access currency states that every person must declare foreign currency, upon receipt or arrival in the country. Failure to adhere to this is an offence that may be prosecuted.

It is now clear that President Ramaphosa did not declare this money. That is why the DA Chief Whip, has tabled a Draft Resolution, to establish an adhoc committee to investigate not only the President, but all government departments.

We hope that the ANC will finally find its moral compass in this House and vote for accountability by supporting our call for an adhoc committee. I thank you.

# NATIONAL SHUTDOWN BY THE ECONOMIC FREEDOM FIGHTERS

(Member’s Statement)

Mrs E N NTLANGWINI (EFF): Hon House Chairperson, on 20th of March, next week on Monday, the EFF will lead a national

shutdown to demand electricity and the resignation of Mr Ramaphosa. Enough is enough! Now is the time to take action!

We have made a call to all ground forces and fighters and progressive formations, the unemployed the exploited, the young and the old women of our country to take to the streets and make our voices heard.

Unemployment is too high, crime is too high, Gender-based Violence and Femicide is too high, corruption is out of control, the roads are full of potholes, our people do not have food, we do not have electricity, the price of petrol is too high, businesses are closing, even investors who love Mr Ramaphosa are living South Africa.

Our municipalities are collapsing, our people do not have clean drinkable water and our children are drowning in pit latrine toilets. We must all stand up and say enough is enough! The time to take action is now! Our voices will be heard and Mr Ramaphosa will resign! No retreat, no surrender! *Aluta continua! Salute!*

# GOVERNMENT LAUNCHES REVISED HOUSING SCHEME FOR THE MISSING MIDDLE

(Member’s Statement)

Ms M M E THLAPE (ANC): Hon House Chairperson, the ANC welcomes the recently unveiled First Home Finance, a programme that seeks to help all qualifying beneficiaries who intend to buy or build their first homes or property.

This programme was unveiled by the National Housing Finance Corporation, one of the entities of the Department of Human Settlements.

Depending on a monthly household income, government can fund a beneficiary up to R130 000. Eligible beneficiaries should earn between R3 501 and to R22 000 per month. First Home Finance replaces Financed Linked Individually Subsidy Programme, and Help Me Buy A Home.

The qualification criteria for First Home Finance have been revised to accommodate and assist with funding all qualifying South Africans who want to acquire their first homes.

The revised programme also caters for the beneficiaries who are not approved for home loans, but intend to among other options, build their own houses in rural areas and cities’ serviced sites.

We believe, through the First Home Finance, thousands of public servants will be accommodated to acquire their first homes.

Working together we can do more. That is why ANC will be re- elected by majority of South Africans in 2024!

# ACCUMULATED DEBT OF MUNICIPALITIES

(Member’s Statement)

Ms Z MAJOZI (IFP): There has been an escalating crisis in South Africa for several years regarding the accumulated debt owed to municipalities by government entities. This places tremendous financial pressure on these municipalities to the point where service delivery breaks down.

For several years the government has failed to sufficiently address the root cause of the unchecked expenditure by its departments and entities, forcing the municipalities to shoulder

the burden of this accumulated debt which has escalated to sums of about R23 billion. As we are aware, municipalities are the cornerstone of local service delivery and the interface between government and the people. Such outrageous figures force municipalities into a position whereby they cannot service their obligations, creating a vicious cycle that begins with government departments.

Even after writing off debt, also sitting in the billions, and unfairly shifting the burden to the taxpayer, the government has continued with its unspoken standard operating procedure of nonpayment to municipalities. This problem causes an escalation of unnecessary expenditure for municipalities when they have to foot the bill for interest accrued or even take legal action to get the money owed to them.

Hon Minister, why should municipalities even enter into payment terms with government departments over monies that should have been budgeted for to spend on its operations? This speaks to another critical issue that the IFP has been consistently raising, that of poor planning. I thank you.

# VAAL RIVER FLOOD DESTRUCTION

(Member’s Statement)

Ms I M GROENEWALD (FFPlus): Hon House Chairperson, government has forsaken the tourism industry next to the Vaal River after the recent floods. On 22 December the Vaal River was engulfed in floods for all times leaving the devastation of billions to damages.

The tourism sector in the North West and the Free State along the Vaal River was busy recovering from the effects of covid without the help of government before the floods. However, the floods destroyed the last bit of hope of recovery and as such a lot of operations were already closed with no hope of opening again.

Not only is the dire financial situations of these operations, but a lack of minimal support from local government in fixing infrastructure like access to roads, restoring electricity and the crime wave of plundering of buildings that were left after evacuation. With no government intervention, these operations will not be able to survive and create a sustainable tourism sector with a sustainable job security and seen in the light

of the billion that was earmarked for Tottenham Hotspur Football Club, government had forsaken the sector.

I want to invite the Minister of Tourism to accompany me to these areas so that she might see the devastation caused and intervene to save this sector. For by turning a blind eye like the ANC councillors, Cllr Dyker and Cllr Mapaseka in Lekoa La Taimane Manicipality that said they have no sympathy for some of the homeowners in the community will lead to a further decline of the rural economies and the extinction of tourism sector in the small *dorpie* [town.]. Thank you, House Chairperson.

# DECOMMISSIONED WILDERNESS PARK REOPENED

(Member’s Statement)

Mr Z MLENZANA (ANC): Thank you, House Chairperson. The ANC welcomes the positive news that the Inanda Wilderness Park, a much-appreciated community focal point in Ward 44, under the Green Corridors banner, was recently reopened at a small gathering of partners, community members and people representing local leadership, schools and the elderly.

Situated at the headwaters of the Gobhogobho River, it was decommissioned as the site was vulnerable to vandalism during the Covid-19 national lockdown when gatherings could not be held.

The concept of the Inanda Wilderness Park is that it is a unique multi-generational park facility that focuses on promotion of health and wellness through an important partnership with the eThekwini Municipality, Green Corridors, University of KwaZulu-Natal and new partners, Kinship Programme. It takes a therapeutic approach through the provision of occupational therapy and environmental education, through programmes that promote human development, ecology and sustainable living.

Green Corridors will be working closely with the local community to ensure the continued integrity of the park. Physical activities for the elderly, such as exercise and vegetable cultivation, which will be offered in conjunction with Masisizane Service Drop-in Centre, a day care facility for the elderly in this area. Learner groups from schools will be able to take part. The ANC hopes that this programme will

grow from strength to strength. Thank you very much, House Chairperson. [Time expired.]

# DEPARTMENT OF MINERAL RESOURCES AND ENERGY MEDIA TENDER

(Member’s Statement)

Mr J R B LORIMER: Thank you, House Chair. The Department of Mineral Resources and Energy is preparing for attack. It has put out a tender for a media monitoring system for what it calls incoming media-launched attacks and negative commentary. The *Daily Maverick* hold a tenders... [Inaudible.] ... terminology language of the tender is so extreme, it has even attracted criticism from Amnesty International. Why would it be that the department is criticised so often in the media?

Could it be that it is not doing its job?

The new cadastral system is delayed again, and we still don’t know what we are getting, compliance inspections miss too much and most of all, many licences are simply not getting issued. At a time where there is precious little new mining investment, that which there is, is held up, delayed, mysteriously, and unaccountably. There are no licences, there

is no explanation, just waiting. That, of course, leads to even less investment.

Ask any company in the mining business and they will tell you, off the record, of course, that the department is incompetent and crooked in equal measure. Sometimes it is not clear which of these dual natures is dominant. The department often says it does not have the resources to do its job properly. What does the department want to protect itself from? Reputational damage? Too late. A far better way to defend itself would be to stop doing the things that are causing the damage.

# COVID-19 VACCINES INJURIES AND DEATHS

(Member’s Statement)

Mr W M THRING: Hon House Chairperson, during the lockdown period, the ACDP consistently called for vaccinations that are safe and effective. One would have thought that the call for safe, effective treatment, with the application of the constitutional imperative of informed consent, would have been applauded, but sadly, it was derided, ridiculed and mocked,

and I was threatened with force vaccination in this Parliament.

The reporting systems in the United States, US, United Kingdom, UK, and Europe, show that the number of reported Covid-19 vaccine injuries and deaths now exceed those of all vaccines combined in the last 30 years. In the Public Health and Medical Professionals for Transparency, PHMPT, vs Pfizer case, Pfizer tried to hide the adverse data for 75 years.

However, when forced to reveal their data by Judge Mark Pittman, they revealed the 1 291 side effects. Pfizer contracts are alleged to contain the following clause: “Purchaser further acknowledges that the long-term effects and efficacy of the vaccine are not currently known and that there may be adverse effects of the vaccine that are not currently known.”

In February 2022, the Transformative Health Justice facilitated a letter on behalf of 70 South African doctors, raising serious concerns about the coronavirus disease, Covid- 19, C19, shot, a letter of the SA Health Products Regulatory Authority, SAHPRA, ignored.

A December analysis by scientist and Vaccine Adverse Event Reporting System, VAERS, expert Dr Jessica Rose, observed that 33% of adverse effects reported for children ages 12 to 17 are severe cardiac adverse effects are 10,7%; of the total reports 66% reported not recovering after their shots. With young healthy sportsmen and women collapsing on the field around the world. The ACDP calls for the halting of these and the rollouts of these vaccination. I thank you. [Time expired.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Thring! Hon Thring! Hon Thring, I do not expect that from you, Sir, please.

Mr W M THRING: My apologies, House Chair, I was provoked.

# DEMOCRATIC ALLIANCE HYPOCRISY

(Member’s Statement)

Mr B M HADEBE (ANC): Thank you, House Chair. Once again the DA’s hypocrisy is laid bare as the three former DA councillors from the Swellendam Local Municipality are taking the party to court over the termination of their party membership. The DA

Federal Council Chairperson, Helen Zille, has expelled the three councillors for not toeing the party line. The suspended members, former Swellendam Municipality Speaker, deputy mayor and Councillor Mangcu-Qotyiwe have turned to the courts to challenge the party’s move to terminate their membership.

They claimed that they were suspended because they did not abide by a caucus decision to hold back on advertising the position of the director for corporate services in the municipality. This is clear interference in the operations of the municipality. The ex-councillors are challenging the constitutionality of the DA’s cessation clause and seeking to declare the Federal Constitution invalid and inconsistent with the Constitution of the Republic. This exposes the DA’s blatant hypocrisy to encourage ANC Members of Parliament, MPs, and Members of the Provincial Legislature, MPLs, to vote against the party decisions, yet the very same DA is expelling their members for doing what they want other party members to do. Sis DA, shame on you.

# LOCAL GOVERNMENT RACE-BASED EXCLUSION

(Member’s Statement)

Mr B N HERRON (Good): Thank you, House Chairperson. Local government is more ... [Inaudible.] ... than not for the people of South Africa experience government and there are enough examples across our country of our local government that are failing their residence or servicing some parts and neglecting others. The lack of service and the disparity of service provision continues to drive inequality and exclusion. Exclusion based on race continues 30 years post-democracy as municipalities resist the spirit and the ... [Inaudible.] ... of the law as provided for in the Spatial Planning and Land Use Management Act, Spluma. Section 7 of Spatial Planning and Land Use Management Act expressly requires our town and cities to pursue spatial justice through a certain development principles.

Over the past decade since the passing of this Act has been very little evidence that this crucial legislation is being enforced or implemented. Therefore, our towns and cities are driving inequality. Of course, this important legislation won’t be enforced where towns and cities are dysfunctional. We welcome the new Minister’s commitment reported in recent news article to address dysfunctional municipalities. Towns and cities are dysfunctional for number of reasons, poor political

leadership, lack of skills and experience in administration, a municipal funding model that doesn’t work and instability of coalitions. Therefore, the Minister will have to act fast to bring stability and functionality where there are obvious crisis. Events on the capital City of Tshwane calls for urgent regulatory interventions. And the Minister’s report ... [Inaudible.] ... she would like coalition agreements to be binding and made public. Therefore, we don’t believe this will be enough to bring order to coalitions formed on the basis of expediency. We will need far-reaching reform with how our government are established in order to ensure that the mere opportunity to unseat an executive mayor or speaker ... thank you. [Time expired.]

# CONDEMNATION OF ACTS OF VIGILANTISM IN EKURHULENI

(Member’s Statement)

Ms A RAMOLOBENG (ANC): Thanks, House Chair. The ANC strongly condemns the act of vigilantism as four electricians mistaken for cable thieves were killed at Ekurhuleni. The recent brutal murder of four electricians contracted by the Ekurhuleni Municipality by a mob who mistook them for cable theft, is a

tragic and outrageous act of vigilantism that must be condemned by all normal law abiding citizens. The incident happened on Monday 6 March 2023, when the four were responding to a power outage call after the City of Ekurhuleni requested assistance from the contractors to assist in Sarel Hattingh Street, Klippoortjie AH, in Germiston.

However, House Chair, when they got to the scene they were met by angry community members who started assaulting them despite the employees showing them proof that they were, indeed, there to attend to an electrical issue. The four innocent men were tied and beaten with sticks until they died by a mob of criminals who took their law into their own hands. This is heinous, lawlessness and undermines the authority of the police. Nobody is allowed to take the law into their own hands. The police and Justice Departments are responsible for enforcement of the law.

The ANC calls on community members to stop taking the law into their own hands to avoid this type of tragedy. The ANC calls upon law enforcement agencies who are investigating this matter to hunt down the responsible vigilantes and once identified, they must be apprehended and criminally

prosecuted. Away with vigilantism away. Forward with the building of strong community policing forums forward.

# DILAPIDATED INFRASTRUCTURE OF TOURIST ATTRACTION

(Member’s Statement)

Mr M S F DE FREITAS (DA): Thank you, House Chair. Over two years now I have visited tourism sites in all nine provinces. There is a plethora of sites that are either too difficult to access, or when one does reach these tourism sites, one finds them dilapidated and derelict. The originally beautiful Ndebele Msiza Matebele Cultural Village tourism site in the Madibeng Municipality in the North West is a prime example.

This previously active and tourism drawing site, is accessible only by using a 4x4 vehicle.

Another example is the Tsitsikamma National Park which, despite the high entry fee charged, infrastructure is unmaintained, such as now dangerous suspension bridges and filthy ablution facilities which is not even have any toilet paper. This is simply embarrassing for all tourists whether they are local or domestic or international.

These are basic things that could be fixed with minimum expenditure and effort ... [Inaudible.] ... returns. Yet, the Department of Tourism and its sister departments are always allowing this degradation to take place. The consequence is that tourists will stay away unless this government does the very basics which it presently is not doing.

I know that our new Minister, our number one tourist who prioritises this issue as she is unequivocally knowledgeable about tourism as she has extensive personal knowledge and experience thereof, as between September 2019 and September 2022 she enjoyed eight luxurious trips to Dubai, the United States of America, USA twice, the UK twice, Singapore, as well as Cuba and Egypt – all this amounting to over R2,4 million.

With so much experience, I know that our new Tourism Minister will deliver and not leave this matter like old underpants on a flimsy washing line. Thank you.

# STOCK THEFT CRISIS

(Member’s Statement)

Ms Y N YAKO: Thank you, House Chair. Our people in the Eastern Cape are terrorised by thieves who are stealing their livestock. Criminals are terrorising the communities of Chris Hani, Amathole and O R Tambo. Our people are killed when they are trying to protect their livestock. The Eastern Cape has the biggest stock theft problem in South Africa and the Minister of Police does not seem to have a plan or seems to be interested in solving this crisis. Last year we were told that stock theft cost the Eastern Cape farmers more than

R1,4 billion a year. A man from Namaqua in ... [Inaudible.]

... Local Municipality was killed by these criminals while trying to protect his livestock.

Mr Damane and Mr ... [Inaudible.] ... have both lost more than

20 cows each at gunpoint in ... [Inaudible.] ... Intsika Yethu Local Municipality and the police never went to the crime scene. The criminals are armed at guns and every night they go to these communities and terrorise farmers. The majority of whom are defenceless women. The police in the area take more than two days to attend a crime scene and as a result these criminals and the syndicates continue to steal livestock with impunity. When people take the law into their own hands because the SA Police Service, SAPA, and the ANC government

are turning a blind eye to such heinous crimes. It will be the very same Minister of Police who scream the loudest. I thank you.

# GROOTE SCHUUR HOSPITAL - FIRST INCOMPATIBLE KIDNEY TRANSPLANT IN AFRICA

(Member’s Statement)

Ms X HAVARD (ANC): Groote Schuur Hospital has become the first medical facility on the African continent to perform an incompatible kidney transplant using a Glycosorb filter device.

The Glycosorb device offers hope for the 35-year-old patient and hundreds of other patients who have been on the kidney transplant list for several years.

Mr J J MCGLUWA: Point of order, Chairperson.

The HOUSE CHAIRPESRSON (Mr M L D Ntombela): What’s your point of order.

Mr J J MCGLUWA: It seems that the interpretation is not working.

The HOUSE CHAIRPESRSON (Mr M L D Ntombela): Hon McGluwa, what interpretation are you looking for? The statement is in English. Hon McGluwa? [Interjections.]

The HOUSE CHAIRPESRSON (Mr M L D Ntombela): Hon member, can you please continue.

Ms X HAVARD (ANC): Okay. With this filter, they can now safely transplant many patients across incompatible blood groups – which was a barrier previously.

Medical experts said that more than 60 scientific papers were published on the device that showed excellent data on short and long-term outcomes for transplant recipients.

Since its first rollout in 2001, the Glycosorb device has been used in 29 countries. However, the Groote Schuur facility is the first to perform the operation in Africa.

Groote Schuur’s Transplant Co-ordinator stated that there are currently 1 900 people in the province who are on renal dialysis

treatment and 500 people on a waiting list for a kidney transplant.

For the patient who received this transplant, it has changed her life completely and no more dialysis has meant she can lead a much better healthier lifestyle.

We welcome such medical breakthroughs and believe that any intervention ... Thank you.

# INVESTMENT IN TRANSPORT INFRASTRUCTURE

(Member’s Statement)

Mr S M JAFTA (AIC): It is common course that enhance the role infrastructure ...

The HOUSE CHAIRPESRSON (Mr M L D Ntombela): order, hon members.

Mr S M JAFTA (AIC): Can I continue, Chair.

The HOUSE CHAIRPESRSON (Mr M L D Ntombela): Yes.

Mr S M JAFTA (AIC): It is common course that enhance the road infrastructure investment is at the heart of a long-lasting and cutting edge development.

It is widely accepted that infrastructure investment spillages on various key segments of our economy, including railway, freight, logistics and the communication infrastructure.

Investing in transport infrastructure particularly road has another potential. It improves transport networks in order to foster integration and co-operation between various provinces.

We were therefore, moved that the SA National Roads Agency SOC LTD, Sanral, will be embarking on road construction and maintenance projects worth more than R1,2 billion in the Eastern Cape Town of Matatiele. Part of this construction will

... [Inaudible.] ... of National Route R56 from Matatiele to the KwaZulu-Natal boundary. Whilst Sanral is the implementing agent of this project, the Department of Transport has a bigger role to ensure value for money. Its attitude towards road infrastructure must be informed by the reality that transport in general can also play a significant role as a

catalyst development and correcting spatial distortions. I thank you.

# OPENING OF HOME AFFAIRS OFFICE AT THE MENLYN PARK SHOPPING CENTRE IN TSHWANE

(Member’s Statement

Ms M MODISE (ANC): The ANC-led government has remained true to its commitment of ensuring that it builds capacity, the resources and the people to serve citizens effectively and efficiently.

This is evident in the official opening of the Home Affairs Office at the Menlyn Park Shopping Centre in Tshwane on Monday, 6 March 2023.

This office is expected to take the pressure off from the high- volume offices around Tshwane and Byron’s Place in the city centre, Mamelodi, and Centurion. We are pleased that people of Menlyn and surrounding areas do not have to wait in lengthy queues for Home Affairs services.

Furthermore, the ANC-led government has committed to open more offices at the malls, including at Cresta Mall in Johannesburg, the Pavillion in eThekwini, and the Tyger Valley in Cape Town, which will be functional before the end of the next financial year.

