

UNREVISED HANSARD

NATIONAL ASSEMBLY

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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:02.

The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayer or meditation.

RULES OF THE POLITICAL OFFICE-BEARERS PENSION FUND

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker and the members of this House, I move:

That the House-

- (1) notes that the Rules of the Political Office-Bearers Pension Fund require that, after a general election, members of the National

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Assembly must elect four members of the trustees and four as alternates to serve in the Board of Trustees of this Fund; provided that two trustees and two alternates are members of the Majority Party and the remaining two trustees and two alternates are from amongst members of the Minority Parties;

(2) further notes that from the Majority Party, we have received the name of hon M G Boroto, hon J M Mofokeng, hon I K Morolong and hon H Mohamed as alternates members;

(3) further nominates from the Minority Parties Dr D T George, Dr Mulder, Dr Sukers and Dr Singh as alternates members.

Motion agreed to.

**DEBATE ON 16 DAYS OF ACTIVISM FOR NO-VIOLENCE AGAINST
WOMEN AND CHILDREN: ENOUGH IS ENOUGH - 365 DAYS TO END
GENDER-BASED VIOLENCE**

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Ms T MGWEBA: Deputy Speaker, hon members, the debate on the 16 Days of Activism Against Violence on Women and Children follows the official launch of this campaign by the President few days ago in Lephalale, Limpopo. During this launch, the President alluded to the fact that the crisis of violence against women and children is a great shame on our nation. It goes against our African values and everything we stand for as a people. We grew up knowing that men and boys respect women and protect children. Boys and men were taught to never, ever raise their hand against a woman. But that way seems to have been lost by some men in our society.

Again, this debate comes at the hills of the Joint Sitting called by the President in September following what he referred to as a very violent and brutal war which is underway against the women of South Africa.

The President further outlined that the government has developed Emergency Action Plan to address the crisis of gender-based violence. He outlined the five principal areas as measures to strengthen the existing interventions as well as introducing new measures. Among

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these measures, is to improve the economic power of women in South Africa.

Our participation in this debate will be following on the issue of women empowerment as one of the measures advanced by our government to bring about gender equality and participation in the economy. Our believe is that subjugation of women is rooted in socioeconomic design in our societies, therefore, if we are to fully ensure that women occupy their rightful place in society, at the centre of that must be the economic empowerment of women.

The ANC has led South Africa in ensuring that the empowerment of women is brought to the centre of development. Therefore, women should be in the forefront and play an important role, actively participate in influencing decisions and direction on women economic empowerment and radical socioeconomic transformation of South Africa's inclusive economy.

This assertion is in line with what the Deputy Minister of Trade and industry, Ms Gina, who once said that "As women we need to take cognisance of our capabilities and

positively contribute in building an inclusive economy for our country.”

This assertion clearly demonstrates the need to mobilise and organise women for economic empowerment, as women's equality and socioeconomic independence are important for domestic development and growth, and are a vital part of sustained development and democracy.

However, the transformation of our economy has not been at a pace required to serve all our people. Unemployment remains high; the country has high levels of income inequality.

In addition, the recent studies conducted by the Broad-Based Black Economic Empowerment, B-BBEE, Commission for 2017 and 2018 show that black women still occupy less managerial or executive positions compared to males and white people on the boards of entities listed on the Johannesburg Stock Exchange, standing at 18% in 2017 and 21,63% in 2018, despite women being the majority in this country. Further, in terms of ownership, black women were

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sitting at 9% in 2017 and 10,1% in 2018, which remains low considering the demographics.

However, hon members, even though the economic transformation remains sluggish, the ANC government has made great strides in empowering women, and as such, since the advent of democracy, the ANC government has made great improvement in changing the lives of women by implementing policies and programmes that supports women economic and social development, as such, currently, women comprise 58% of all students enrolled at universities and colleges around the country, 47% of MPs are women. This year, the ANC government has achieved 50/50 gender parity among Cabinet Ministers for the first time.

However, the notwithstanding the successes outlined above, there are still barriers to be overcome to ensure women empowerment, such as; the most key barrier that hinders women economic empowerment is the lack of access to funding for small and medium size businesses, mainly those led by black women in general and African in particular, youth and persons with disabilities, skills

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development and business training, problem of accessing markets for emerging companies, displacement of local, in particular township enterprises by big retail businesses and access to land by rural, informal and urban communities.

Thus, the ANC has a plan which seeks to eradicate barriers that hinders women economic empowerment, which its government is committed to accelerate and implemented at a faster pace, resolute to mobilise and unite women of our country and South Africans in general around the common challenges facing women in South Africa, especially persistent realities of unemployment, poverty and inequality, which impacts more on African rural women than their men counterpart.

This is eluded in the January 8th Statement of 2019. The ANC is forging ahead with plans to bring about a more inclusive economy. We will draw more women, more rural people and more youth into the economy through programmes that extend ownership to workers, through expanding access to digital skills training to young people, by developing and supporting technological and digital

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start-ups, and a more concerted focus on small, medium and micro enterprises, SMMEs, co-operatives and township and village enterprise.