This initiative is in line with the ANC’s commitment to put people first and to find solutions to their daily problems. This will go a long way in ensuring that all South African citizens access Home Affairs services with ease. The ANC will be re- elected by majority of citizens of South Africa in 2024.

# CONDEMNATION OF ACTS OF VIGILANTISM IN EKURHULENI

**STOCK THEFT CRISIS**

(Minister’s Response)

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H JEFFERY): House Chair, I just want to respond to the statement by the hon Ramolobeng on the tragedy in Ekurhuleni, where the murder of electricians occurred. I need to say that communities should not take law into their own hands. The can

think they are right about something and it ends up being different. I remember one case from KwaZulu-Natal where a teacher hit a learner around the head. The learner went home, complaint of headache and later died that night. The teacher was arrested. There was a huge outcry in the community. It turns out eventually that the learner died of meningitis. It had nothing to do with banging on the head; it was just coincidence.

So, yes, communities must not take the law into their own hands. I am not sure if the Minister or Deputy Minister of Police is on the platform. However, on hon Yako’s Statement: Yes, stock theft is a serious problem in the Eastern Cape. It is also a serious problem in KwaZulu-Natal. If they are not able to respond here, I will take the issue up with the Minister and Deputy Minister of Police. Thank you.

**SECTORS IN MINERAL RESOURCES AND ENERGY PORTFOLIO COMPLAIN ABOUT THE DEPARTMENT**

**DEPARTMENT OF MINERALS AND ENERGY MEDIA TENDER**

**EXPULSION AND TERMINATION OF COUNCILLORS AT SWELLENDAM MUNICIPALITY**

(Minister’s Response)

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, House Chairperson. I would like to respond to the issue on mineral resources, which says that all sectors in the Mineral Resources and Energy are complaining about the department. I am not too sure where the member is. We sit with private sector, especially the Mineral Council of South Africa.

They have commended stability in the mineral sector - the mining sector – including ensuring that we can resolve some of the issues that are based on policy and also around the issue of implementation. There is some feedback in terms of what need to be implemented, but that does not say that they do not have confidence in the department itself.

Secondly, even on the issue around the advertisement: All organisations globally, by the way are dealing with brand management. It is a normal thing; it is a common thing. I think as South African Government, we had not been paying

attention to this. I think Minister Gwede Mantashe is doing quite well to pay attention to the image and brand of what is being done. This is because it has negative impact on global platforms around investment.

The last point that has been raised by members of the ANC, around the expulsion and termination of councillors at Swellendam, is not the only one. We see this hypocrisy by the DA continue across the country. They went as far as wanting to perform a lying detector procedure on councillors in Tshwane, four deciding to vote on their conscience, while they are calling others to vote on their conscience. I think it is good that this hypocrisy is shown. They do it in many platforms, in various forms, while they act ... [Time expired.] Thank you very much.

# COVID-19 VACCINES INJURIES AND DEATHS

(Minister’s Response)

The MINISTER OF HEALTH: Hon Chairperson, I wish to respond to the hon member of ACDP on the issue of vaccinations. It is quite disappointing that, with all the time and experience of

vaccines, two full years since we started our vaccinations in February 2021, there is this question. There are volumes of experiences now in terms of the life-saving nature of the vaccines which have been approved.

There is diligent manner in which our regulator, working with other regulators in the world, have gone through the applications and approved those which had proven to be safe. After millions of people here in our own country have been vaccinated, what we have experienced is the fact that since we have opened up the society, business, social and economic activities, we have not experienced any relapse of major infections. Our hospital are able to focus on normal burdens of disease; no more burdened by Covid-19.

So, I want appeal to the ACDP and the hon members that we should indeed focus on the positive aspects. There is no medication which is totally free of any adverse events. Hence, we have created mechanisms to address that, so that those who had been adversely affected can also put their claims. We have got Covid-19 Vaccine Injury No-Fault Compensation Scheme which is dealing with claims.

So, I want to persuade the members of ACDP to come back and focus on the life-saving nature of all these very important vaccinations. I also thank the hon member from the ANC who was talking about innovation in medical technology, which is making life much easier and providing more life-saving technologies for various ailments. Thank you very much.

Mr N L S KWANKWA: Chairperson! Chairperson! Hon Chair, it is hon Kwankwa on the virtual platform. I raised my hand while hon Minister Kubayi was still answering a question on the platform, wanting to ask ... [Interjections.]... No problem, sir. I wanted to ask, whether it is allowed - as members, when we use background images - to use photos that carry a particular message in this platform?

The challenge that we are going to have is that people are now going to have all sorts of slogans or messages contained in the images that they use on the virtual platform. By that, we are opening a can of worms which we are not going to be able contain. A message that is written there is, “I am vaccinated” or whatever it is, while answering, at the time when you are dealing with a question from a political party that has issue

with vaccinations. I don’t think it is right and I don’t think we should allow it.

The HOUSE CHAIRPWRSON (Mr M L D Ntombela): Okay. Thank you, hon member. I have noted that. I will come back to you with a Ruling. Shall we continue, hon members?

# CONDEMNATION OF ACTS OF VIGILANTISM EKURHULENI

**STOCK THEFT**

(Minister’s Response)

The MINISTER OF POLICE: Chairperson, on the first question raised by a member about Ekurhuleni: Indeed, that was not just a mob activity; it was criminality! When the police came there

- Sergeant Lepulane - the same group chased him away and they wanted to attack him. He had to mobilise the Public Order Policing Unit, Pop, and other forces. So, if they had mistaken these four municipality workers as people stealing, they should have then realised by the police in uniform that they were not there to steal. So, it is criminality and that should be condemned.

However, we are glad to say that the police have responded and a certain Derick Thapelo Baloyi has been arrested and appeared in court for that kind crime. We are still checking and investigating other criminals that were involved in that matter.

In terms of stock theft in the Eastern Cape, which is problematic in the country - yes indeed in the Eastern Cape, according to the member of the EFF: It is not very true that nothing is being done. Several people there have been arrested. In Mount Ayliff, seven people are still in court for that. They were found in the bush. We have created a horseback unit there to work on the border between South Africa and Lesotho.

We have visited the Lesotho of Minister of Police, in Lesotho, together with the MEC, to have joint operations to stop the theft because some of the stock crosses the border. However, late in Bityi, where people were killed, the stock theft was also involved. Seven other people have also been arrested. So, there are responses. It is absolutely not true that there is nothing been done. Thanks very much.

# VAAL RIVER FLOODS DESTRUCTION

**DELAPIDATED INFRASTRUCTURE OF TOURIST ATTRACTIONS**

(Minister’s Response)

The MINISTER OF TOURISM: Hon Chairperson, if I can respond first to the hon member from the FF-Plus, hon Groenewald. Hon Groenewald, I will arrange to meet with you. I will also be in contact with the chair of the portfolio committee and we can arrange to visit the area. So, you will hear from me tomorrow. Thank you for sharing the plight of the tourism companies in that area and also about the people affected by the floods.

The second question from hon member De Freitas: He can write to me about his concerns - the concerns that he has raised - so that we can together look at what is happening there.

Please send me an email as soon as possible. However, I also want to say that there is an idiom that says ‘empty vessels make the most noise’. He is a real blast from the past and still live in an apartheid bubble. So, you can continue to insult people, but remember you will get another clap back. Thank you.

# SOUTH AFRICA AND UGANDA BUSINESS FORUM

(Minister’s Response)

The MINISTER OF TRADE, INDUSTRY AND COMPETITION: Thank you

very much House Chairperson. I want to welcome hon Oscar. We can continue hon Patel thank you uh how is she wanted to welcome hon Oscar Matafa’s statement on the signing of MOUs between South Africa and Uganda. This was of course done during the state visit by President Museveni to South Africa. From the DTIC group, the Industrial Development Corporation signed an MOU with its counterparts and it is part of our efforts to focus on African trade and development and to increase intra-African investment.

South African exported products were worth about R494 billion last year to other African countries. The bulk of this were manufacturing products helping to expand our industrial footprint. We want to expand this further so that we can create more jobs in South Africa and stimulate wider African growth. Part of our efforts are through the African Continental Free Trade Agreement which is a continental-wide trade initiative.

The President and Minister Pando have been really working on getting more activity in our work here. In November last year, Kenya hosted a state visit by South Africa. Last month, the President attended the African Union Assembly and others wherein significant decisions were made that take the integration agenda forward. This was followed by the Uganda visit. Trade and investment links with Uganda can be expanded significantly. For this reason, we had a large delegation of Ugandan business people attending the South Africa-Uganda Business Forum. Thank you very much.

# HOME AFFAIRS LAUNCH OFFICE AT MENLYN SHOPPING CENTRE

(Minister’s Response)

The MINISTER OF HOME AFFAIRS: Thank you, Chairperson. I won’t show my face because where I am, I'm really challenged with reception. Thank you, hon Modise. Indeed, it was very good news that happened this month, on 6 March, at Menlyn Mall. We were delivering on a good promise that we had made during the Budget speech last year that will be opening state-of-the-art offices at various malls around the country.

Yes, we launched that at Menlyn Mall. On the day of the launch

– as we had announced that if our move into Menlyn is successful, then we will move into Pavilion Mall in EThekwini, into Cresta Mall here in Johannesburg and into Tyger Valley Mall in the Cape Metro - on that day, Mr Malose Kekana, the CEO of the company that owns the mall, offered us South Gate Mall. You may also add it there. I am also happy to announce that there are no cues there. The queues have been eliminated. Since we launched, 1 008 smart cards have been issued, as well as 1 220 passports.

On the day, we also unveiled brand new cars - twenty of them - for Home Affairs on Wheels project. We have ordered 100 more, which are going to unveil.

Lastly, for five years in all these mall, we will not pay any rental whatsoever. We are occupying office space there for free, with all these good facilities and parking. People are not standing in the sun anymore. It is a very good project, Chairperson. Thank you very much.

# HOUSING CONSUMER PROTECTION BILL

(Consideration of Report of Portfolio Committee on Human Settlements)

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, I

hereby move that the House adopts this report. Thank you.

Motion agreed to.

Report accordingly adopted.

# HOUSING CONSUMER PROTECTION BILL

(Second Reading debate)

The MINISTER OF HUMAN SETTLEMENTS: Thank you very much, House Chairperson and greetings to hon members. Since the proclamation of the Housing Consumers Protection Measures Act

95 of 1998 on 4 June 1999, the National Home Builders Registration Council, NHBRC, has identified a number of challenges with certain key provisions of the Act, which impacted negatively on the efficiency of the council’s

mandate. The inefficiencies identified in the current Act related to inadequate protection of housing consumers, the transformation of the industry, the high risk of litigation, the inadequate enforcement powers, the ineffective alternative dispute resolution mechanisms and the excessive turnaround time of the current enforcement procedures.

The main criticism of the council from the public is that it does not provide protection where it is really needed. The scope of application of the Act currently limits the ability of the council to protect all housing consumers as well as the circumstances under which the consumers are protected. For this reason, this draft Bill before the House today introduces the following measures:

Firstly, it extends the cover to hostels, timeshares and share blocks and importantly extends its scope to include additions, alterations, renovations or repairs of a home in so far as such additions, alterations, renovations or repairs necessitates the submission of building plans to municipalities in terms of the National Building Regulations and Building Standards Act;

Secondly, it extends the period of cover under the warranty fund to commence on the date of the commencement of construction until five years after the date of certification of compliance with the technical requirements by the council’s inspectors. So we must ensure that people register their houses as they construct and also as they extend or do alterations. This will ensure that they are protected. The amount of cover however is not increased and any claim made and paid out of the warranty fund during construction will be deducted from the total amount available for claims;

Thirdly, the warranty period for roof leaks has been extended from one year to two years as a roof leak does not always manifest itself within the first year, especially in the more arid areas of the country;

Fourthly, the Bill determines that a home builder or a developer who is not registered has the same liability as a registered builder or developer. This ensures that we protect unsuspecting housing consumers who might not be aware of the registered or nonregistered builders;

Fifthly, inspectors and all other employees of the council now have a duty to report corruption, conflict of interest and not to use confidential information for personal use;

Sixthly, the council may now apply to court for an order directing the person to comply with the Act or to stop construction;

Seventhly, willful or gross negligence by a competent person which causes or fails to prevent a major structural defect is now a substantive noncompliance which may trigger an administrative fine. This is what has been required as well; and

Eighthly, the municipal manager has a duty to ensure that funds are not released for a housing project until the project is enrolled.

The draft Bill adds new value to the objectives of government in that it incorporates the grading system that the council published under government notice GN R192. The system facilitates the ease of doing business as the housing

consumer, developer or organ of state can easily obtain information about the competence and profile of home builders.

The draft Bill provides for the principals of the company to be held personally accountable. In the same vein, the definition of a person has been extended to include a trust, as some home builders are trusts. The draft Bill provides for the trustees to be held accountable in the same manner as the principals or directors of companies are held accountable.

Another issue that I want to raise is around the issue of the maximum penalty for criminal offences that are imposed by a court, which has been increased to R1,5 ... or imprisonment.

The NHBRC ... to expropriate money from Parliament so that the current funding can be closed. There has been a concern around the fees. I want to indicate that we’ve not increased the fees since 1998 in terms of initial registration ... [Inaudible.]

... R745 and also the annual renewal ... [Inaudible.] ... R526. The Bill also allows for the Minister to consider the pricing in terms of what needs to be done.

The draft Bill provides for innovative and strengthened new enforcement systems which are procedurally fair, cost- effective and allows for the speedy resolution of cases. It also ensures that we can protect our consumers. This is the way that government shows that we care about our citizens. We know that the most vulnerable in communities are taken advantage of and as the ANC we say, continue to support the ANC. We deliver as the ANC government because we are the ANC that cares and the ANC that delivers.

*Sepedi:*

Moh M R SEMENYA: Ke dumediia wena Modulasetulo wa Ntlo yeo e hlomphegago, le Maloko a Palamente ya Afrika Borwa kamoka. Re le Komiti ya Phothefolio ya Bodulo bja Batho, re tlile fa le pego ya rena gore Ntlo ye e e amogele ka lebaka la gore Molaotheo wa Repabliki ya Afrika Borwa o laela gore pele Maloko a Palamente a tiea sephetho a ye bathong go kwa maikutlo a bona. Re tliiitie maikutlo a badudi ba Afrika Borwa bao ba bontihitiego ka bontiintii bja bona diprofenseng kamoka tie senyane gore ba thekga Molaokakanywa wo, ka lebaka la gore o tliia bophelo bjo bokaone go bona. Molaokakanywa wo o tlile go thuia gore seo se ilego sa bolelwa ke borakgolokhukhu ka ngwaga wa 1955 gore batho ba tla buia, se phethagale - ka

nnete batho ba a buia. Batho ba rena ba bolediiane le rena re le komiti ba re botia ka mokgwa woo e lego gore ge go agiwa dintlo mo nageng ya gaborena, boradikontraka ba itirela boithatelo. Bjale Molaokakanywa wo o bolela tie di botse tia gore boradikontraka ba swanetie ba ingwadiie, ba katiiiwe ba be ba lekolwe ke bahlahlobi ge ba aga ntlo go thoma mathomong go fihla mafelelong.

Modulasetulo, ntumelele ke bolele gore bontii bja batho ba gaborena bao ba bego ba tlile kopanong yeo ba ile ba lla ka dintlo tieo ba agetiwego tiona. Ba rile tie dingwe di a neia, mola tie dingwe di tiewa ke moya. Re leboga Molaokakanywa wo ka lebaka la gore batho ba gaborena lehono ba iireletiegile ka gobane lekgotla leo le laolago boradikontraka mo nageng le tlile go ba le sekhwama sa gore ge ntlo e agilwe e na le bosodi ba kgone go ya go kleima go Lekgotlataolo la Lekgotla la Bosetšhaba la Ngwadišo ya Baagi ba Dintlo gore e tle e lokiie moo boradikontraka ba iaeditiego gona.

Molaokakanywa wo o re boradikontraka bao ba tla bego ba iaeditie ba swanetie go lefiiwa – Tona o ietie a boletie ka tiona. Ye nngwe yeo ba re gopoditiego yona ke gore Afrika Borwa yeo e buiwago ke ANC e dumela gore batho ke ba batee, ka

lebaka leo, dintlo tieo di agiwago di swanetie go swana naga ka bophara. Ba ganana le taba ya gore ntlo tieo di agiwago magaeng ga di swane le tia makheiieneng - kua magaeng o hwetia ntlo ya gona e sa kgaolwa le ka bogare, mola mo makheiieneng ebile e na le iawara goba phaphoii ya bohlapelo.Batho ba rena ba re gopoditie re le komiti ya Palamente gore go bohlokwa gore Palamente e kgonthiiiie gore Molaokakanywa woo o a diragatiwa gore batho ba Afrika Borwa ba iireletiege go boradikontraka ba baradia.

Molaokakanywa wo o hlohleletia le mebuio yeo e lego gona ka gare ga naga, e lego ya bosetihaba, ya diprofense le ya selegae gore e iomiiane. Re a tseba gore mebasepala ye mengwe ya rena ga e na bokgoni. Bjale, ba swanetie go iomiiana le kgoro ya bosetihaba, moo e lego gore Tona, ka tihomiiano le lekgotla la bosetihaba leo le laolago boradikontraka, ba tla thwala bahlahlobi bao ba hlahlilwego. Mebasepaleng yeo e se nago bokgoni bjoo, go ra gore kgoro ya bosetihaba e tla ya e thuie gona.

Dintlo tieo di tlilego go agiwa go thoma lehono di ka se sa ba le mathata. Batho ba gaborena ba bone le gore Molaokakanywa wo o tlile go ba ntiha mohlakong woo ba lego go wona, ebile ba

ikemiieditie go iomiiana le mmuio wa Repabliki ya Afrika Borwa ka gobane projeke ye nngwe le ye nngwe ye e dirwago moo ba lego gona, e swanetie e be le komiti ya taolo. Ba ikgafile gore ba tlile go ioma, ba kgonthiiiia gore ka nnete Molaokakanywa wo mobotse wo wa go ba iireletia o tle o kgone go tiwelela.

Rena re le ba komiti re leboga batho ba gaborena ge ba ntihitie maikutlo a bona, ba bontiha ka mokgwa woo ba thekgago Molaokakanywa wo. Ba ikemiieditie le go iomiiana le mmuio gore dintlo tieo re di agang e be tia maleba; tieo di kgahliiago, tieo ba tlago thaba ge ba le ka gare ga tiona. Le rena re le Palamente re re a re dumelelaneng le sona setihaba sa Afrika Borwa re thekgeng pego ye. Ke a leboga.

Ms E L POWELL: Hon House Chairperson, whilst the Bill before this House contends some useful additional provisions to protect our housing consumers, it is actually yet another example of the ANC’s tendency to solve problems by developing extensive legislation, policies, strategies and 10-point plans instead of genuinely addressing institutional deficiencies caused by cadre deployment, mismanagement and the looting of our state entities. Hon members, we cannot charge those who

caused our problems in the first place with fixing them. If we are going to turn South Africa around, we need consequence management for those who use state coffers as the personal feeding trough. We need a professionalized civil service and a competent government all of what the ANC-led government is incompetent of.

Whilst legislation boasted by a professional government can fix many of our problems, the fact remains, legislation without competence enforcement is meaningless. Let us take the National Home Builders Registration Council, NHBRC, which will now be renamed National Home Regulatory Council, as an example. Like so many entities the ANC controls, NHBRC was placed under administration in September 2021. In the last financial year, the entity recorded a surplus of R1,2 billion. This is an unbelievable amount of money that could be used to provide the Basic Income Grant to millions of South Africans instead of sitting in reserve in an underperforming entity.

Despite this money sitting in surplus on an HHBRC’s balance books, the entity only paid out R9,2 million worth of claims whilst they opposed R369 million worth of claims.

In the last financial year, the Auditor-General was unable to obtain sufficient evidence that the stated achievement of 96% of prosecutable matters were set down for hearing within 120 days. The Auditor-General was also unable to obtain sufficient evidence that 90% of disputes were resolved as the entity had claimed they were. Despite the NHBRC having again failed to reconcile R21 million worth of fruitless and wasteful expenditure and R712 millions of worth of irregular expenditure, the Auditor-General was again unable to obtain any evidence that sufficient disciplinary steps were taken against the officials as required by the Public Finance Management Act, PFMA despite the CEO drawing the salary of R3, 4million a year which included an R830 000 the previous year is more than the Deputy Minister and the Minister earn, the Auditor-General found that the entity’s leadership did not exercise sufficient oversight responsibility over internal controls and that adequate controls were not taken to ensure that cation plans were implemented.

Hon members, this legislation comes before this House in the context of 1,4 million government housing units having been identified as blocked since 2019. This is despite the provisions of the existing Act which should have seen housing

contractors responsible for this mess blacklisted and blocked from doing further business. According to a written reply from the hon Minister that I received last year, not a single housing contractor has been blacklisted across our nine provinces.

Whilst the provisions contained in this Bill may indeed assist housing recipients with instituting future recourse against government, the fact remains that ANC’s incompetent cannot be ameliorated through legislation alone. ANC’s incompetence can only be ameliorated at the ballot box. So, while South Africans will have to wait until 2024 for the provisions of this legislation to actually be implemented, they can rest assured that when the DA kicks the ANC out of office next year, South Africa will finally stands a fighting chance of gaining action to recourse. I thank you.

Ms M MAKESINI: Hon House Chairperson, greetings to the president, the commander-in -Chief of the EFF, Julius Sello Malema who will lead the national shutdown on 20 March 2023. We are going to demand two things: electricity and the resignation of Mr Cyril Ramaphosa and no one is going to stop

us, not even a DA’s resting hole here in Cape town who think they are special ...

*Sesotho:*

... hana o a tseba.

*English:*

No train will move, no truck will move anything that is not of essential services, no port of entry will receive any goods and no shop will open. We call all on South Africans to take to the streets for the national shutdown. Chairperson, the EFF supported the Housing Consumer Protection Bill. For many years our people’s complaints about the standard and quality of houses built by the contractors who are credited from the National Home Builders Registration Council, NHBRC were ignored. Even our people who benefited from the RDP houses that were built by dishonest unscrupulous contractors cannot get any assistance. The majority of our people who came in numbers to make submissions told us about their houses that were poorly built. They are always worried that all those cracks on the walls will one day collapse their homes.

*Sesotho*:

Le bone ha le ne le ile Mangaung ka la 8 Pherekgong ...

*English*:

... where you built houses without any sanitation. Today NHBRC operates like a cartel. It operates like to exist to protect builders instead of home owners. As the EFF we maintain that we should establish the state-owned housing company that will build all houses. It is the only way that we will deal with the poor, shoddy contract worker. However, in the meantime, we welcome the strengthening of the home warranty fund. The fund must not only be accessible to the rich building houses in the suburbs and gated communities whom majority is white and wealthy. Our people building houses in the townships and rural areas must also be protected and also benefit from the home warranty fund. We accept it is difficult to apply this Bill in the temporal building structures at the heart of the informal settlements and the shacks. However, the decision to exclude the entire application of the Bill to the structures that do not have their own bathrooms and toilets

...

*Sesotho*:

... re ikutlwa hore ...

*English*:

... it is wrong and it also excludes our own people ...

*Sesotho*:

... ba dulang mahaeng. Motho ha a sena bohlweki re be re batla hore a be le ntlwana [Ho se utlwahale.] re re o tla e nka kae?

*English*:

Our people from the townships and rural areas build differently compared to those in the city with land constraints. They do not always build their homes with the attached bathroom and a toilet. Even in other instances ...

*Sesotho*:

... ha di na le kitjhini.

*English*:

We do not have water and sanitation infrastructure to ensure that we build toilets that are attached to them. Therefore, this exclusion must be removed from the Bill.

Lastly Chairperson, for many years, home building contractors have been dominated and continue to be dominated by the few whites together with the NHBRC. The registration requirement appears fair but practical implementation of the strict requirements might be used to exclude the new builders who are mostly black contractors. The use of supplies of home warranty fund to finance the transformation measures must clearly be specific that some of the funds will be used to assist black entrants for the registration so that ...

*Sesotho*:

... le bona ba kgone ho phehisana kgahlanong le batho ba seng ba le hantle mme ba na le nako e telele ba le teng tsamaisong.

*English*:

Failure to address clearly how did this legislation ensure that it supported the entrants of black contractors and transform the industry, will only serve to create a white- owned industry presented as the way of protecting the home owners. The EFF supports the Bill.

Ms S A BUTHELEZI: Chairperson, this Bill seeks to guarantee adequate protection of housing consumers, the effective

regulation of the home building industry and to introduce contractual provisions to protect new entrants into the home building industry.

The importance of this Bill to all South Africans was made clear through the many meaningful inputs made by residents at numerous public hearings. These inputs served to improve and strengthen the Bill as the contributions of the public capacitated the committee with lived experiences that aided in the rigorous process of producing a law that is responsive to the lived reality of residents and housing consumers.

The rigorous parliamentary process in the development of this Bill must serve as a springboard for the stakeholders in and related to the building industry. This includes contractors, consumers and the government, who must rise to meet their responsibilities. Home builders must protect themselves by doing due diligence and using contractors that are registered with a professional body ... [Interjections.] ...

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Buthelezi ...

*IsiZulu*:

... ngicela ukuthi umise kancane, ngiyakucela.

*English*:

Hon members, there is a lot of noise that you are making out there and that disturbs us and the speaker on the platform. You are kindly requested to not do that. Sorry about that, you may continue, hon Buthelezi.

Ms S A BUTHELEZI: ... to ensure some recourse if things go wrong. To ensure the Bill is responsive not only in writing but also in implementation, it must be used to make provisions to practically respond to the suggestions of community members made in the public hearings.

The National Home Builders Registration Council, NHBRC, training initiatives must be implemented in rural areas to ensure that the full range of home builders and consumers are capacitated with knowledge about the Bill. Training should unpack both the administrative and theoretical aspects of the Bill, for example, training on the enrolment of homes which enable consumers to claim against the warranty fund.

Education drives to provide relevant information in the

industry and the provision of practical technical training to developers and home builders must also be implemented.

The ultimate goal of this Bill is to protect the rights of the consumer through the provision of recourse information.

Therefore, the efficient, thoughtful and equal way in which this information is provided must be central to its implementation. The IFP accepts the report. Thank you, Chairperson.

*Afrikaans*:

Mnr P MEY: Agb Voorsitter, verskeie insette is ontvang en een van die belangrikste deelnemers is die ...

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Order, hon members!

*Afrikaans*:

Mnr P MEY: Ek herhaal. Verskeie insette is ontvang en een van die belangrikste deelnemers is die Meester Bouers Suid-Afrika, MBSA, wat 4 000 bouers en werknemers verteenwoordig. Die MBSA het hulle bekommernis uitgespreek oor die fooie wat deur die kleinbouers betaal moet word vir klein aanbouings wat verdere administrasie meebring, terwyl die National Home Builders

Registration Council, NHBRC, reeds onder druk is. Jy kan maar vir enige bouer in hierdie land vra hoe lank hulle op ’n sertifikaat wag.

Die MBSA se mnr Terrance Morasi beweer ook dat die wetsontwerp te omslagtig teenoor huisbouers en huiseienaars is en dat die koste van huiseienaarskap ontmoedig gaan raak en dat dit huisverbeterings en ekonomiese groei kan benadeel.

Een van die belagrikste vrae is: Wat gebeur met al die geld wat hulle ontvang? Bouers betaal onder die moeilikste omstandighede ... [Onhoorbaar.] ... vir swak diens. Werknemers moet by tye weke wag, voordat hulle kan begin werk en bouers moet geld voorskiet om goeie werknemers te behou. Dit is duidelik dat die NHBRC nie hulle werk ordentlik doen nie.

Dankie.

Mr W M THRING: Hon House Chairperson, as we consider this report, the ACDP notes that the Housing Consumer Protection Bill, having been referred to the Human Settlements Committee on 18 May 2021, is intended to replace the existing Housing Consumers Protection Measures Act, and essentially, seeks to provide for the protection of housing consumers.

The ACDP is also cognisant that this Bill will see developers who do not comply with the requirements of registration at the NHBRC or fail to enrol the home or homes, they are building face a fine not exceeding R1,5 million or imprisonment. This fine is considerably more stringent than the current R25 000 penalty or imprisonment contained in the current Act.

We further note the public participation process undertaken in all nine provinces from 22 April to 6 November 2022, however, the ACDP will argue that public participation is not and must not be seen as a tick box exercise, rather, it must be a deliberate, important and integral part of our constitutional democracy.

It is reported that the Bill has received overwhelming support at public hearings with people trusting that this legislation will bring an end to the provision of substandard housing to disadvantaged South Africans. It cannot be business as usual. Home-building tenders to friends and cronies with no building experience cannot be tolerated because, at the end of the day, it is the poor who suffer the consequences of substandard homes.

It is no secret that the ANC and the Department of Human Settlements have failed miserably in providing safe and affordable housing to all, with the backlog estimated to be some 2,5 million families in need of housing. The ACDP is, however, hopeful that this Bill will bring this struggling department a step closer to restoring the dignity of our people and lead to a swift eradication of asbestos and mud houses which pose both serious health and safety risks.

Our people deserve to live in safe and secure spaces with their dignity intact as it is their basic human right. The ACDP stands ready to fulfil and realise this promise come the 2024 national elections. Thank you. The ACDP supports this report.

Mr N L S KWANKWA: No declaration, House Chair. The UDM supports. Thank you very much.

Mr A M SHAIK EMAM: House Chairperson, thank you for giving me this opportunity this afternoon. Allow me to say, at the very outset, that the National Freedom Party will support the report tabled here today. I think this particular sector has a lot of challenges and concerns that are often raised and must

be addressed, in particular, corruption in housing projects falling under local authorities and municipalities. We have also seen poor quality in the West Coast two years ago where, despite those buildings being condemned and concerns raised by those communities, those houses were allowed to be occupied by our people and not long after that they collapsed.

We pay a lot of money today and what is very obvious is that we don’t get value for money in terms of the quality. The question is why? It is because of the number of middle men that make money out of this. Corruption between officials and politicians is the reason why we have ... [Inaudible.]

The next question we should ask ourselves is the size of these houses. Can you imagine having just one room and expecting five, six and 10 people to be staying there with no proper sanitation facilities, some are outside while some are inside. I think we need to be mindful of those things.

What is very important is that this Bill will provide some kind of assurance that the quality of homes that will be provided will be better and that there will be a higher level of oversight and compliance to ensure that service providers

who are currently getting away with murder in terms of poor quality housing will eventually start to provide better service.

I think it is also important to note that government has, over a period of time, delivered a lot of houses, the RDP houses particularly, and of course with the growing number, if you saw last year 91 000 ... [Inaudible.] ... all of them at some stage are going to be part of the housing ... [Inaudible.] ... whether it’s informal or not, in the private or public sector, they are all going to. So there is a need to enhance this industry to ensure there is protection for consumers as far as that is concerned.

When it comes to complaints, you cannot expect complaints to be attended to by the very same people or municipalities or local authorities that have been colluding with these people. Forty million disadvantaged people in this country have been provided with RDP houses over a period of time so we cannot sit here and say government has not done anything at all.

Indeed it happened and a lot more can be done. The NFP will support this report. Thank you very much.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you, hon Shaik Emam. Hon members on the virtual platform please take care of your gadgets. The hon Sihlwayi?

Ms N N SIHLWAYI: Hon House Chairperson, the African National Congress supports the adoption of Housing Consumer Protection Bill report because it aligns with the government’s objective of strengthening government capacity and capability to deliver high quality houses to our people.

*IsiXhosa:*

... silandela umlando othi ...

*English:*

... there shall be houses, security and comfort. We are here to affirm that the ANC-led government’s building an ethical, capable and developmental state. What a better way to implement such a commitment — the state’s capability to regulate and ensure compliance within the housing construction sector.

We are convinced, just as our people have demonstrated in the public hearings, that the Housing Consumer Protection Bill

will provide ... [Inaudible.] ... for our people, and they do believe that this is the whole transformation of the housing industry in totality.

Our democratic Constitution guarantees each South African a right to adequate housing. The ANC-led government has provided close to 4 million people with houses. However, some of these houses provided to our people have no title deeds as guaranteed in the Constitution — they are not adequate houses. We have listened to people who raised their concerns about the substandard service that some have received from our government from the appointed service providers.

Hon members, people have told us that the National Home Builders Registration Council which is in charge of ensuring that government provides housing or any other built houses comply with the housing code and standards is nowhere to be found amongst the communities. Today the people are confident that the passing of this Bill by Parliament will ensure the visibility of National Home ... [Inaudible.] ... ensure that the houses that are being built ... [Inaudible.]

*IsiXhosa:*

Kungenjalo baza kudliwa bafumane isohlwayo sesidelo. Baza kufumana ulwaluleko abo bangakhi ngokwanelisayo.

*English:*

As the ANC we are also confident and support the proposed ... [Inaudible.] ... the National Home Builders Regulatory Council’s commitment to regulate the building industry ... [Inaudible.] ... of the home builders who are qualified in the country.

Hon House Chair, our people are excited by the objectives of the Housing Consumer Protection Act but are also cautious.

During public hearings people told us that in their communities they have individuals who have capabilities and the capacity to build adequate houses and have done so for many years without houses having structural defects. However, these individuals do not have the necessary building certificates and this Act should advantage them that opportunity. Skills development will be given in this process and their development growth will be enhanced and their dignity.

We take seriously the concern raised by our people about not excluding them from the economic opportunities provided to the housing development projects. The matter is something that both the Department of Employment and Labour and the Department of Higher Education and Training sectors need to address as a matter of urgency which we as the portfolio committee will follow up closely.

The registration of qualified home builders will go a long way in addressing poor workmanship. Not only government-led housing projects but for people in general. A registered home builder will have knowledge of importance of registering recently built houses so that the home owners can benefit ... [Inaudible.] ... structural defects in the ... [Inaudible.]

... by ensuring that housing codes are followed, legislation promotes formal human settlement. Some of us have observed in our communities ...

*IsiXhosa:*

... ukwakhiwa kwezindlu ezinemigangatho ephakamileyo ...

*English*:

... multi-storey houses in the CBD areas of our cities ...

*IsiXhosa:*

... ngohlobo oluxabisekileyo nolungxamisekileyo ngakumbi izindlu ezakhiwa ngaba bantu basuka kula mazwe angasentl’apha. Indlela abakhawulezisa ngayo iyoyikisa kwaye iyakrokrisa kananjalo. Siyayazi ukuba kukho abantu abangoozwilakhe kwiindawo abahlala kuzo abathi urhulumente akangeni ndawo kwindlu ayakhileyo, abe ebanga indlu yakhe. Xa kuvela ingxaki ngendlu leyo, umntu uye awazi kodwa amasango karhulumente.

Kungoko ke sisithi siyi-ANC, xa kunokwamkelwa lo Mthetho oYilwayo sakuba sikhuselekile sonke singabantu beli lizwe.

*English:*

... of these multi-storey houses. Because our people can afford to build their houses sometimes do things not in line with the government regulations. It is our considered view that the Housing Consumer Protection Bill will ensure that people comply with the housing ... [Inaudible.] ... [Time expired.] The African National Congress fully ... [Inaudible.]

... and report on the public hearings. I thank you.

Mr S M JAFTA: The Housing Consumer Protection Bill aims to amend the provisions of the Housing Consumer Protection Act. The Bill seeks to provide for, amongst others, the protection

of housing consumers. A housing consumer is defined as any person who has acquired or is in the process of acquiring a home for the purpose of owning that home, the owner of a Sectional Titles Act, the holder of a housing interest as defined in section 1 of the Housing Development Schemes for Retired Persons, the beneficiary in terms of a subsidy housing programme contemplated in the National Housing Code and the beneficiary of a housing development as contemplated in section 1 of the Social Housing Act. The broad definition does not appear in the principal Act and is welcomed.

The Bill retracts the Home Builders Registration Council which is now called the National Home Building Regulatory Council.

The council’s mandate is to establish and maintain ... [Inaudible.] ... database which must consist of a register of home builders ... [Inaudible.] ... register of enrolment of homes and any other register ... [Inaudible.] ... registration envisaged in the Bill is another welcomed development.

Housing consumers will be provided warranted protection including in cases where home builders fail to comply with their obligations in terms of the Bill. It is also ground breaking that a home builder or developer who fails to

register or retain registration status as a home builder or a developer is not exempted from liability in terms of the Bill. Simply put, the penalty regime of section 78 will remain whether or not the home builder or developer is registered with the National Home Building Regulatory Council. We therefore support the progressive Bill. Thank you.

Dr N V KHUMALO: Thank you Chairperson. The Bill before us is the one that ought to have taken careful consideration to consumer rights at large. To name some precise ones, the right to safety, choice, the right to be informed, the right to consume education and the right to be heard.

Unfortunately, the process leading up to this Bill being in the House today has proven to fall short of ensuring these rights are thoroughly afforded. Whilst unlike many other Bills, the public hearings took six months. The reality though is that very few inputs were gathered out of the 894 oral submissions which related to the Bill itself falling short on the right for consumers to be heard on the actual Bill and its intent.

The spectacular failure to educate citizens about the Bill and its intentions was at the helm as less than 15% of attendance in the various public hearings had not actually had an opportunity to be informed through public education as a result of poor planning.

This was an opportunity that citizens took with both hands and resulted in engagements and inputs being more about the poor and inhumane living conditions the department has subjected citizens of this country to, especially the most vulnerable.

We continuously heard the same tune throughout the various provinces of houses and conditions that clearly articulates that citizens were not worthy of decent and good quality human settlements conditions but rather poor services delivery.

The Bill gives excessive powers to the Minister alone. Powers of appointing the board, determining fees, fines and liabilities, time periods for issuing certificates of registration which we all know poses a threats as far as abuse of power is concerned, opening up for card caring ANC members to benefit and be exempt from consequences where necessary.

It was essential for us to put at the forefront of our inputs that would indeed ensure the protection of housing consumers and the industry stakeholders at large by minimising and living no space for notorious ANC corruption.

One of the ways was to ensure that minimum competencies of chief executive officer, CEO, and chief financial officer, CFO, positions respectively, which were not listed were listed in the Bill so as to ensure that no jobs for pals and zero tolerance when it comes to the recruitment of critical positions making no place for fake or fraudulently obtained qualifications.

Chairperson, before us lies an opportunity for the ANC government to do right by those who have been left behind for many years. However, we know exactly how this opportunity will be taken advantage of as citizens have never taken priority under this government.

The reality and facts speak for themselves as to who leads when it comes to good governance and quality service delivery. It is the DA and we know who fails at it, it is the government of the day.

The DA will continue without fail to stand up for those who are unable to and ensure a society where citizens are afforded a thorough opportunity and certain decision making processes, public participation to fulfil its purpose and not an exercise to tick boxes. I thank you Chair.

Mr C N MALEMATJA: Thank you, Chairperson...

*Sepedi:*

... ke le dumediie kamoka maloko mo Ntlong ...

*English:*

Let me take this opportunity to make it clear that, who feels it, knows it right. Not so long I was in the Breede Valley Municipality where the DA governs and I never saw how people are treated like pigs, an RDP with a bathroom that is less than a metre, they were there. The very same doctors, the very same Powell were there and they also complained and we agreed to go back and are told that tomorrow they are allocating.

However, we are not surprised that out of all these things, they decide to politicise an issue of houses. Every term that they know in the dictionary has got to do with cadre

deployment. You go to them in the morning, it is cadre deployment, in the evening, it is cadre deployment, we are talking about halving the masses who were previously disadvantageous. They are here representing the leavers of apartheid and ensuring that nothing works but only the leavers of apartheid must exist.

They try by all means that our people do not come anywhere near the city, they try by all means that they even house our people on the railway track. This is how they do this.

We are not surprised. However, we want to put it clear that the they do not read, had they read the would know that NATIONAL HOME BUILDERS REGISTRATION COUNCIL, NHBRC, got an

unqualified report. They will report in this House that the board has been appointed.

*Sepedi:*

Ga re sa na sekgoba. Go a iongwa mo.