With regard to transforming the economy to empower women, the ANC is of the view that the empowerment of women remains an important part of our employment equity and Broad-Based Black Economic Empowerment policies.

Therefore, by working together with its social partners, we can be able to restore our economy and create economic opportunities, especially for our women and youth.

As such, the ANC government has set aside in the coming financial year, R124 million from the Social Relief of Distress programme, in order to buy goods and services from women and youth-owned co-operatives and small businesses.

Over the last four years, state-owned companies have spent a total of R100 billion on goods and services from women-owned businesses. And in the last year, state-owned companies had enrolled over 2 700 female students in

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training programmes to become artisans, technicians and engineers.

The ANC government is committed to expand its work in special economic zones by having specific programme to support women's participation across the value chain and bring more women into Black Industrialists Programme - a programme, although only five years old, has already surpassed its five-year target for women entrepreneurs. It has approved R6,7 billion for women-owned businesses against a target of R4,4 billion.

Our government has scale-up small business support measures, including access to funding and set up incubation centres in townships and rural areas, facilitated access to markets for small businesses, co-operatives and township and village enterprises. At least 30% of the government procurement spend will be allocated to goods and services from these enterprises.

The government will help grow small enterprises, co-operatives and the township and village creation and innovation and encourage all forms of entrepreneurship.

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One area in which the ANC can have the greatest impact on improving the lives of women, especially rural women, is in access to and ownership of land. The ANC must confront the issue that women are being denied the right to own land in the name of culture and tradition.

The ANC therefore encourages women to take note of the opportunities that its government is availing to grow the inclusive economy to benefit all people of South Africa.

The ANC calls upon women to participate in the Black Industrialists ... [Interjections.] Malibongwe! [Praise!] I thank you, Chair. [Time expired.] [Applause.]

Ms N K SHARIF: South African women and children live a life riddled with fear, anxiety and lack of opportunities. It is literally rough in the streets. If we take anything away from 2019, let it be to ensure that we keep up the same energy towards gender-based violence and femicide everyday, 365 days through the years until we see change in our society.

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Change of course does not happen by chance or by hoping really hard. No, change happens when the environment, timing, the voices of survivors and activists and the political world come together to dismantle an establishment.

THE DEPUTY SPEAKER: Hon members your noise levels are high. Your conversation is high; can you lower it please so that we hear the person on the podium and not you in your seats? Go ahead hon member.

Ms N K SHARIF: The system of patriarchy is an establishment that thrives in an environment of no accountability, no justice, no service delivery, entrenched patronage and a complete lack of will especially when this happens at a government level.

It's been one year and one month since the Presidential summit against gender-based violence and femicide took place. The signing of this declaration must never be seen as a victory of government. It is a victory for the people who fight the status-quo and take on the failing establishment because they genuinely believe in equality

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and justice. But, all this means nothing because government has still not come to the table yet they have RSVPd.

Today we must put an end to an ANC government flaunting and parading as they claim false victories. They must be held accountable but most importantly we and they must hold each other accountable. [Interjections.]

THE DEPUTY SPEAKER: Order, order members.

Ms N K SHARIF: Government's role is to come here and tell us what the implementation plan is. Where is the money coming from and what are the timelines? Nothing else! We are tired of hearing rhetoric and words that mean nothing. The President said ... [Interjections.]

THE DEPUTY SPEAKER: Hon members, hon members you can't all want to respond at the same time. Allow the member to finish. Anyway, you will have your chance to respond on the podium. Please don't make... you're out of order! How do you do that? I mean, really? No, no, no. Go ahead hon member.

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Ms N K SHARIF: The President said R1,6 billion will be allocated to the emergency response action plan but what he didn't tell us is that this is not new money. This is money that need to come from good graces of departmental heads and is not deliberately rig fenced for gender-based violence and femicide.

You don't have to look far for signs of this. Treasury has said R1,4 billion of the R1,6 billion is already allocated in the budget. So, this is not something new that happened magically in September after the President sold the nation dreams. The truth is, there is not R1,6 billion in the adjustments budgets of all departments that are geared towards the emergency action plan.

What does this say? To me, it says that government is grasping at straws when it comes to resourcing interventions, implementing interventions across all departments and monitoring and evaluating the outcomes of these interventions. This is not happening!

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If government cannot in the least commit resources or put together a coordination effort to combat gender based violence and femicide, then you best believe South Africa, that they cannot implement any interventions. That forfeits their right to stand here at this podium and speak about the fight against gender based violence and femicide. I thank you.

Mrs Y N YAKO: Deputy Speaker, it was the psychiatrist from Martinique, Frantz Fanon who upon examining the conditions under which people lived, boldly proclaimed when we revolt it is not for a particular culture, we revolt simply because for many reasons we can no longer breathe.

There are 52 420 reported reasons why South African women feel they cannot breathe and that perhaps the only avenue left for us is to revolt by any means possible.

There are a number of reported sexual assault cases for the previous financial year. Thousands more cases of rape, assault, harassment of women have never been

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reported because our criminal justice system is not friendly to abused women and children.