*English:*

There is this threat that has been going around that there will be a March on 20th March that Ramaphosa will be removed, no, take a stop, get cold water and drink ...

*Sepedi:*

... dula fase.

*English:*

Ramaphosa is beyond 2024.

*Sepedi:*

Ga re na go kwa ka batho ba ba sa nyakeng go theeletia.

*English:*

Hon Chair, at his first oral reply of the year, President Cyril Ramaphosa reaffirmed government’s commitment to the professionalization of the public services. Comrade Powell, we do not run as per our feelings but professionalize the entire service so that everyone gets it right.

It cannot be correct that you are saying a black man is never qualified. The President was here and said the government was clean and it will continue being clean. As the ANC, we fully

support the contents of the report on the Housing Consumer Bill and our people’s recommendations made through the public hearing which the portfolio committee had embarked on as a requirement of our constitutional obligation.

It is a considered view that the Bill fosters participation of the housing constructer centre housing that. The DA being hired and using our own people. At some stage for now, because they are enjoying sitting in this rented House, they think that there will be no day where they will be rejected.

*Sepedi:*

Sepelang le ye go botiiia Mazibuko. O tsena mamohla, ge le thapama o a tiwa! Sepelang le ye go botiiia Mmusi Maimane.

*English:*

... he is out there in the cold and he is cold. You are next. We listen to our people during the public hearings about how they have been subjected to sub-standard housing by the government appointed service. Our people have reminded us of the government’s constitutional obligation to provide adequate housing.

In other words, the people have reminded us that the Freedom Charter has promised that an ANC government will provide not only houses but security and comfort. We are not building houses just for the sake of building.

*Sepedi:*

Di borutho, ebile di swana le tie dingwe tia ka gare ga toropo.

*English:*

Communities are demanding a democratic government to fast track the passage of the Bill so that our government does not continue spending billions of rands to rectify the defect in many of these housing development projects. Instead, the money that has been allocated for this ratification could be used to build more houses for the poor and the working class.

Chairperson, normally through the public hearing, quality services have been demanded from the democratic government. The people have told us that it is in their constitutional right to receive free quality services from their democratic elected government.

Now, if you do not know what the Bill says and you are in the government, we are questioning your credibility and qualifications and it might come out as the Leader of the Opposition who has no standard 9 because people who do not have standard 10, their problem is not necessarily to write but first pass standard 9, you cannot be admitted to grade 12 if you do not have 9. I doubt that this man has.

We are confident that through professionalization of public service imbued with the value of Ubuntu will fully grasp the Batho Pele Principles, our people will gain confidence in government services, especially the working class and the poor who rely on government services to meet their basic rights.

It is not by mistake that ... [Interjections.] ...

Ms M R SEMENYA: Hon Chair, I am here, hon Semenya. Hon Nodada is drowning our speaker. Can you call him to order?

THE HOUSE CHAIRPERSON (Mr M L D Ntombela): Order hon members, actually I ought to be calling the House to order. There is a lot of noise and we cannot hear the speaker on the platform. You may continue hon Malematja.

Mr C N MALEMATJA: Thank you Chairperson. Our people during the public hearings have reminded us that there is a public servants and private sectors who approved the houses to be compliant with housing codes and standards even though they do not meet the standard. For years these people have been colliding with the government appointed service providers in in provision of shady housing.

THE HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Malematja, thank you very much your time is up. Hon Malematja, it should not happen again that you intimidate another member in the House directly. You should do it via the Chairperson, you can never go wrong. You intimidated the Chief Whip of the opposition but, if you do it via the Chairperson, you will never go wrong.

*Sepedi:*

TONA YA BODULO BJA BATHO: Modulasetulo ...

*English:*

Maybe just starting with what hon Powell has raised.

*Sepedi:*

Ke thoma ka go leboga gore ...

*English:*

... this Bill has been supported.

*IsiZulu:*

Ngibonge kakhulu laba abaxhasa lo Mthethosisekelo. Kakhulu uma sibheka la, sibheke ukuvikela abantu bakithi abampofu, abahluphekile, abacelile ukuthi uhulumeni wabo okhathalayo, onobuntu mawubanakekele ukwazi ukudlulisa lo Mthetho ukuthi bavikeleke kulabo ababamosayo ezindlini. Bayaqondisisa ukuthi uhulumeni uzimisele ukubasebenzela ngaso sonke isikhathi.

Ngiyabonga kumalungu wonke namaqembu onke akwazile ukusixhasa kulomklamo. Nalabo bebehamba njengoba ikomidi belihamba izifundazwe zonke sibonga ukuthi bakwazile ukuzibandakanya futhi baxhase lo Mthetho.

*English:*

Hon Powell, I think hon Malematja has responded but the reality is that I think we need to be honest and fair. The appointment of the board has been done, a competent board. I do not know what you are saying about incompetence in terms of the qualification and experience in the board and also seeing

the changes they have done since they have been here in November 2021.

The issue around blacklisting is that you need to understand the law, the department cannot blacklist. It is a process that is done through the National Treasury and we have explained this again and again in the portfolio committee on what needs to be done and what it is that we have done as the department directly.

I am not so sure where you saw incompetence as there is quite a lot of improvement that has been done and the tightening of this Bill shows that we are serious about what we are doing and that is why we were concerned. Initially when we thought that as the DA you would not support this Bill because it is really a progressive Bill that protects government’s money but put stringent measures to ensure that we can be able to hold those who are liable accountable and this what we understand that all South Africans especially the two democrats must be able to support.

Hon Makesini, it is not true ...

*IsiZulu:*

... wa kithi ukuthi ...

*Sepedi:*

... o tseba gore Lekgotlataolo la Lekgotla la Bosetšhaba la Ngwadišo ya Baagi ba Dintlo e ioma bjang. Ka gobane ga ke na bonnete bja gore o bolela ka ye re bolelago ka yona. Ga go na sehlagana sa basenyi ka gare ga Lekgotlataolo la Lekgotla la Bosetšhaba la Ngwadišo ya Baagi ba Dintlo.

*English:*

So, what I want to suggest my dear hon member, first understand the portfolio’s mandate, the department, different mandates of each entity before you can make recommendations because you consistently make the recommendations ...

*Sepedi:*

... ya gore EFF e nyaka ...

*English:*

... state-owned construction company.

*Sepedi:*

Ga ke tsebe gore o ile a lebelela gore ke tie dife dihlongwa tieo di lego gona ka gare ga kgoro tieo di nago le ditlhohlo.

*English:*

Let us not reinvent the wheel where it is not necessary. Let us close the gap and agree with fact that we must provide sanitation and we do commit ourselves. Thank you very much for those who supported. Thanks Chair.

Question put.

Agreed to.

Bill read a second time.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES ON PREVENTION OF HATE CRIMES AND HATE SPEECH BILL

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you very much, House Chair. House Chair, I hereby move for this august House to adopt this Report. I thank you.

Motion agreed to (Democratic Alliance, Freedom Front Plus and African Christian Democratic Party dissenting).

Report accordingly adopted.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon members, earlier the hon Kwankwa raised an issue about the background that we use especially on the virtual platform. The Rules Committee further agreed to the following guidelines for the use of backgrounds on the virtual platform: In terms of the Rules for visual sittings of the House as adopted by the Assembly on 09 June 2020, the current rules on order in public meetings and order in debates are applicable in a visual or hybrid with it; members on the virtual platform are therefore required to conduct themselves as if they were physically present in the House; members must use the current parliamentary background or a blank background or a ... [Inaudible.] ... background or a static picture of a member without party symbols or statements; members of the executive may display the national flag or departmental background when on the virtual platform. So, members, you are kindly requested to observe that.

# SECOND READING DEBATE – PREVENTION OF HATE CRIMES AND HATE SPEECH BILL

Mr G MAGWANISHE: Thank you very much, hon House Chairperson, hon Ministers and Deputy Ministers. Hon members, it is a responsibility of every one of us to break down the barriers of division and create a society where there will be just human beings worthy of human dignity. I know that most of us are working towards a creation of such a society.

Notwithstanding the challenges of the moment, such a society is still possible.

However, for this possibility to have a chance we need to deal with the minority in our society who still believe that our core foundational values which include amongst others; human dignity equality, the advancement of human rights and freedom, as well as non-racialism and non-sexism can coexist with backward and barbaric values of hate and dehumanisation of other people because they think they are different from them. We have to socialise our children at a very early age that it is healthier and more easy to live with feelings of love and tolerance than to live with feelings of hatred that burdens the soul.

Today we join other nations of the world in not only condemning hate crimes and hate speech but we are also attaching consequences to such a behavior. The prevention and combating of hate crimes and hate speech has its origins in the founding provisions of our Constitution which sets out basic values including human dignity, equality, advancement of human rights and freedom, as well as non-racialism and non- sexism. Our country continues to suffer the legacy of apartheid and colonialism in the form of prejudice and discrimination.

It is clear from the frequent incidents of hate in South Africa including incidents of racism that the existing laws are inadequate and do not act as a deterrent. [Inaudible.]

... for example, provide victims with a civil remedy that they must pursue in the equality courts. These incidents motivated by prejudice and discrimination not only cause harm to the victim and the group with which they are associated but they are also extremely damaging to social cohesion. As such, there is a need for a clear message that conduct motivated by hate will not be tolerated and as such, perpetrators will be harshly punished.

The Bill, therefore, seeks to address the frequently occurring conduct of persons sometimes violence who are motivated by clear and defined prejudice. The Bill creates the offence of hate crimes and hate speech and put in place measures to prevent and combat these offences. Simply put, a hate crime is committed if a person commits an offence, if the underline offence is motivated by prejudice or intolerance towards the victim based on one or more of the listed characteristics. A conviction in the case of hate crime is to be regarded as an aggravating factor in sentencing.

Hate speech occurs when a person intentionally publishes, propagates, advocates, makes available communications or anything in a manner that is intended to be harmful or incite harm and to promote or propagate violence based on the defined grounds. A conviction of hate speech attracts a fine or imprisonment for a period not exceeding eight years or both.

In our deliberations we are mindful of the various concerns raised in connection with this Bill, especially those expressed regarding the limitation of the right of freedom of expression in the context of establishing a crime of hate speech.

Notably, the Bill contains a good faith exemption to the offence of hate speech found in the Constitution. However, we have also excluded from the ambit of the hate speech any bona fide interpretation and proselytising or espousing of any religious conviction, ... [Inaudible.] ..., belief, teaching, doctrine or writings. The exemption falls away if it advocates hatred that constitute incitement to cause harm on any of the protected grounds. Any right that is enjoyed at the expense of other people’s rights its lifespan is limited because the oppressed never tolerates oppression in whatever kind or form forever.

The former President Mandela’s words at the Rivonia Trial are very instructive when he said and I quote:

I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.

The question is: What are we prepared to die for or what are we prepared to live for? When violence is meted against other

fellow human beings - as this tribunal of the people - are we prepared to take a stand or do we want to kick the can down the road. The greatest crime that these perpetrators are committing is that, they violently teach their victims to wear a mask of self-hate and self-doubt. You must wish to be like them and not be proud of who you are because being who you are invites violence and dehumanisation.

Is this the type of a society that Mandela and millions of South Africans across the racial lines fought for? Is this the type of society the people of the world helped us to fight for? We are great supporters of education and persuasion but there are grave acts that need to be punished. My fellow South Africans, by words and deeds we must cherish the ideals of a democratic and free society in which all people live together in harmony and with equal opportunities. Nelson Mandela and many South Africans were prepared to die for these ideals. We must be prepared to fight and protect these ideals. We must be our brothers and our sisters’ keepers. The ANC support this Bill. Thank you.

Mr J ENGELBRECHT: Hon members, the DA has a long and established history of being a liberal party that believes in free and open society with opportunities for all.

The DA has always, without exceptions, stood up for and defended, often alone, the rights of all South Africans to exercise their rights fully.

We are a party that believes in the rule of law and we vigorously support and uphold the Constitution. We have formalised structures within our party to acknowledge and support vulnerable communities, particularly women and the lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual, LGBTIQA+, community. We actively support women’s organisations and condemn gender-based violence, GBV, in all its iterations.

The starting point of a debate on this Bill must necessarily be the Constitution. Our Constitution already clearly defines the boundaries of personal freedoms and cloaks with illegality any encroachments on those boundaries. The Constitution gives the necessary guidance on how to deal with these matters and has been fleshed out by various judgements of the High Courts

and Constitutional Court. These, read in conjunction each with the other, provide the necessary guidance on how our courts are expected to approach matters of this nature.

The most recent of these decisions is the Constitutional Court’s Qwelane judgement. The court gave guidance that limiting a right such as freedom of expression on grounds not already protected within the Constitution, a less restrictive means to achieve the purpose of curbing hate speech must first be considered.

This is the position set out by the highest court in this country, and therefore, it’s not only necessary to give it serious consideration during the legislative process, it is currently a binding law and we all are bound to follow it.

It is good practice when considering legislation to bear in mind that one should legislate for the worst case scenario, not the best, an expensive lesson all have learnt in our recent past.

Our assessment of this Bill is that as government is not even able to provide statistics on incidents of hate speech since

the implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act, PEPUDA.

It cannot be concluded that other existing measures to deal with incidents of hate speech are not having any positive effect.

We hold the view that what this Bill seeks to do is to double legislate, thereby taking circumstances that would be very seriously aggravating circumstances and which would ordinarily be taken into account in argument on sentence on a balance of probabilities basis and turn them into an element of a standalone crime, requiring proof beyond reasonable doubt.

The underlying crime already exists. The burden of proof required for these crimes envisaged by this Bill will be very onerous, more so than the existing underlying offences since they will largely depend on proving ‘state of mind’.

Failure to prove the Hate Crime will not prevent a conviction on the underlying offence, but will result in the prosecution being hamstrung in argument in aggravation since those circumstances, already judged unproven, will not be admissible

as evidence in aggravation of sentence. The downside is, in our view, far greater than any possible upsides.

The ANC have stated publicly that they have a political agenda with this Bill. That should be a grave concern for all responsible citizens. It will, almost certainly, have a decidedly chilling effect on freedom of speech and expression, and will affect vulnerable groups more seriously.

In a move reminiscent of apartheid curtailment of human rights, a move that is oppressively Orwellian and reminds one sharply of Nazi Germany, the Department of Mineral Resources and Energy has this month issued a tender for a media monitoring service to include an early warning system to provide alerts on incoming media launched attacks on the department and monitoring the tone journalists.

If this does not provide forewarning of the direction of the stated political agenda of the ANC, then nothing will.

This legislation opens doors for abuse, for curtailment of personal freedoms [Time expired.] and I, for one, do not

sufficiently trust this government to resist the temptation. The DA will not support this Bill.

*IsiXhosa*:

Nksz Y N YAKO: Sihlalo weNdlu ...

*English*:

... we debated this Bill at length for quite some time as a committee and, firstly, we must outline how complicated and open to manipulation this Bill is. Secondly, we must also outline that although we must align with international laws, we cannot forget who we are as a country and how unique our history as South Africa is.

This country has festering wound that refuses to heal because we have not podded at it in order to heal it.

We cannot runaway that we have organisations in this country that refuse to acknowledge the past and what that past has legacied. Organisations which seek to protect the old rule of law and who want to keep us segregated.

This Bill will never be a panicare for our social problems if we use it to score political points and protect a history the majority does not identify with, and if we refuse to acknowledge the past and its injustices.

So, in our submission as the EFF we highlighted how in truth many people are discriminated against based on their sexual orientation, on their gender, on their skin, and those injustices must be criminalised by any means necessary; we acknowledge that.

As a country we cannot look at the Bill in today’s or post- apartheid times and at the same time overlook at the remnance of apartheid that it has left with us.

We must first decide what is harm according to courts’ standards. And this is where the grey areas are because if we, as law makers, cannot clearly define what harm is, that leaves it to the courts to decide and this Bill should be succinct in its definition.

So, as a people who have been previously disadvantaged we should be free to sound the clarion call to say that all

memorabilia, even in the forms of apartheid memorabilia, which is standing right outside this Parliament, must be done away with.

Some could view this as hate speech, however, given the history of this country it can never linear.

The fact that race is a contentious issue and is used by those with money. For instance, AfriForum, who seek gag political speech by calling it racism, who continue to harass our President and commander-in-chief daily, should never be allowed to prosper.

It must be understood that by virtue of the dynamics of this country, black people cannot be calling a spade a spade only to be prosecuted by those who ruled for hundreds and hundreds of years in this country under apartheid, racism and carnage.

So, the bone of contention should be who should be prosecuted for the crime of hate, speech and inciting harm? It should be those who wield that power to oppress, those who own the means such as our land, our mines, our economy, those are the ones

who should be prosecuted for the variant crimes against our people.

The truth is, it is black people who work in farms, that are exposed to hate speech and hate crime. The truth is, it is the LGBTIQA+ community that is subjected to hate crimes and hate speech in this country. It is people with albinism, for instance, who are subjected to hate crimes and hate speech in South Africa. These are about some of examples of what crime and hate speeches are, and what characterises them.

Speaking about the glaring disparities in this country that continue to thrive, even post-apartheid, should never be turned as hate speech.

Though we support the Bill, which we do, we must, in truth, highlight that we as the EFF will not tolerate elements which seek to gag the truth that the economy of this country is still in white hands, that the history of this country is still told through the white lens, that the history of this country is not spoken through the black lens, and we must, all the time, seek to gain our dignity as people, and that being black people.

However, having said that, the ANC is complicit in hate crime because we sit now with loadshedding, we sit now with a looted state resources, we sit now being greylisted, and it certainly wouldn’t be marching on the 20th of March. Thank you.

Ms Z MAJOZI: Hon House Chair, the French Philosopher, Voltaire, once said “I may not agree with what you say, but I will defend to the death your right to say it.”

Freedom of Speech is a fundamental tenet of any democracy and especially ours, and one that should not be limited except in the most serious circumstances.

The Hate Crimes Bill admirably seeks to criminalize hate speech and hate crimes in South Africa. While this is a noble goal, we must be extremely mindful of both the pros and cons of the draft Bill before the House today.

On the one hand, the Bill seeks to protect vulnerable groups from discrimination and prejudice, on this, there is no argument or opposition from the IFP. On the other hand, serious concerns do exist that the Bill could be weaponized and abused for ulterior motives in instances other than those

for which it is intended. For example, some worry that the Bill could be used to silence political opponents and critics, which would violate their right to freedom of expression.

This, again, cannot be ignored.

Freedom of speech is a fundamental right enshrined in our Bill of Rights. While the Constitutional Court in the Qwelane judgement recognized that hate speech is not protected speech, it is essential to note that the limitations on the freedom of expression must, and I emphasise, must be narrowly defined and extremely applied.

The definition of hate speech in the current Bill as currently drafted, is in our opinion far too broad and vague, which could easily lead to overreach and abuse. We believe, as do many who have filed submissions on the Bill, that the definition of hate speech should be more narrowly defined to prevent such unintended consequences.

In the IFP’s opinion our existing laws are on the balance, are sufficient enough to deal with and punish hate speech in South Africa. We have the Constitution, the Promotion of Equality

and Prevention of Unfair Discrimination Act, as well as the common law offence on crime.

In conclusion, while we completely support protecting all in South Africa from discrimination, prejudice and hate speech, we also have a duty to ensure that the fundamental rights and freedom of all South Africans are not eroded in the process.

We’ll support the Bill, but subject to our serious concerns about the broadly defined definition of hate speech. Thanks, Chair.

*Afrikaans*:

Mnr F J MULDER: Agb Voorsitter, ek het so ’n oomblik terug reg oorkant die agb Adjunkminister Jeffery gesit en ons het mekaar in die oë gekyk en vir mekaar geknik en gegroet. Die voormalige leier van die VF Plus, Dr Pieter Mulder, het by ’n geleentheid gesê dat dit net katte en politici is wat terselfdertyd kan vry en baklei.

*English*:

Hon House Chair, on a more serious note, the FFPlus will take a whole different approach on what we heard today. On 10 March

2023, it was reported in the international media that the former Prime Minister of Pakistan, Imran Khan was arrested in Lahore by the Quetta police. A day after, a court in South Western Pakistan issued a nonbailable arrest warrant against the former Prime Minister in a case of hate speech and incitement against state institutions. The blanket ban on an opposition leader’ speeches is a disturbing demonstration of how a government, and in this instance, a successive authority can target critical voices and use the country’s regulatory laws to threaten freedom of association and freedom of speech.

On the 1st of February 2023, during committee deliberations on the Bill and after I have expressed my concern on the Bill, the hon Deputy Minister of Justice made the following comments:

Mr Mulder is, I am sure, concerned about his constituency, which I think is more white Afrikaners, because very often these racist incidents, or many of them, are propagated by that particular group.

The hon Deputy Minister later acknowledged that the Bill can protect white Afrikaners if they were attacked on the basis of

their race. The fact that the hon Deputy Minister played an active and significant role during the various sessions of the portfolio committee and expressed certain biased views demonstrates exactly why this law should not be.

In February this year, a state in India banned prayer for healing, as it leads to conversion to other faiths and thereby spreads discord among people and groups. The allegation is close to the definition of social detriment in the Hate Speech Bill before the House today, and is also the wording of the hate speech charge against evangelist Simeon Chetty in Durban, for preaching that Jesus was greater than Hindu god Krishna.

This was then misconstrued as superiority of Christians over Hindus as a group. The matter was later settled out of court.

The FFPlus disagree that there is a rise in incidents of hate speech in South Africa other than what is instigated by certain politicians for political gain. Rather, crime statistics would indicate that these rose and peaked at the time of the 1994 transition, and have slowly decreased since then. Ironically, hatred and intolerance towards other political groups was in fact a feature of the so-called “People’s war” of the ANC.

Any factor that is focused on by the group seem bigger. The grouping believe that something is more common if they can think of case examples they have read recently.

Our courts are already over utilized and understaffed, not enough judges, magistrates, poorly trained, and equipped investigating officers and prosecutors. If this Bill is passed in Parliament today, time will prove it to be ill fated, impossible to enforce, and just another example of poor legislation and wasteful expenditure. The FFPlus will oppose the Bill. Thank you, House Chair.

Mr S N SWART: House Chairperson, the Constitutional Court held that:

Freedom of expression lies at the heart of a democracy. The Constitution recognizes that individuals in our society need to be able to hear, form and express opinions and views on a wide range of matters.

Similarly, the court held that:

The right to religious freedom includes the right to entertain such religious beliefs as the person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal.

Any legislative measures that limit these freedoms must be approached with great circumspection.

The ACDP believes that the Bill before us will have a limiting effect on these freedom, despite the welcome exemptions and improvements.

According to the Qwelane Constitutional Court judgement, let’s just consider what hate speech is:

Hate speech travels beyond mere offensive expression and can be understood as extreme detestation and vilification which risks provoking discriminatory activities against that group. Thus, expressions that are merely hurtful, especially when understood in everyday parlance, are insufficient to constitute hate speech. Offensive speech is protected by freedom of expression.

Now, the ACDP fully appreciates that there are and there have been deplorable incidents of hate crimes and hate speeches, which must be dealt with the full force of the law. No one, in whatever setting should be allowed to make statements that advocate hatred and incite violence. This is a totally acceptable limitation on freedom of expression. However, our view is that the Bill before us today goes too far in the first place, and secondly, there is sufficient legislation and common law already in place to deal with hate speech and hate crimes.

House Chairperson, if one considers as well that whilst we have worked on the definitions and tried to contribute to make them narrower ... if one considers the definition of harm, it is still broadly defined as any emotional, psychological, physical, social or economic harm. What does social harm mean? This is far too widely defined and can be abused.

We are also concerned that hate speech laws have been used internationally against Christians. There are numerous cases in which Christian street preachers, layman, not clergyman, have been persecuted, for example, in the United Kingdom and elsewhere for alleged hate crimes and later acquitted after

lengthy appeals. This illustrates not only the need for the current religious exemption clause, but also the need for it to be strengthened as we advocated to protect every believer, not just the clergy.

Crucially, most of these cases involve speech that stopped well short of inciting violence. For these reasons that whilst the ACDP welcome the improvements, but we regrettably are unable to support this Bill. I thank you.

Mr B N HERRON: Yes, House Chairperson, South Africa is a country where we often celebrate our diversity through the languages we speak or the cultures we embody. This diversity is now however a two-sided coin as many of our individualities can be used as a catalyst for hate.

The Bill that’s before us today, sets out one of its core objectives as being combating prejudice and intolerance. Discrimination against those of a different gender, race, and nation of origin, members of the LGBQTIA community or people living with disabilities requires our people to fight for their right to dignity on a daily basis.

The proposed victim statement outlined in the Bill will be vital in ensuring that those who are targeted have a louder voice than before, as well as making the justice process more efficient. Any economical, psychological, social or physical damage suffered can be compensated in a more efficient way, which will enable victims to seek to protect their dignity.

The effectiveness of this Bill will rely on the Cabinet members that the President allocates to this course. Perhaps the most important role of those entrusted in implementing this Bill is those of us who must lead by example.

In the past 24-hours, we have seen a DA Member of Parliament blatantly use autism as a basis to mock a young woman who has used her voice to fight climate change. This is evidence of the culture of discrimination that still exists in this country. Not hiding in the cracks of privacies, but unrepentant even from those who occupy elected office.

This is the task that a Cabinet member assigned to this Bill will need to tackle, and we urge them to engage with these communities and show through action that their voices matter. There will always be a microphone to bolster the voices of

this country, especially of those who others have attempted to discriminate against or to silence. We support this Bill.

Thank you.

Mr A M SHAIK-EMAM: Chairperson, I was given a message to apologise on behalf of the hon Kwankwa ... [Inaudible.] ... having a network problem. The NFP will support this report and the Bill before us. I think what we cannot run away from is the fact that there is more hate speech today than we have ever had in South Africa. There is more hate speech today than we have ever experienced in the past. And there is no doubt about this. It’s getting progressively worse every single day. In fact, if I had it my way, I will also call for ... [Inaudible] ... in no uncertain terms help people on the ground what they want them to have all kinds of promises and never go back. Maybe at some stage we should look at that.

Now we know that in this country many people use hate speech for relevance. Some of them have problems with the lesbian, gay, bisexual, transgender, intersex and queer, LGBTIQ, community. Some of them for relevance with the religion, and some of them of course for relevance with ... [Inaudible.] ... if you think that apartheid was bad as far as racism is

concerned is getting progressively worse in South Africa. So, any legislation that is going to be approved and made into law that would protect rights of individuals in this country must be supported. In order to protect the rights, we believe that this Bill before us is the correct decision that has been made by House.

Many of them may want to oppose this for their own selfish reasons, but I think what they are forgetting is that the purpose of this Bill which they cannot deny is to reduce or eradicate them out of hate speech and hate crime that exist in the country. If you look at the statistics in South Africa on the number of people that have died in this country as a result of as a result of crime, it is alarming. So, I cannot understand why there is this level of fear amongst people that now this is coming out because some political party wants to have all the power ... [Interjections.] ... Politicians have been saying what they want to say for ages, and nobody is even stopping them from all this deceit, lying and misleading the public and think whatever they can.

For years Members of Parliament and other public representatives have been using hate speech with no protection

to the people who are on the receiving end. Indeed, the NFP has the opinion that this must be supported, and I hope that it will pass today so that we could implement it. We say again that it is as good as its implementation so that we can protect all South Africans like the former President Nelson Mandela said that we are all one – we are a rainbow nation. We are all the children with one God – let us be ... [Time expired.].

Ms W S NEWHOUDT-DRUCHEN: Hon Chairperson and hon members, the opening sentence of the preamble of our Constitution has the words, “We, the people of South Africa.” With over 300 years of colonialism and decades of apartheid, the word “we” which reflects inclusiveness has never appeared. When we look at social construct of our country, there was “us” and “them” building a nation and promoting national unity which is the historical objective of the ANC. She borrowed from the words of our hon Lamola. Our Constitution is a social construct that binds all of us not to forget our past, but to create an inclusive South Africa which, at its call, is nonracial and nonsexist.

The Constitution is the basis upon which to undo the deep seated racial prejudices that continue to play out in our communities. Human dignity is a central value of the objective normative value system established by the Constitution in the Constitutional Court in the case of *Dawood vs the Minister of Home Affairs*. It was explained that the Constitution asserts dignity to contradict our past and which human dignity for black South Africans was routinely and cruelly denied. It asserts true to inform the future, to invest in our democracy, respect with intrinsic worth of all human beings. Human dignity therefore informs the constitutional adjudication and interpretation at various levels. It is a value that informs many, possibly or other rights. Humanity’s historical development across the world is littered with hatred of varying intensity, fuelling in many instances blood conflicts and leaving behind a litany of injustices.

It is important that we confront hatred as the root cause of many social, economic and political challenges that humanity has been seized with from time immemorial. Racial discrimination has existed for centuries in South Africa and was extended by the support of the pre-democratic judicially to other aspects of life. For example, in 1911 the case of

*Moller vs Keimoes School Committee* which concerned racial segregation in a state schools. The white parents objected to their children attending school with black children. At that time there was no statute that sanctioned racial separation in the schools, but the Chief Justice, Henry de Villiers, considered race to be a relevant consideration in judicial interpretation. He held that the prejudice in the schools is the determination. The effect of that even without compelling the legislation was that state schools would be segregated.

Although as a country South Africa has made enormous strides, particularly in eradicating the former inequalities and establishing successful democratic institutions, however, hate crimes have from time to time reared the ugly head. A case in point, Eudy Simelani, a highly skilled footballer from Mpumalanga suffered a brutal and undignified death. She was stripped naked, stabbed, assaulted and gang raped. This despicable act that supposedly was to cure her of her sexual orientation. During the trial when accused by the reporters, the accused muttered, “I am not sorry,” as he was led away from the dock. Acts such as this are motivated by social bias on the identity with reference to the national origin, sexual orientation, gender or gender identity of the victim, and

other forms of bias-motivated violence. They are the antithesis of our Constitutional Order. The Bill is therefore critical for the realisation of the united nation. While it is not a silver bullet but the status quo cannot continue to exist. We cannot turn a blind eye to hate crimes and hate speech. This Bill will allow hate crimes and hate speech to be comprehensively prosecuted. The ANC supports the Bill.

Mr S M JAFTA: Chair, the Prevention and Combating of Hate Crimes and Hate Speech Bill deals with a sensitive area of our history implicating a number of issues, no less than racism.

While racism is not the only ground on which hate crimes may be perpetrated, it remains the most symbolic. It is, as some argue, failing to cover sufficient ground as it replicates both the common law and the Promotion of Equality and Prevention of Unfair Discrimination Act on hate speech and hate crimes. These claims are not credible.

While Sparrow and other racists have been convicted of hate speech or crimen injuria under the common law, there is no evidence to suggest that this Bill will not blunt the extent of hate crimes and hate speech in this country, which have spiralled out of control. This shoddy work of the Truth and

Reconciliation Commission and its recommendations have not stopped acts of hate on the basis of race. What amplifies these anomaly is that economic inequality thrives under a climate of race sponsored systemic practices. Racists do not wish to change their cultural behavioural attitude. This systematically becomes embedded into our national consciousness.

The spirit of the Bill therefore recognises the need to give effect to our obligations in terms of the Constitution and international human rights instruments concerning racism, racial discrimination and xenophobia. It is a progressive piece of legislation that will establish a society that is based on democratic values of social justice, human dignity, equality and the advancement of human rights.

We do not wish to enter the academic debate, whether racism can be perpetrated by African majority. That debate is a digression. The quality clause in our Constitution is instructive in this regard. The nub of the issue which is our default position is that hate crimes must be regulated and punished by law. We support the Bill, hon Chair. I thank you.

Mr M G E HENDRICKS: House Chair, when you read the Bill, you will think that it was drafted by a bull in a china shop. We heard about the former Pakistani Prime Minister and the Minister from Finland has been charged with hate speech. So, I want you to note that the next target will be the commander- in-chief. This Bill is a threat to our political and religious freedom. The definition needs to be narrowed down - the definition of hate speech - and we need to strengthen the exemption clause.

Since we understand that the crafting and implementation of the Hate Speech Bill is necessary in ... [Inaudible.] ... to South Africa to protect individuals, groups, communities from instances of racist remarks. Has the drafting team done sufficient research so as to not restrict individuals and groups of freedom of expression? Our position is that it is not so. And now, we depend on the NCOP and we depend on the Presidency to give leadership in this regard because if ... [Inaudible.] ... those Bill, there is no leadership shown. It is ... many people calling it an anti-African Bill.

It also means that this is a blow to the reconciliation that we have been trying to achieve in South Africa. You don’t need

a 10-pound sledge hammer to sort out racism. So Chair, Al Jama-ah is going to depend on the Presidency and we depend on the NCOP to give leadership and guidance in this regard. Thank you very much.

*Afrikaans*:

Mnr W HORN: Voorsitter, met baie goeie rede het die wat ns vooruitgegaan het en die Grondwet geskryf het tydens die Eerst Parlement besluit dat die Grondwet nie haatspraak op f=grond van ras, etnisitet, geslag of geloof beskerm nie. Party sê vandag hierdie We word genoodsaak deuur die toename in haatspraak en haatmisdaad, maar statistieke heroor bestaan nie.

Die Adjunkminister het ook strykdeur in die komitee geargumenteer dat ons boonop in terme van internasionale ooreenkomste en verdrae onder ’n verpligting is om haatspraak te kriminaliseer, maar nie een van die verdrae waartoe ons land ’n party is plaas so ’n verpligting op ons nie. Op die beste, verwag dit dat ons maatreёls teen haatspraak moet hê, welke natuurlik, in terme van die gemenereg sedert die jaar 2000 alreeds op ons wetboek is.

Hierdie konsepwet gaan boonop veel verder as die kriminalisering van haatgemotiveerde-spraak, wat nie grondwetlike beskerming geniet nie, en verder as seksuele oriёntasie behandel word, soos in die Qwelane saak.

Die terme “geslagsidentiteit of uitrdukking en geslagseienskappe” word in die konsepwet vervleg met die begrip “seksuele oriёntasie”. Terwyl ons almal solidariteit moet betoon met diegene wat, soos wat in die onlangse jare al meer gebeur, op ’n wisselende of vloeibare manier, as man of vrou, of as geen geslag nie, of as ’n geslag wat nie vasgepen of beskryf kan word nie, identifiseer, en hul reg om hul identiteit aan te pas en uit te oefen moet beskerm, neem dit nie weg daarvan dat dit internasionaal aanvaar word dat vir ’n groep om deur wette op strafregtelike haatspraak of haatmisdaad beskerm te kan word, so ’n groep reeds oor ’n lang tydperk aan sistematiese diskriminasie onderwerp moes gewees het.

Hierdie konsepwet sal egter enige een wat oor hierdie vloeibaarheid kritiek of selfs twyfel uitspreek, of dit nie wil akkomodeer nie, aan ’n kriminele rekord en soveel as agt jaar tronkstraf blootstel.

Die Adjunkminister sal natuurlik argumenteer dat daar ’n sogenaamde objektiewe toets is om eers te bepaal of ’n slagoffer skade gely het, wat die slagoffer se waardigheid aangetas het, voor skuldigbevinding.

Emosionele of sielkundige skade is egter genoeg om skuldigbevinding te regverdig - subjektiewe toestande wat bloot objektief bepaal moet word.

Die toets is nie of die redelike persoon, in dieselfde omstandighede, hierdie trauma en ’n verlies aan waardigheid sou ondervind nie. Die slagoffer se belewenis alleen is bepalend.

*English*:

Chair, when it comes to intent the Bill also does not exclude the obligation on all of us to foresee the possibility that a fragile individual might easily suffer emotional and even psychological trauma and harm because of something we say. In such circumstances, even the journalist that merely reports the pastor, rabbi or imam who merely preaches, even the academic who merely makes unwelcome scientific findings, might find themselves having a criminal record just because they

could be deemed to have foreseen that their speech could cause emotional trauma and harm, and despite this, they proceeded to speak.

The so-called partial exemption in these circumstances are made-believe and contradictory because for as long as the test to determine the harm is not completely objective, even the second ... [Inaudible.] ... of the test, the threat for speech to be deemed as propagating hatred will be lowered. I ask the Deputy Minister to follow on this debate, ensure to repeat his high school debate strategy in the committee and come and say that those that opposes the Bill, are opposing the fight against racism and prejudice.

Deputy Minister, here is the question this argument raises; does that mean that the ANC up to now how not been part of that fight? Our Constitution closely resembles the stance which says: accepting a case of constitutionally unprotected speech, we must protect at all cost the right of someone whose views differs from us to air those views. On this score, this Bill is and will remain the constitutionally deficient. A blunt instrument which erodes hollows out and threatens

freedom of expression and freedom of religion. This Bill should not be supported. Thank you.

Ms N H MASEKO-JELE: House Chairperson, hon members, before I can even go on here, I have to start with the IFP and the ACDP here. We are not limiting any rights, but enhancing and making clearer and empowering to our people who suffers injustice every day. And also, we are making sure that the preachers must stay on line. When you preach, preach the gospel. Stop talking things which will be very insulting to people. With that, if we were to ask first year law students why we need to have laws, the answers are mostly likely to vary. Such answers are mostly likely to include answers such as; we need laws to control social relations and conduct.

To ensure that the society functions effectively and survives, it is necessary to establish norms of acceptable conduct.

Although these norms are generally accepted by members of the society and are included in the legal order, social interaction will inevitably lead to dispute because of conflicting interest of individuals and groups. The law tells people what they must do or refrain from doing. Without laws,

there would be no code of what is acceptable conduct. Without laws, anarchy and chaos would occur in society.

While we have made strides by enacting progressive legislation, in an effort to foster social cohesions since the dawn of democracy, the damage caused by centuries of colonial role, the entrenched division, degradation, humiliation and hate, is still embedded in the minds of people. The consequences of apartheid - which was declared a crime against humanity - still exist.

It still shocks us that a first year white university student, with a bright future, who never lived through the apartheid period, could perform a dehumanising act of urinating on the property of a fellow black student. Secondly, the story of Belinda Magor, a woman allegedly behind a voice note calling for blacks to be killed - instead of pit bulls - that tells you that there is something wrong. A recent racial incident that sent shockwaves throughout the country of three white men who have been charged with crime, including attempted murder after an alleged racist attack on two black boys. The men were caught on video assaulting the teenagers who were using a swimming pool at the Maselspoort Resort in the Free State

Province. The men were trying to prevent the teenagers from swimming, claiming that the pool was reserved for white people. These incidents are indicative of the deep structural harm rooted in racial discrimination.

Every day we learn of hate crimes committed against women, persons living with disabilities and members of the LGBTQI community. We ask ourselves, what must we do? Even with progressive laws and world-acclaimed Constitution, as legislators, we have a role to play. The way forward must be through respect for human rights and proper accountability of all those who have committed hate crimes and hate speech.

Decriminalisation and racism are infectious threats both to human dignity and to our own relationship as human beings. They weaponised contempt. They humiliate and violate human rights, fuelling grievances and despair and obstructing development.

There is a need to recreate ourselves as people. We have a duty to inculcate a culture of respect for human rights and tolerance. From early childhood development level, children must have an appreciation that certain behaviour is wrong and is punishable by law. The perpetuation of hate crimes and hate

speech cannot go on without being consequences. In terms of the Bill, the state, the South African Human Rights Commission, and the Commission of Gender Equality, have a duty to promote awareness of the provision against hate crimes and hate speech.

Aimed at the prevention and combating of these offences, it would be very important for programmes to be developed in order to conduct education and information campaigns, to inform the public about the prohibition against hate crimes and hate speech aimed at the prevention and combating of these offences, training public officials on the prohibition, prevention and combating of hate crime and hate speech, which training must include social compact. Training will also be critical. In respect of the offence of hate speech, a prosecution may only be instituted on the authorisation of the Director of Public Prosecutions, having jurisdiction. Chair,

...

*Sesotho*:

... re tshwanetse ho tseba hore mantswe ha se monwana, ha a kgutle.

*English*:

Whatever you say, it goes deeper and it causes damage that stays there forever, more so, to the little ones.

*IsiZulu*:

Asidlali!

*English*:

We are serious. We want to see non-racial, non-sexist, united and prosperous South Africa, and we will not rest until we attain it. The ANC supports the Bill. [Time expired.]

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffrey): Thanks, hon House Chair and all the members who participated in this debate. It’s interesting seeing which parties are in support of the Bill and which are not, but I’ll get to that later.

Just to start with the hon Majozi from the IFP who was concerned about the weaponising and abuse of the Bill. Look, I welcome the IFP’s support for the Bill and we can engage further in the NCOP ... [Interjections.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Sorry, hon member. Hon Mashego, butle! [stop it!] Butle, ntate Mashego! You can continue, hon member.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (Mr J

H Jeffery): Okay, thanks. Just to the hon Majozi who was concerned about the Bill being weaponised and leading to abuse, and using abuse to silence political opponents, the Bill does have political affiliation or conviction as a characteristic for a hate crime and that is partially there because we know that in KwaZulu-Natal people were killed because of their political convictions or their political affiliations. So, that needs to be a hate crime. However, that issue of political affiliation or conviction is not grounds for hate speech. It’s going to be the courts that are going to

... First of all, the National Director of Public Prosecutions will be the person who decides whether there is going to be a prosecution; and secondly, it’s the courts that are going to adjudicate on this Bill.

The issue of hate speech follows the *Qwelane* judgement. It’s communicating things that are intended to be harmful or incite harm and promote or propagate hatred because of the group a

person belongs to. And, the grounds for hate speech are more limited than the characteristics for hate crimes.

Since we did not want to limit freedom of expression, as you’ve heard from other speakers, there is a higher test for hate speech for artists, the media, academics and, hon Swart, people preaching religious views, Not the clergy ... people preaching religious views, as long as these do not advocate hatred that constitutes incitement to cause harm. Hon Swart, you should’ve said ... while you were saying you opposed it because this was limited to the clergy, which it’s not, you should tell everybody you and the DA wanted to limit harm to physical harm. So, basically it doesn’t matter what names you call people. You didn’t want that to be covered.

Despite what some of the opposition parties ... the DA, the FF Plus, the ACDP and Al Jama-Ah may be doing to score political points and creating all sorts of conspiracy theories, I want to make it very clear that the Bill is not targeting any particular group of people. It applies equally to everyone and it provides broader protection to everyone in society.

The Bill does not, as the DA said in a recent statement which is not dated but I saw hon Engelbrecht use it as the basis for his speech. I don’t know if they wouldn’t let you say your own things. [Interjections.] No, I can show you the statement.

Anyway, the Bill does not, as the DA states in a recent statement, criminalise discriminatory behaviour. It only criminalises defined hate crimes and defined hate speech. Whoever is shouting, please look at your own statement. It’s what hon Engelbrecht spoke about earlier.

We need this Bill because we are seeing a growth in hatred of different groups of people, both in South Africa and internationally. The Bill will allow South Africa to more effectively investigate and prosecute hate crimes that will enable us to record hate crimes and ensure that the cases are victim-centred and that directives are issued to the police and prosecution as to how to deal with hate crimes.

Hon Engelbrecht, you said from the statement that we didn’t supply statistics on the Promotion of Equality and Prevention of Unfair Discrimination Act, Pepuda**,** but we weren’t asked for

statistics on Pepuda. The department was asked for criminal instances of hate speech.

As others have said, when it comes to Pepuda, it’s a civil remedy and it’s not sufficient. The state needs to ensure that people are punished for hate speech and not put the onus on the victim as in a civil case. Criminal injuria is not sufficient as a common-law crime.

It’s not surprising that countries across the world have hate crimes and hate speech legislation, and it’s working. Hon Horn, I would advise you to read the International Convention on the Elimination of All Forms of Racial Discrimination article 4(a) which requires countries to declare these issues as an offence that is punishable by law.

Anyway, in the DA’s statement — hon Engelbrecht didn’t get to this point — they state that there has not been any research done as to whether countries that have passed similar legislation have been able to increase convictions of such crimes and statistics available regarding such cases in the UK suggest that legislation has not had these results. This is simply not true. According to the UK government, in the year

ending March 2022, there were 155 000 hate crimes recorded by the police in England and Wales, a 26% increase on the previous year. And, the issue seems to be its uncertainty as to whether the increase is a genuine rise or rather due to continued recording improvements and more victims having the confidence to report these crimes to the police. According to the UK’s Crown Prosecution Service, of the reported cases, over 80% resulted in convictions.

The irony is that people opposed to this Bill claim that they believe in freedom of speech, yet when they themselves are attacked by others they are the first to claim that they’ve been victims of hate speech. Others appear to be concerned that they or their members or supporters may be prosecuted for racist or homophobic utterances. Certain religious institutions say the most horrific things about lesbian, gay, bisexual, transgender and intersex, LGBTI, persons and then hide behind their religious convictions. I don’t understand this homophobia from some religious denominations. For me, God is about love, so why do they want to say nasty things about people who were born a particular way?

I was also interested to note that the F W De Klerk Foundation recently hosted a virtual meeting with Solidarity, Afriforum, ChristianView Network, Freedom of Religion SA, Calls for Justice, the Institute of Race Relations and others, and they said in the minutes that, in addition, the broad term sexual orientation could include paedophilia and bestiality. Now, what planet do they come from?

The DA has said that they oppose the Bill and it may be a combination of wanting to protect racists, homophobes or supporting absolute free speech. On the issue of ... They did not want sexual orientation to be included in the Bill. They then changed that to say, no, no ...

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you very much, hon Deputy Minister.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (r J

H Jeffery): Okay, well I’ll ... [Inaudible.] ... publishing. You don’t want to hear your own speech. Hon Chair, just one issue is that on the Order Paper the Bill is down as the ...

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you very much, hon Deputy Minister.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (r J

H Jeffery): Can I just raise this point? On a point of order, I have taken it up with the Table. On the Order Paper the Bill is down ...

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Deputy Minister, your time has expired.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (r J

H Jeffery): Yes, can I just raise a point of order?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): No, your time has expired, sir.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES (r J

H Jeffery): Okay, the issue is that the Bill is wrongly portrayed on the Order Paper.

Debate concluded.

Question put: That the Bill be read a second time.

Division demanded.

The House divided.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): ... [No audio.] ... voting procedure will be used for this division. Firstly, in order to establish a quorum, I will request the Table to confirm that we have the requisite number of members physically present in the Chamber and on the virtual platform

... [Inaudible.] ... to take this decision. Party Whips ... [Inaudible.] ... and indicate if they vote for ... [Inaudible.] ... or vote against the party vote may do so by informing the Chair.

Order! Having confirmed that we have the requisite quorum, we will now proceed. The question before the House is that the said Bill be read a second time. Voting will now commence. The doors to the Chamber will be locked and members will not be allowed to enter the virtual platform until voting is concluded. Whips, will you confirm the number of your members present in the Chamber and on the virtual platform, and

indicate if they vote for or against the question. The Table will assist if needs be.

[Voting: take in from minutes]

Question agreed to.

Bill accordingly read a second time.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON COMMUNICATIONS AND DIGITAL TECHNOLOGIES ON INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA PERFORMANCE MANAGEMENT SYSTEM PURSUANT TO S6A OF ICASA AMENDMENT ACT (ACT NO 13 OF 2000)

Mr B M MANELI: Hon House Chair, hon Ministers and Deputy Ministers, hon members, committee support staff, and fellow South Africans, I am humbled to be presenting this committee report in the month of March, a month celebrated in this country as a human rights months. This should present an opportunity for us to assess a regulator like Independent Communications Authority of South Africa, Icasa, on how far people have the rights of access to broadcasting services,

Information and Communications Technology, ICT, and sustainable postal services. This is only possible through a proper performance management system for the institution.

House Chair, the Independent Communications Authority of South Africa, as the regulator for broadcasting, Information and Communications Technology, and postal services is governed by the Independent Communications Authority of South Africa Act, Act 13 of 2 000. Therefore, this report of the committee is pursuant to section S6A of the Independent Communications Authority of South Africa Act, which is about the performance management system.

Hon members, section S6A of the Independent Communications Authority of South Africa Act requires the Minister, in consultation with the National Assembly to establish a performance management system to monitor and evaluate the performance of the Icasa chairperson and other councillors. The Act requires the National Assembly’s consideration and approval to pave the way for the implementation of the system. The National Assembly approved the Icasa’s performance management system in 2012, which expired in 2014 without being fully implemented owing to the following concerns: The long

process to appoint a retired judge to chair the evaluation panel; the Icasa councillors wanting to sign a similar performance agreement because they argued the collective nature of their work; the lack of clear process to appoint the evaluation panel, and the blurred lines of accountability.

We are therefore presenting a performance management system that amends the one that expired in 2014 in a way that address the challenges and concerns raised in the past. This performance management system was envisaged to be implemented in the 2021-22 financial year.

The committee received a referral from the Announcements, Tablings, and Committee reports, ATC, published on 18 August 2022, for consideration and adoption of the performance management system for Icasa councillors following a letter from the Minister of Communications and Digital Technologies on 02 August 2022. On 02 August 2022, as part of the consultation process, Parliament legal services was requested to ascertain the legal compliance. On 8th November, the committee met to review the Icasa performance management framework in line with the legal advice from legal services.

We deliberated and adopted the revised framework with the changes that were effected.

We therefore present the performance management system that has been widely consulted upon, including workshopping it with Icasa councillors. I therefore present this report for consideration and approval of the House. I thank you, hon House Chairperson.

*Declarations of vote*:

Ms T BODLANI: The work of the Independent Communications Authority of South Africa might mean very little to the man on the street. The work that this entity does touch every aspect of people’s lives.

As the DA, we believe that the responsibility to hold state- owned companies accountable resides in this august House - a responsibility to ensure that state-owned companies such as the Icasa do deliver on their legislative mandate.

The objective of the performance management system is to ensure that the performance of the chairperson and the council of the Icasa is monitored and evaluated, and that the

authority performs in accordance with the set goals and targets as contained in the approved strategic plan and annual performance plan.

The DA is perturbed, hon House Chair, that following the departure of the Icasa chairperson in June last year, the position remains vacant.

Last Thursday, in the parliamentary question and answer session, President Ramaphosa alluded to the discrepancy in which public entities are governed. The President acknowledged that the lack of uniformity in the governance of state-owned entities was a hindrance to accountability. We could not agree more. Millions of state funds are spent on state-owned entities with very little mechanisms for oversight or consequence management for delinquent administrators.

Hon House Chair, on dispute resolution, the proposed framework states that where chairperson or councillor is dissatisfied with the decision of the evaluation panel, they may request a review of the matter by the National Assembly in writing. The wheel turns very slowly in this Parliament as we have seen in the appointment of the SA Broadcasting Corporation board.

The Portfolio Committee on Communications is already overstretched, and calls by the DA to increase the frequency of our meetings have fallen on deaf ears. At the pace that the committee works, the turnaround time on dispute resolution could pose as a hindrance to the workings of the authority.

The DA believes that another alternative layer of recourse should be created to the proposed dispute process.

We welcome the inclusion of representatives from society or academia as an attempt to ensure that people’s voices are heard.

It is very concerning that this performance management system amends the system approved by the National Assembly in 2012, which expired in 2014.

The DA is pleased that the process into the finalisation of the performance management system of the Icasa councillors is reaching finality, and hope better care would be taken to ensure that the amendment of this performance management system is implemented without fail before the next three remaining years prior to its review.

In welcoming the performance management system, the DA also appreciates the proposed timelines on the frequency of the appraisal so that it does not become another administrative burden on the councillors, defocusing the core function of the councillors.

As I conclude, we call upon the new Minister of Communications and Digital Technologies to take this House and the nation into his confidence and tell us when he will appoint the chairperson of the Icasa to replace the chairperson that left last year in June. Thank you, House Chairperson.

Mr V PAMBO: House Chairperson, the EFF welcomes the report by the Portfolio Committee on Communications and Digital Technologies, which has proposed a review of the Icasa’s performance management system. The Icasa is a critical institution in the regulation of broadcast and radio services in South Africa.

It is therefore critical to ensure that its chairperson, councillors, and leadership structure is held accountable to the objectives set for the regulator. The inefficiencies that resulted due to the expiry of the previous framework for the

performance management system in 2014 have been dire and reflective of the slow pace of the Icasa to resolve critical issues.

Since the expiry of the framework, there has been blurred lines of accountability which resulted in the undue influence of the Minister, with whom performance agreements were then signed, and a lack of a clear process to appoint an evaluation panel, to name but a few challenges.

The Icasa has therefore stalled in its work including the issuing of licenses for the spectrum in an equitable manner, which will break the duopoly of MTN and Vodacom in the sector, irregular issuing of licenses to deregistered companies and profit-seeking entities that do not comply with licensing agreements.

Under this regime of an expired performance management system, chairperson and councillors of the Icasa have presided over the dominance of the private sector interests in the broadcast and marketing space; notably, after the EFF had long identified it.

Findings were made that Multichoice holds a significant and disproportionate market power in broadcasting sector in the form of exclusive contracts, monopoly rights over content, and the parasitic right to carry regulations in which Multichoice exploited the content of the national broadcaster.

Overperformance must be meaningful and include ensuring that transformation in the broadcast, radio and marketing sector, and the performance of the chairperson and councillors of the Icasa must be measured against these. The EFF therefore supports the report. Thank you very much, House Chairperson.

Ms Z MAJOZI: House Chairperson, the Independent Communications

Authority of South Africa, ICASA, plays a vital role in our communications as a country, from radio to television and digitally. It is an important entity that is vital for communications, access to information and education to citizens.

The release of the spectrum is a key project that ICASA, along with the department, has been implementing. Spectrum is a key to driving data costs down and helping to drive the South African economy.

We remain hopeful that the exorbitant costs of data in our country will drop faster than the ‘conservative’ estimate of the National Treasury in saying it would merely be as much as 25% over the next three years.

But the reality is that we do not have three years to rescue our economy and provide relief to struggling South Africans. In March 2022 ICASA completed the auction of the spectrum, which was a huge step towards digital migration, but this is not enough. As the IFP we call for urgent action by ICASA on the matter.

The point of departure in the establishment of the performance management system of ICASA is based on the following fundamental principles: independence, transparency and public interest.

As the IFP we would like to highlight that the establishment of the performance management system, PMS, of ICASA amends the one which was approved by the National Assembly in 2012, which expired in 2014 and it further addresses the challenges faced then which resulted in the system expiring without being successfully implemented.

It has taken just under a decade for this framework to reach this point. This is disappointing, to say the least, why did the Ministers Department of Communications and Digital Technologies and the ICASA Council allow such a long delay to continue unchallenged?

As the IFP we believe that all the steps required for the framework, such as the appointment of the retired judge, do not need over seven years to be implemented. Why has there been little to no transparency in the process?

The performance management system is to ensure that the performance of the Chairperson and other Councillors of ICASA is monitored and evaluated and that the authority performs following set goals and targets as contained in both the strategic plan and annual performance plan. As well as to integrate individual performance with organisational performance with the objectives of ensuring that individuals achieve organisational objectives and targets, thus rewarding good performance on one hand and correcting poor performance on the other.

It also seeks to target improvements where non-performance occurs corrective measures will be introduced as recommended by the National Assembly.

The report states that on 08 November 2022, the committee met to review the performance management system framework as per the received legal advice and subsequently deliberated and adopted the revised framework with the changes. The report makes no finding of any objections raised by the committee. We accept the report. [Time expired.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Majozi just stand back! Hon Majozi, please stand back on your podium. You are not far from me; I’ve indicated that your time has expired, you continued, please don’t do that next time. Thank you.

Mr S N SWART: House Chairperson, the Independent

Communications Authority of South Africa, ICASA is an independent authority to regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly represented South African society.

Now, the chance to the Minister and to the National Assembly. The National Assembly plays a very important role through the portfolio committee in exercising oversight, and that is why this performance management system and the report about it is so important.

Regrettably, the previous framework, which was set out in 2012, expired in 2014, and it wasn’t at that stage successfully implemented. So, whilst the ACDP supports this performance management system, we really trust that it will be successfully implemented, given the many challenges facing ICASA.

Now, one of the areas that ICASA really needs to attend to and that is there are number of complaints, including from the South African Broadcasting Cooperation, SABC, that SENTECH is manipulating or engaging in anti-competitive behaviour.

And ICASA needs to urgently look at the inquiry into this and to regulate those transmission services. It is very important in our view that any anti-competitive pricing behaviour that is being done or committed by SENTECH is investigated by ICASA, one trusts that this performance management system will

enable the councillors to step up to the plate. One is concerned about the chair still being vacant but the ACDP supports this report. I thank you.

Mr A M SHAIK EMAM: House Chairperson, the NFP notes the report and will support the report. But, having said that House Chairperson, the NFP is satisfied that all due processes have been dealt with and that the necessary time frame, the hearings, the portfolio committee of course have dealt with these and deliberated on this matter.

And of course we are also aware that not all political parties support this, based on the report of the Portfolio Committee on Communications and Digital Technologies.

However, we believe that in the interest of the community, the South Africans at large, particularly when we deal with those issues or matters of appellant things and we also know that ICASA itself has serious challenges with applications, with corruption and corruption not only with those working in ICASA but also people on the ground.

That some ... [Inaudible.] ... you know apply with false information and things. So, it clearly calls for an appeal board to be able to interrogate these extensively, to be able to identify or establish those that are making necessary application and believe that they are behind ... [Inaudible.]

... are actually suitable beneficiaries, that should actually benefit at it.

We are quite satisfied that the contribution of recommendation

... [Inaudible.] ... dealt with accordingly and we have no objection, as the NFP will support it. Thank you.

Mr M G E HENDRICKS: House Chair, the Independent

Communications Authority of South Africa, ICASA has got a very good track record of freeing the airwaves, but they are slipping up in the villages. We work in over 50 villages and there are so many barriers to entry for them also to get their frequencies and they were to rely on online radio.

Also House Chair, when it comes to constituency work by members, hon members of Parliament, you find community radio stations are not very cooperative because of the policies of ICASA.

How can we take Parliament to the people? How can we take Parliament to the villages if the community radio stations in the surrounding areas don’t give members of Parliament access? I can understand that there could be a conflict with regard to different political parties, but we are only doing our job to take Parliament to the people.

So, we hope that ICASA will change their policies, and:

1. So that there can be more frequencies given to villages and,
2. That hon members of Parliament must have better access to the radio stations to take Parliament to the people.

Thank you very much.

Mr L E MOLALA: House Chairperson, Ministers and Deputy Ministers, hon members, fellow South Africans. Almost a week ago, on the 8th of this month, we joined the global community in celebrating the International Women’s Day, Malibongwe!

This is the day that signifies the resilience of women of the early 20th century, who joined the Universal Female Suffrage

Movement and various labour movements in North America and Europe, to wage a struggle against women oppression in the work place, call for the reduced working hours and a better pay and voting rights.

We are inspired by the United Nations, UN, Organization, which coined their theme for this year “Digital Innovation Technology for Gender Equality”. Shining her light on the fact that while the world becomes more advanced and digitalised, 37% of women do not use internet. Two hundred and fifty-nine million fewer women have access to internet than men. Even though they account for nearly half the world population.

If women are enable to access the internet and do not feel safe online, this therefore means that they would be not able to develop the necessary digital skills to engage in a digital space.

Research estimates that by 2050, 75% of jobs will be related to sites technology, engineering and mathematics areas. Yet today women just hold 22% of positions in artificial intelligence, to name just but one.

The ANC implores on the government to continue to drive initiatives to transform the *information and communications technology,* ICT sector and make more inclusive to make sure that no one is left behind, particularly the historically marginalised groups in our society; women, youth and persons with disabilities among others.

The Independent Communications Authority of South Africa has

an important role to play. The Constitution empowers them for

the regulation of broadcasting the public interest and to ensure fairness and diversity of views broadly representing South African society.

We are encouraged by work that has been carried out by the authority as it relates to long awaited release of higher

demand spectrum which took place last year. Generating R14 billion towards the national fiscus.

The licencing of high demand spectrum is one of the critical components towards the deployment of digital infrastructure as well as building an inclusive digital society, with the goal of ensuring that all South Africans participate meaningfully

in the opportunities emanating from the Fourth Industrial Revolution.

We also welcome the strides made by the Department of

Communications and Digital Technologies and the Competition Commission towards reducing the cost of communication.

Although we did not see significant reductions in data cost

previously, we are however optimistic that phase two of

Integer, INT, spectrum licencing will open room to negotiate for further reduction of data prices as well as contributes

towards the capabilities and requirements INT 2020 System. And beyond the deployment of the 5th Generation, 5G, Networks in

order to achieve to South African connect targets.

Licencing the low and mid frequency bands within the

*designated frequency* rages and is also to increase nationwide

broad band access to all citizens by 2025, including the most

rural and peripheral part the country.

House Chair, the following are some of the factors underpinning ICASA the performance management system report that is tabled before these House.

1. ICASA is an independent juristic person and subject only to the Constitution and the law as contemplated in section

3.3 of the Act.

1. ICASA operates on the principle of the collective decision

making. This means that PMS must seek to evaluate the performance of each Councillor within the context of the

Council as a whole. This principle is further strengthen by section 3.2 read with section 4.4 of the Act which

emphasize the centrality of collective decision making by

the Council in executing its function.

In light of this the purpose of PMS is to ensure that performance of chairperson, individual councillors and Council

of ICASA as a whole is monitored and evaluated and that the authority performs in accordance with the set goals and

targets as contained in the approved strategic plan and annual performance plan.

The other purpose is to integrate individual performance with organizational performance and objectives of ensuring that individual achieve organizational objectives and targets.

This rewarding performance one hand and providing corrective measure on poor performance on the other. The PMS framework amends, the one which was approved by National Assembly in 2012, which expired in 2014. It further addresses the

challenges then faced, in system expiring without being implemented.

Furthermore, as the ANC we confident that this performance

management system with its proposed amendments will help the

authority to identify areas of improvement. Help in determination of the retention councillors, help to determined

who gets incentivises as well, help with the determining of the succession of councillors. The ANC therefore supports this

report. Thank you.

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

House Chairperson, I move that the report be adopted. Thank you.

Motion agreed to.

Report accordingly adopted.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT ON LIST OF RECOMMENDED CANDIDATES TO SERVE ON THE INDEPENDENT TRIBUNAL FOR SOCIAL ASSISTANCE APPEALS

Ms N Q MVANA: Thank you, Chairperson. Let me rather first remind the hon members that this month is the Human Rights Month. So, South Arica is commemorating this month under the theme that says: Consolidating and sustaining human rights culture into the future. Human rights deals with restoring human’s dignity and it is in line with the Human Rights Bill. Everybody has a right to equal protection, which is why the Social Development has decided to put forward and tabled this report this month.

Last year, during November month, the portfolio committee held a joint meeting with Health and Social Services who service on the Independent Tribunal for Social Assistance Appeals, ITSAA. This was in line with section 18 of the Social Assistance Act of 2004 that states that, the Minister must, after consultation with the Parliament, appoints an independent tribunal comprised of appropriately qualified persons, as they may be prescribed to serve as members of the independent

tribunal, to consider appeals against the decisions of the agency.

The joint meeting was then presented by the Department of Social Development with a list of candidates that were divided into two categories. The first category comprised of the legal practitioners and the second category comprised of the medical practitioners. They had a brief summary with us, to present themselves with their qualifications and work experience as per specified requirements, and in accordance with the 2022 appeals regulation for these professionals.

The independent tribunal has a very important mandate, to consider appeals by applicants who disagree with the decision of the SA Social Security Agency, Sassa, with regards to the application for social assistance. We know that we are faced with many appeals where people are sometimes not satisfied on how and when they will get their grants. If an applicant or a beneficiary disagrees with the decision of the agency in relation to an application or social assistance, that person or a person acting on her behalf may within 90 days of the decision being made, lodge a written appeal with the independent tribunal in a prescribed manner.

This is so important to such an extent that, it will give the rights and protect the people of South Africa. The Act empowers the independent tribunal to, upon the receipt of an appeal, request Sassa to provide the reasons and all relevant records which has informed its decisions to the tribunal. The tribunal must, upon receipts of these reasons and all the relevant records from the Sassa, consider these appeals. The members of the tribunal need to act openly, fairly and impartially during the assessment of all the documented evidence and their confirmation thereof.

They are not just going to deal willy-nilly, but they will have to proof with documents that will be presented in the tribunal. It will vary or set aside the decisions of Sassa, or make any other decision which is just. As the joint meeting that was held during November, as I have said, we were satisfied with the recommended candidates and we believe that they will execute their work in a professional manner as per above-mentioned stipulation Act. I thank you.

*Declarations of Vote*:

Ms B S MASANGO: Thank you, Chairperson. The work of the Independent Tribunal for Social Assistance Appeals is

critically important, and its role in the social assistance space is appreciated. Having both legal and medical practitioners as the members of the tribunal, and the fact that the tribunal is independent and it also assists in the appeals, the appeals, therefore, are handled by suitable qualified professionals.

It will be beneficial to have an increased provincial representation in the tribunal, as well as representation from people with disabilities. In the spirit of putting the needs and the interests of the applicants in the forefront, the initial application process must be strengthened, so that there is no time wasted on appeals that might not even be approved in the long run.

The presentation made to the portfolio committee on 30 November 2022, it painted an encouraging picture for social assistance applicants. However, the initial application stages remains of great concern to us. The DA continues to be inundated with complains from social grant applicants that aren’t able to access Sassa to clarify issues about their applications.

The DA conducted a study late last year, which confirmed that only four out of 212 Sassa offices around the country, actually answered their phones. The same study revealed that the Sassa website was outdated, and only had a few numbers of local offices in the Western Cape and Limpopo. This state of affairs does not work well for desperate applicants. They cannot afford to wait for 90 days to hear whether their appeals have been successful or not.

The point of first application has to have robust systems to filter out those who do not qualify and assess those who are within the means thresholds. Unfortunately, the current system does not comply with this ideal. In fact, the Auditor-General of South Africa referred to Sassa grants payment system as outdated, the database they are using as limited, and verification controls as inadequate.

Chairperson, it is outrageous that this is a system used to make decisions on poor, vulnerable and desperate applicants’ livelihoods. The communication about the appeals process seems to exclude applicants without internet access, which is tantamount, in fact, to secluded exclusion, and even

disqualification as these would be appellants are not even aware ... [Inaudible.] ... opportunity to appeal.

So, we have two problems here, Chairperson, which created the

... [Inaudible.]... It is the Department of Social Development’s responsibility to ensure that these barriers are eradicated. The tribunal’s effectiveness would even be better if the Sassa grant payment ecosystem was more efficient and effective in a way it deals with the applications, as the efficient screening and assessing of applications would lead to less appeals and quicker turnaround times.

The DA has continuously called for Sassa’s systems to be improved for communications with the social grants community to be targeted and timeous, and for Sassa’s offices to be accessible. This seems to have fallen on deaf ears, judging from recent calls by the members of this portfolio committee that Sassa must open communication lines with its clients.

However, the DA welcomes the recommended candidates to serve on the Independent Tribunal for Social Assistance Appeals.

Thank you, Chair.

Ms L H ARRIES: Thank you very much, Chairperson. The EFF reject the Portfolio Committee on Social Development on list of recommended candidates to serve on the Independent Tribunal for Social Assistance Appeals. Firstly, the whole idea for tribunal in its current form is flawed, and will not work.

Between April and 30 September last year, we had more than

90 000 social assistance applicants rejected.

According to the regulatory framework, all appeals must be resolved in 90 days. Given millions of applicants for Social Relief of Distress, SRD, grant, there is no capacity to adjudicate all these matters. Last year, we were told that by June, there were millions of appeals that were supposed to be cleared. Secondly, there is a doctor who was part of the Sassa administration. He got arrested after recruiting nondisabled people to apply for the disability grant.

Sassa is failing to vet medical officers, and this is another reason why we as the committee, should have to insist on a certificate of good standing for bodies such as the Legal Practice Council, to avoid these such things. The doctors are forced to do the assessments in much codified spaces like clinics, without clear plan on how to ensure dignity of those

who are assessed. Some clinics do not have ramps, and instead, some doctors do not want to be part of the setup.

The people living with disabilities are continued to be ignored by this tribunal. We see most appointments of the members of this tribunal as nothing, but as misguided application of cadre deployment. Lastly, the so-called online system is not accessible, and it is frequently out of service or it is down. The EFF rejects the recommendation of this committee, and that’s why on 20 March we will go for a national shutdown in the country. [Interjections.] [Time expired.]

Ms L L VAN DER MERWE: Hon House Chairperson, we are asked today to consider names of persons to serve on an Independent Tribunal for Social Assistance Appeals. However, before we get there, it would be remiss of me not to reflect on the current state of Sassa. Sassa is in deep distress, failing the most vulnerable and is in desperate need of a shake-up.

Every day at the crack of dawn, many vulnerable citizens rise to use their last bit of money to travel to Sassa offices, only to find these offices offline. These are the vulnerable

citizens who cannot access online services because they cannot afford data or simply don’t have the know-how to use these services.

These are the vulnerable citizens who, when they phone the Inanda Sassa office, the Durban Sassa office, the Pietermaritzburg Sassa office or the Richards Bay office will find their calls going unanswered. In fact, the IFP has highlighted time and time again that Sassa is not reachable.

The IFP has also received several reports of pensioners who have not been paid for months. We have also received desperate pleas from citizens ... [Inaudible.] ... relief of distress grant has received a single payment.

The IFP also hoped that the much lauded queue management and appointment systems would solve the queueing crisis at Sassa. However, it is clear that it is not working, as beneficiaries still queue overnight or sleep on pavements outside offices, to avoid being turned away.

Instead of helping to resolve these issues, the Postbank continues to cause one crisis after another. Branches often

run out of money to pay grant recipients, while reoccurring technical glitches lead to nonpayment of grants. Now, the Postbank tells us that they have resolved their issues, but what assurances do we have that it is a permanent fix?

Then there are fraudsters working with corrupt officials, who continue to bleed monies from Sassa meant for the poor. The Department of Social Development seems usable to stop this routine practice.

It is the IFP’s hope that all those appointed to the Independent Tribunal for Social Assistance Appeals will serve to ensure justice for the poor. May they always put the best interests of the most vulnerable citizens first.

However, we did not have a hand in recommending these individuals, nor do we know whether they are fit for purpose and nor we do we know whether they will put the best interests of our vulnerable citizens first. So, we as the IFP will be abstaining from this Vote.

Finally, we call on Minister Zulu to ensure, once more, as a matter of urgency, that she reboots and rebuilds Sassa. We

don’t only need a tribunal; we need a fixed Sassa that is reachable and accessible to the most vulnerable citizens in our society. I thank you.

Ms T BREEDT: Hon Chairperson, when compiling a list of names for an independent tribunal, it is always important to ensure that such people are not only available for the said position, but it also requires the necessary knowledge, and most importantly, have the interest in the field of the said tribunal.

*Afrikaans*:

Maatskaplike ontwikkeling, veral Sassa, het met die mees kwesbare in ons samelewing te make. Ons het nodig om te verseker dat hulle nie uitgebuit word nie. Ons het ook nodig om te verseker dat, sou daar rede tot verskil tussen so ’n persoon en Sassa ontstaan, daar ’n tribunaal daargestel word, wat bevoegd sal wees om die versoek met die nodige deurnis en die begrip van die situasie te kan hanteer.

Die kandidate wat voorgestel is om deel uit te maak van die tribunaal, kom uit verskeie oorde regoor Suid-Afrika. Hulle het op verskeie platforms in die privaat- sowel as die

openbare sektor hulle vaardighede beproef. Dit is natuurlik die ideal.

*English*:

These last few years, the agency has been plagued by a number of issues. The appeals process was not missed by these troubles. With competent people at the helm of the tribunal, I hope that most of the most vulnerable’s needs will be met. I thank you.

Mr S N SWART: House Chair, the ACDP shares the concerns of other speakers about the deplorable state of Sassa and particularly, the struggles that many vulnerable citizens are facing with when one considers overnight queueing, when one considers pensions not being paid, when one considers issues with the Postbank and when one considers that almost 90 000 applications have been rejected. Then yes, one does need a very competent independent tribunal for social assistance.

So, in that regard, the ACDP supports the appointment, but the question is: To what degree will the necessary capacity be given to deal with all these appeals? So, the ACDP, from that perspective, is very concerned that the delays, when it is

required that 90 days should be taken for the consideration of these appeals that they will not be considered in that time and that there is insufficient capacity. From that perspective, we believe that additional capacity must be given and that these queues, the system of queue management has to be addressed.

It is absolutely disgraceful to see how pensioners are waiting overnight or other social grant recipients are waiting overnight in long queues. So, let us take hands to address that issues. I thank you.

Mr A M SHAIK EMAM: Hon House Chairperson, allow me first of all to apologise. I sometimes say that the virtual platform can have its negative side. While I try to attend to three different things, I press the wrong report earlier on today. However, on the issue of the one before us, I think, it is quite clear that Sassa does have challenges, particularly in terms of timeous application responses, where people generally complain because of the period of time they wait for a response. Some of them don’t get through.

We must also remember and be mindful of the fact that Sassa picked up a serious problem, because during the days of Covid- 19, ... And we all know the problems we have with IT systems, as well, particularly when they are to go via Sita, and Home Affairs has exactly the same problem.

So, a lot of work was put on .... [Inaudible.] ... Sassa, which they were not used to, which they were not expecting, which they did not provide for, which they did not fund for, which they are did not have the capacity for.

So, they were just thrown in this and they just had to deal with it. There are lots and lots of it. I think, the attempt and identification of legal additional and medical practitioners might not suit all of us, because some of the names here might not be somebody that we know. I think it is in the best interest of the department and all those that are looking for social assistance in the country.

I think, we must welcome it; we must support them. Very importantly, we must also listen to this department ....

[Inaudible.] ... and how we as public representatives can support them to solve problems, so that they can provide

better.... [Inaudible.] ... We must remember the good and, of course, the relevance for many are based on attacking and I don’t necessary think that it ... [Inaudible.] ... The NFP will support the report on the candidates of the independent tribunal. Thank you very much.

Mr M G E HENDRICKS: Hon House Chairperson, once the tribunal is appointed, I am sure that they will get down to work and they will be able to address the concerns that hon members have raised with regard to 90 000 people whose applications have been rejected. I think, we must give the tribunal an opportunity to do its work. Thank you very much.

Ms A S HLONGO: Hon House Chair, one of the most valuable attributes of our democratic systems and its institutions is that it thrives on justice and fairness. This is seen particularly in how our government and its entities take seriously the processes that interface with this content and

... [Inaudible.] ... that may stem from South Africans’ experience with the public sector, amongst other things. It seeks to resolve this in a way that is transparent, fair and ethical.

A very significant part of the independent tribunal’s mandate is to hear appeals from applicants who disagree with Sassa’s judgement about their social assistance application.

The ANC notes that on 30 November 2022, the Portfolio Committee on Social Development and the Select Committee on Health and Social Services met jointly to discuss a list of applicants, the Minister of Social Development had suggested serve on the Independent Tribunal for Social Assistance Appeal. This is in accordance with section 18 of the Social Assistance Act of 2004, which states, and I quote: “The Minister shall, after consultation with Parliament, appoint an independent tribunal to hear appeals against decisions of the agency, which shall consist of appropriately qualified persons, as may be prescribed.”

The ANC remains committed to protecting the rights of those who may believe that they are discriminated against by the system. In line with our commitment to South Africa and its people, we reiterate our commitment to this process and most importantly, the necessity for this process in our systems.

Regarding the selected candidates, we believe that they will execute their work in a professional manner, guided by principles of justice and equality and that they will be serving with determination and commitment to the principles of nonracialism, nonsexism, and a commitment to building a prosperous nation. The ANC supports the report. Thank you.

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

Question agreed to.

The list of recommended candidates to serve on the Independent Tribunal for Social Assistance Appeals accordingly approved.

# MOTIONS WITHOUT NOTICE

**Ms MAURENCIA NATALIE GILLION PASS ON**

(Draft Resolution)

Mr F JACOBS: House Chairperson, I move without notice:

That the House—

1. notes with deep sadness the passing of the ANC Member of Parliament, Ms Maurencia Natalie Gillion, on Tuesday afternoon, 28 February 2023, during a members’ training workshop at the Cape Town City Lodge;
2. further notes that:
	1. she represented the Western Cape province in the NCOP, and served as the chairperson of the Select Committee on Health and Social Services; and
	2. she also served as a member of the Select Committee on Education and Technology, Sports, Arts and Culture;
3. understands that she was the executive Mayor of the Overberg District Municipality between 2006 and 2010;
4. further understands that she served as a member of the Western Cape provincial Parliament from 2014 to 2019;
5. acknowledges that within the ANC she served as the party’s provincial deputy secretary from 2011 to 2015 and as the party’s provincial treasurer from 2015 to 2019;
6. further acknowledges that she served her community and organisation with dedication and loyalty; and
7. conveys its heartfelt condolences to her family, friends and to her party, the ANC.

Agreed to.

# NATIONAL STRIKES IN HOSPITALS

(Draft Resolution)

Ms M O CLARKE: House Chairperson, I move without notice:

That the House—

1. notes with shock that the Minister of Health, Dr M J Phaahla, confirmed that at least four persons had died by 9 March 2023 as a direct result of the ongoing protests by public servants who are members of the National Education, Health and Allied Workers’ Union, Nehawu;
2. further notes that Nehawu and several other public sector unions have been locked in a protracted wage dispute with the government, and have embarked on an increasingly violent, indefinite strike at public healthcare and other government facilities since Monday, 6 March 2023;
3. recalls that hospitals in KwaZulu-Natal, Gauteng, Eastern Cape, North West, Free State and Western Cape have been particularly badly affected, where striking public servants have forced nonstriking colleagues to abandon their posts, barred nonstriking colleagues from entering their places of work, left patients in hospitals unattended, attacked a private ambulance transporting an injured child in critical condition

and assaulted paramedics, amongst other transgressions;

1. acknowledges that although every South African has a right to protest, the engagement in criminal activities within the vicinity of healthcare facilities, the threatening of nonstriking colleagues and the putting of patients’ lives at risk by striking public servants is unacceptable behaviour and should be condemned in the strongest terms;
2. calls on Nehawu to stop their members from engaging in violent, criminal and harmful activities during the strike;
3. calls on law enforcement agencies to act swiftly to arrest and detain public servants and any other persons found engaged in criminal activity within the vicinity of health facilities; and
4. further calls on Nehawu and the government’s negotiators to return to the negotiating table as a matter of urgency to resolve the wage impasse.

Agreed to.

# KARL MARX ANNIVERSARY

(Draft Resolution)

Mr M N PAULSEN: House Chairperson, I move without notice:

That the House—

1. notes that today marks 140 years since the passing of a great philosopher and thinker, Karl Marx, who passed away in London, United Kingdom;
2. acknowledges that Karl Marx’s contribution and philosophy reverberated and continues to do so throughout the universe, and that he gave the world a gift to stand up against the exploitation of capitalism as it will self-destruct;
3. recognises that it is impossible to lay any intelligible claim about the economic systems of modern capitalism without reference to Karl Marx, as he

remains the most influential socialist thinker in the world since the publication of the *Communist Manifesto*; and

1. calls on all progressive activists to continue to use Karl Marx's ideas to understand the daily struggles of our people in our pursuit for true human freedom and an equal society.

Agreed to.

# FREE STATE EDUCATION MEC PASS ON

(Draft Resolution)

Mr B A RADEBE: House Chairperson, I move without notice:

That the House—

* 1. notes with deep sadness the untimely passing of the Free State Education MEC, Tate Makgoe, and his bodyguard, Warrant Officer Vuyo Mdi, in a horrific car

crash on the N1, outside Winburg, on Sunday, 5 March 2023;

* 1. further notes that their driver Pule Nkopane survived and was rushed to Winburg Hospital;
	2. believes that their motor vehicle collided with three stray cows;
	3. remembers Makgoe as a trailblazer who served his people and his country with the utmost distinction in all his areas of deployment, especially in the education sector;
	4. further remembers that under his leadership, the Department of Education had included chartered accountants, economists and engineers to assist township and rural schools;
	5. recalls that he made headlines this year after the Free State clinched the number one spot in the matric results for the fourth year in a row;
	6. believes his passing is an insurmountable loss to the education sector;
	7. conveys its deepest condolences to his family and to the family of his protector, Warrant Officer Vuyo Mdi; and
	8. wishes Pule Nkopane, who is in a critical condition, a speedy recovery.

*IsiZulu*:

Hamba kahle,Mkhonto

Agreed to.

# SA ARCHERS SHINES IN SPORTS

(Draft Resolution)

Ms Z MAJOZI: House Chairperson, I move without notice:

That the House—

1. notes that the SA Archers at the Championship achieved outstanding feats by breaking and now holding 13 world records;
2. further notes that these remarkable achievements are a testament to the calibre and diversity of South African archers and their management team, president of the SA National Indoor and Field Archery Association, Sanifaa, Mr Petrus van Breda, and team manager, Mr Pierre van der Merwe;
3. calls on government through the Department of Sport and Recreation to financially support our national teams, who are currently entirely self-funded by private sponsorships and their respective sporting associations;
4. acknowledges that without such private and self-funded financial support, the SA National Protea Field Archery team would find themselves in the same position as many other national teams, unable to participate in events due to lack of funding;
5. further acknowledges that greater government financial support or ability to find sufficient private sponsorship inhibits world-class South African sports persons from competing internationally;
6. encourages the Department of Sports, Arts, and Culture to allocate unique budgets enabling world-class South African sportspersons to showcase their talents at international competitions;
7. understands that such funding could also be utilised to provide up and coming sportsmen and women with equipment and training by World Champions, further capacitating them to excel in their respective fields; and
8. congratulates and celebrates the South African archery teams for the remarkable achievements.

Agreed to.

# PHILANTHROPISM SHINES ON

(Draft Resolution)

Mr F J MULDER: House Chairperson, I move without notice:

That the House—

* 1. notes that on 6 March 2023 at the Bay Hotel in Cape Town, the management company Citadel, hosted their annual charity gala dinner with a performance by well- known international artist Ronan Keating and supported by South Africa’s own iconic sportsman Gary Player for the benefit of South African children in need;
	2. further notes that the charity auction was facilitated by former Springbok captain Jean de Villiers, after a performance by Keating and his band, and this event proved that a collective effort could make a difference, that the importance of responsible giving has never been higher, and a tangible impact is more sustainable than once-off giving;
	3. acknowledges that the auction raised over R21 million of which the proceeds will be managed and distributed

by the Citadel Philanthropy Foundation and the beneficiaries are the Red Cross War Memorial Children’s Hospital in Cape Town and the Blair Atholl Preprimary School in Johannesburg;

* 1. also notes that more than R7 million has been raised since the start of this project in 2018; and
	2. further acknowledges the achievement of philanthropic projects of this nature and the courage of those involved to lean into difficult conversations rather than shy away from them, and the bravery to stare adversity in the face with a significant response.

Agreed to.

# GREEN ECONOMY CREEPS IN TOWNSHIP

(Draft Resolution)

Ms B N DLULANE: House Chairperson, I move without notice:

That the House—

1. notes that Siyabonga Stengana converts illegal dump sites into recreational spots around townships in the Western Cape;
2. understands that the 33-year-old started with small projects in the township of Mbekweni after he lost his job at the beginning of the Covid-19 lockdown;
3. further understands that without any sponsorship, Stengana has managed to convert almost 40 sites by cleaning and converting them into recreational spots for relaxation;
4. believes that Stengana targets illegal dump sites near schools, residential areas, taxi ranks and any illegal dumpsite and turns them into recreational areas such as parks, general spaces for events, and gardens;
5. commends and thanks Siyabonga for taking this initiative in helping to transform his community; and
6. urges those who wish to help him continue his good work, to assist in any way possible.

Agreed to.

# RICHMOND HIGH SCHOOL PERFORMANCE SKYROCKET

(Draft Resolution)

Mr S N SWART: House Chairperson, I move without notice:

That the House—

1. notes the significant achievement of Richmond High School under leadership of Principal John Benn;
2. further notes that the school improved from a 50 % pass rate in 2021, to an 83% pass rate in 2022;
3. understands that this achievement was made possible by the support and dedication of its teachers, and the support of the wider community; and
4. congratulates Richmond High School for this incredible achievement and for flying the flag of the Northern Cape so high.

Agreed to.

# YEAR-OLD LANGALAM VIKI TRAGICALLY DIED AFTER FALLING IN A PIT TOILET

(Draft Resolution)

*IsiXhosa:*

Mr B B NODADA: Enkosi Mhlali Ngaphambili

*English:*

I hereby move without notice on behalf the Democratic Alliance:

That the House —

* 1. notes that 4-year-old Langalam Viki sadly drowned and tragically died after falling in a pit toilet at a primary school in Glen Grey in the Eastern Cape;
	2. acknowledges that there is an urgent need to eradicate pit toilets at schools across the country;
	3. recalls that the National Education Infrastructure Management System reported in 2021, that more than 5 000 schools were still forced to use pit toilets, while almost 6 000 schools do not have reliable water supplies;
	4. further recalls that the Eastern Cape Department of Education disgracefully returned over R100 million that was meant to eradicate pit toilets and dilapidated infrastructure to avoid having little school children try to survive dying in pit toilets every day of their school life;
	5. calls on the Department of Basic Education to urgently priorities the eradication of these deadly pit toilets at schools, so that Langalam, Michael Komaphi, and many of our children who have been victims of these pit toilets don’t die in vein;
	6. conveys its sincere condolences to the family of Langalam Viki.

*IsiXhosa*:

Wanga umphefumlo wakhe ungaphumla ngoxolo nomoya kaThixo uthomalalise iintliziyo zosapho lwakhe.

Agreed to.

# 30% OF OUT-OF-HOME ADVERTISING TO BE SPENT BY DENTSU ON BLACK- OWNED MEDIA BUSINESSES

(Draft Resolution)

Mr M N PAULSEN: Chairperson, I hereby move without notice on behalf the EFF:

That the House —

1. notes the decision of Dentsu, the fifth largest international advertising and marketing agency, which represents big brands such as Absa, Heineken, PEP, and H&M, to spend 30% of out-of-home advertising on black- owned media businesses;
2. further notes that Dentsu spends over R300 million on out-of-home advertising, which means that at least R90

million will be set aside for black-owned media businesses, which is a step forward in the racial transformation of the marketing and advertising sector in South Africa;

1. realises that out-of-home advertising is dominated by a few companies, and that big brands in South Africa are engaged in anti-black racism;
2. understands that these companies are paying more for white-owned billboards than they do for black-owned billboards, regardless of location, which is anti- black racism; and
3. calls on Primedia Outdoor (Pty) Ltd, Network Outdoor, and others to follow the example of Dentsu and set aside budget to spend on black-owned businesses to transform the sector.

Agreed to.

# APPLAUDING THE SAPS SPECIAL TASK FORCE UNIT’S PERFOMANCE IN THE UNITED ARAB EMIRATES SWAT CHALLENGE

(Draft Resolution)

Ms N GANTSHO: Chairperson, I hereby move without notice on behalf the African National Congress:

That the House —

1. notes with deep pride that the South African Police Service Special Task Force, SAPS STF, unit was ranked ninth at the recent United Arab Emirates, UAE, SWAT Challenge;
2. further notes that SAPS STF took part in the annual five-day UAE SWAT Challenge that featured 55 law enforcement agency teams from around the world;
3. understands that the challenge assessed the tactical acumen, mental focus and physical endurance of law enforcement agencies from across the world and was designed to promote the exchange of knowledge, expertise and to strengthen partnerships to make communities safe;
4. commends the SAPS STF performance as in the world we are ranked number nine, but on the African continent we are ranked number one, which is a huge achievement; and
5. congratulates the Special Task Force on their success and thank them for flying the South African flag high

Agreed to.

# CONGRATULATING THE SA YOUTH KUNG FU TEAM FOR WINNING TOURNAMENT

(Draft Resolution)

Mr A M SHAIK EMAM: Chairperson, I hereby move without notice on behalf the National Freedom Party,

That the House —

notes that the South African youth kung fu team won the place ... [Inaudible.] ...

The CHAIRPERSON (Mr Q R Dyanti): I suggest that you switch off your video your camera. Please switch off your camera. Your network is not good. We now know the tie and shirt you are wearing, but we want your voice.

Mr A M SHAIK EMAM: ... [Laughter.] ... Thank you, hon Chairperson. Alright. Let me hurry up. I move without notice on behalf the National Freedom Party:

That the House —

* 1. notes that the South African youth kung fu team won first place in the African Youth Kung Fu Tournament that took place in Goodwood Cape Town on the 4th and 5th of March 2023;
	2. further notes that this African Youth Kung Fu Tournament was hosted by none other than Muhammad Junaid “M.J. Li” Chafeker;
	3. acknowledges that in addition to winning first place, the South African youth kung fu team snapped up 21 gold ...[Inaudible.] ...
	4. recognises that M.J. Li Kung fu Champion has been working in underprivileged communities for a long period of time identifying youth to take up this sport;
	5. further recognises that this great initiative has yielded positive results with many youths from underprivileged areas performing exceptionally well and bringing pride and joy to our beautiful country;
	6. congratulates the South African youth kung fu team on their great success;
	7. commends M.J. Li for his role in uplifting youth from disadvantaged communities and producing such great talent; and
	8. calls on the Department of Sport, Arts and Culture to partner with the likes of M.J. Li to identify talent in our communities and more importantly, uplift our communities through sports.

Agreed to.

# MOTION OF CONDOLENCCE

(The Untimely Passing of Mark Pilgrim)

Mr L E MOLALA: Chairperson, I hereby move without notice on behalf the ANC:

That the House —

1. notes with deep sadness the passing of veteran radio and TV presenter Mark Pilgrim, after battling stage four lung cancer, on Sunday, 5 March 2023 at the age of 53;
2. further notes that Pilgrim was diagnosed with stage four lung cancer in March 2022, which he revealed in June had spread to his femur, the base of his spine and lymph nodes;
3. understands that following his diagnosis, the radio presenter launched a YouTube video series chronicling his recovery journey;
4. acknowledges that Pilgrim was a presenter on Hot 102.7FM from Monday to Saturday at the time of his death and due to his recent health setbacks, he had to step away from the mic;
5. further acknowledges that the father of two was diagnosed and beat aggressive stage 3 testicular cancer in 1988; and
6. conveys its deepest condolences to his family, friends, and industry peers.

Agreed to.

# KEISKAMMA ARTISTS LOCKED DOWN AT HOME WITHOUT A MEANS OF INCOME

(Draft Resolution)

Mr N CAPA: Chairperson, I hereby move without notice on behalf the African National Congress:

That the House —

1. notes that when covid-19 hit South Africa, the embroiderers and artists of the Keiskamma Art Project in the Eastern Cape hamlet of Hamburg found themselves locked down at home without a means of income;
2. further notes that instead of sitting around wringing their hands, each stitcher set to work on a piece of self-designed handwork that would eventually come together to become the project’s incredibly moving covid-19 Resilience Tapestry – depicting the people of Hamburg’s dogged will to survive in the face of unspeakable calamity;
3. understands that the covid-19 Resilience Tapestry – collected at Constitution Hill, together with other such artworks was made possible through corporate sponsorship from Hollard which is also commissioning a new large-scale embroidery from the Keiskamma artists;
4. acknowledges that the Keiskamma artworks on display offer a vivid and nuanced snapshot of the community’s lived reality, ranging from the ravages of HIV/Aids shown in the Keiskamma Guernica, to the Keiskamma

Tapestry that tracks the country’s troubled colonial and apartheid history – all reimagined from the perspective of these rural women’s on-the-ground daily reality; and

1. wishes them well for their future creative projects and much success on the Keiskamma retrospective exhibition, on display until 24 March 2023, at Constitution Hill

Agreed to.

# COMMENDING NQWEBA SECONDARY SCHOOL’S EXCELLENT NSC PASS RATE

(Draft Resolution)

Ms S J GRAHAM: I hereby move without notice on behalf the Democratic Alliance:

That the House —

* 1. notes that the Nqweba Secondary School was opened in January 1982 to address the learning needs of the

growing Xhosa population in uMasizakhe in Graaff- Reinet;

* 1. acknowledges that the school, through partnerships between the learners, educators and parents, managed to raise its National Senior Certificate, NSC, pass rate from 52,3% in 2021 to 82,9% in 2022;
	2. recalls that 87 out of the 105 Grade 12 learners who wrote the NSC exams passed in 2022;
	3. recognises that Anathi Masimini was the school’s top learner in 2022 with four distinctions, and that Azola Boloda achieved three distinctions;
	4. further recognises that Mr Badian Daniels developed and ran four intervention programmes during school holidays where learners stayed in the hostel and attended extra classes to prepare for the National Senior Certificate, NSC, exams;
	5. remembers that the late Mr Matthew Goniwe, of the Cradock Four, headed up the mathematics and science department at the school from 1981 to 1983;
	6. congratulates retired Principal Zolile Malotana and his team of educators on these excellent results; and
	7. wishes Principal Zanovuyo Mdingi, his team of educators and the learners of the school continued success.

Agreed to.

# MUSLIMS TO OBSERVE THE HOLY MONTH OF RAMADAN COMMENCING ON 23 MARCH 2023

(Draft Resolution)

Mr M G E HENDRICKS: I hereby move without notice on behalf the Al Jama’ah:

That the House —

1. notes that the Holy Month of Ramadan will commence on

23 March 2023 in South Africa and Muslims throughout the world will observe fasting during this month;

1. also notes that fasting Muslims will wake up at 04h00 am to have their last bite and fast until sunset up to 20:00 sometime and engage in prayers for two hours mostly at the Mosque from 20h00 to 22h00, a fast of up to 16 hours;
2. understands that charity is mentioned in the Holy Qur’an many times during the Month of Ramadan taking care of humanity and alleviating poverty is a central part of Islam;
3. acknowledges Layla tul Qadr [Night of Decree], an auspicious night in Ramadan during which the first verses of the Qur’an were revealed and when you pray your sins are forgiven.

Agreed to.

# MOTION OF CONDOLENCCE

(The Late Siphamandla Mtolo)

Ms R C ADAMS: I hereby move without notice on behalf the Democratic Alliance:

That the House —

1. notes with sadness the passing of the DStv Premiership club, Richards Bay F.C. soccer player, Siphamandla Mtolo after he collapsed while at training on Tuesday, 7 March 2023;
2. remembers that Mtolo had been with the Natal Rich Boyz since 2020 after joining them from the Motsepe Foundation Championship team, Uthongathi;
3. recalls that he was a captain of the squad when they clinched the Glad Africa Championship, now known as the Motsepe Foundation Championship and gained automatic promotion to the Premiership last year;
4. recognizes that the star midfielder’s last match for Richards Bay was the 1-0 defeat to Soweto giants,

Kaizer Chiefs on Saturday, 4 March 2023, where he played the entire game at King Zwelithini Stadium; and

1. conveys its sincerest condolences to his family, friends and the club during this difficult time.

# NOTICES OF MOTIONS

Mr L E MOLALA: House Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of ANC:

That the House must debate the rapid technological changes including the Fourth Industrial Revolution is changing economies, societies, polities, forms of organisation, ways of thinking and the battle of ideas in unprecedented ways. So I move.

So I move.

Ms A M VAN ZYL: Thank you, House Chair, I hereby give notice that on the next sitting of the House I shall move on behalf of the DA:

That this House debates the state of Higher Education in the Republic, including the number of applicants versus enrolment numbers, University and students funding, and student accommodation infrastructure, and the accommodation costs.

I so move.

Ms S M MOKGOTHO: Thank you, Chairperson, I rise on behalf of the EFF that on the next sitting of the House:

That the House debates if School Governing Bodies should raise funds on school premises for the purposes of assisting struggling parents and schools with structural issues and day-to-day runnings.

I so move.

Ms T S MASONDO: Thank you, House Chair, I hereby give notice that on the next sitting of the House I shall move on behalf of the ANC:

That the House debates the strengthening of the women’s movement and taking forward the Gender Agenda 2030. Thank you, Chair.

Ms S A BUTHELEZI: Thank you, Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of the IFP:

That the House debates the escalating debt owed by government departments and its entities to municipalities and the ultimate service delivery breakdown. Thank you, Chairperson.

*Afrikaans:*

Dr W J BOSHOFF: Voorsitter, ek ge kennis dat ek by die volgende sitting van die Huis namens die V F Plus sal voorstel:

Dat die Huis artikel 235 van die Suid-Afrikaanse Grondwet debatteer, met spesifieke verwysing na die uitoefening van selfbeskikking op die terreine van basiese en hoër onderwys, sowel in die plaaslike en provinsiale sfere van regering.

* 1. kennis neem dat-

Ms G P MAREKWA: Thank you, Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of the ANC:

That the House debates gender transformative training to address toxic masculinity in society to address patriarchy and integrate positive masculinity.

I so move. Thank you, Chair.

Mr W M THRING: Thank you, House Chair, I hereby give notice that on the next sitting of the House I shall move on behalf of the ACDP:

That the House debates the role of services industries, in growing the economy and improving the living standards in South Africa.

I so move.

Mr M S F DE FREITAS: Thank you, House Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of the DA:

This House debates a crucial economic role that Tourism plays in the Republic, including its benefits and the Tourism opportunities lost, and how to change this so that we benefit economically and the jobs are created within the sector.

I so move. Thank you.

Ms C C S MOTSEPE: House Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of the EFF:

That the House debates how we can increase social workers, occupational therapists in schools in order to assist learners who cannot cope due to passing of their parents and who end up being the parents of their siblings which they cannot cope with, and who end up leaving school and looking for jobs that is scarce and unavailable.

I thank you.

Ms M M E THLAPE: House Chair, I hereby give notice that on the next sitting of the House I shall move on behalf of the ANC:

That the House must debate the importance of educating young people on Ubuntu, diversity and inclusive society to combat patriarchy.

Thank you, Chair.

Mr A M SHAIK EMAM: Good day, Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of the NFP:

That the House deliberates on weaknesses in the local government including corruption, tender fraud and cadre deployment.

I thank you.

Ms G K TSEKE: Thank you very much, House Chairperson, I hereby give notice that on the next sitting of the House I shall move on behalf of the ANC:

That the House must debate strengthening of measures aimed at addressing the problem of young people who drop out of school before writing matric.

I thank you.

Ms A RAMOLOBENG: Thank you, House Chair, I hereby give notice that on the next sitting of the House I shall move on behalf of the ANC:

That the House must debate the development of urgent plan and intervention through a multi-pronged crime prevention strategy to bring down the scourge of crime and lawlessness perpetuated by gangsters in our communities.

Ms A L A ABRAHAMS: Thank you, House Chair, I hereby give notice that on the next sitting of the House I shall move on behalf of the DA:

That this House debates the alleged failure of the South Africans Social Security Agency to fulfil its mandate to ensure the prevention comprehension of Social Security Services against vulnerability and poverty within the Constitutional and legislation framework, which has contributed to the current humanitarian crisis in the Republic.

I so move.

Mr M G E HENDRICKS: Thank you, hon Chair, Al Jama-ah hereby give notice that on the next sitting of the House:

The House debates the release the remaining political prisoners who are members of the Pan Africanist Congress of Azania, PAC, and other political prisoners of other liberation movements, the release of two members of people like gangsterism and drugs smugglers, who have been approved of parole, but still languishing in prison. The release of these political prisoners and activists can also be prioritised when the President next issues a pardon.

I so move.

The CHAIRPERSON (Mr Q R Dyantyi): Thank you. Don’t start a debate now it’s coming.

Ms P T MPUSHE: Thank you, House Chair, I hereby give notice that on the next sitting of the House I shall move on behalf of the ANC:

That the House must debate working towards a multipolar world order, wherein national sovereignty and solidarity are not undermined.

Thank you.

The House Adjourned at 18:40.