In each of these thousands of cases is the tragic story of lives cut short, of confidence destroyed, of dreams deferred, of hope shattered, of love altered and ultimately of lives transformed forever.

These heinous acts of inhumanity against women and girls affect not only direct victims but also their loved ones forever. The families of Precious Ramabulana, Uyinene Mrwetyana, Anene Booyens, Aviwe Wellem and hundreds of thousands of more women who are raped and killed will also be scared for life.

We are fiddling while the country is burning. We are engaged in endless talks while there's no guarantee that I will arrive at home unharmed tonight, while there's no guarantee that the young toddler at crèche will not be raped and killed in the next hour. We don't know if the woman in the office next door is forced to perform sexual acts for favours in order to keep her job.

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The state has been rendered powerless and as women we indeed can no longer breathe in the society. Women have suffered the most from the near liberal reality of the past twenty years under the ANC law. The vicious circle of triple oppression based on race, class and gender has not been broken for black women in particular. We recognise that while patriarchy and sexism are pervasive in our society, it is black women who suffer the most from gender based violence.

It is black women who wake up in the wee hours of the morning, leaving young kids to look after themselves while they go and try and eke out a living in the homes of white people. It is black women who stay in the ghettos, face head on the daily stench of our rotten society which makes it okay for people to live with rats, fleas and with human beings who have been transformed into beasts. It is black women whose professional accomplishments and skills tend to mean very little in their political parties and their respective working environment because men have appropriated themselves the right to dictate the fate of women. It is black women who

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endure the most pain, the most atrocious rapes and most violence. It is for these women that I speak.

Up to now, interventions for dealing with violence against women have been superficial, they have been half-hearted and they have been based on the wrong understanding of the root causes of the vulnerability of women.

This is so because we refuse to acknowledge that gender based violence and related anti social activities are reinforced even sustained by the deplorable general conditions of our people.

Therefore, a key to female emancipation is the emancipation for all. We must emphasise that transforming the lives of our people in the ghettos from one of the general structural violence as the mechanism to end of all violence including violence against women.

Our criminal justice system must not only be seen to be working when victims are from more affluent homes and families. The police in townships and villages must be

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empowered to do their jobs thoroughly, out of the glare of the media. Our courts let us down every so often. Thousands of women live in the same street and face their tormentors every day because they get released so soon after cases have been reported.

Everyday must be a day of activism against gender-based violence. I repeat; everyday must be a day of activism against gender-based violence. But, as women we can no longer depend on the state as an enforcer of our rights because we maybe need a new women's front to think and fight against the abuse of women.

We can no longer be expected to act normal in a very abnormal society and as we approach the festive season, I would like to call upon all fighters to be crusaders against the abuse of women everywhere they go. I thank you

Ms L L VAN DER MERWE: Hon Deputy Speaker, before the end of today's debate, a woman will be a victim of gender-based violence. She will go to a police station, possibly one where there are no rape kits available. She might

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even encounter a police officer that will tell her to go home and work out her problems there.

She will seek refuge at a hospital where she will be told that she brought this shame on herself. Because of the crumbling health care system, she will not get the care she needs and she will possibly contract HIV.

Because shelters go underfunded and receive minimum support from government, she will have no place to go. At a Thutuzela Care Centre, she will possibly find no counseling services. She will be left to fend for herself. And so, the cycle of abuse will continue. She may very well become yet another statistic. Yet, another causality of South Africa's broken system that is meant to protect the most vulnerable.

Some 1 000 children were murdered in the last financial year and as many as 500 died as a result of abuse and neglect. Forty-one percent of people raped in South Africa are children.

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South Africa's femicide rate is five times higher than that of the global average, and in the past financial year, the murder of women increased by 11%. This frightening reality should keep us all up at night.

However, we don't need reminding people of the statistics. We know South Africa is a warzone. And we know our government is losing the war against violent crime.

Just a few weeks ago, on 18 September 2019, we stood at this podium during a historic Joint Sitting on gender-based violence. President Ramaphosa responded to the cries of the many who had taken to the streets to say enough is enough, following Uyinene's death.

We remembered her and the many we had lost. We pledged then that things must change. But sadly, change didn't come fast enough for the Precious Ramabulana. Today, many speakers will remember her. Precious died after being stabbed 52 times by a man that already had a pending rape case against him.

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Precious died trying to reach the police, but neither she and her aunt, nor a friend could reach them. Precious was failed by the very system that was meant to protect her. She was failed by SAPS that was meant to protect and serve.

It is clear that government's new plan of action to fight gender-based violence and its additional resources, as progressive and commendable as it might be, is not going to help us win this war if SAPS is simply hapless in the fight against rampant crime.

The South African Council for Social Services Professions says that more than 6 000 social workers remain unemployed. It goes without saying that we are not going to win this war, if social workers are sitting at home when their critical skills are needed at police stations, shelters, hospitals and schools.

We are not going to win the war when not a single South African is aware of government's toll free Gender-Based Violence call centre. We are not going to win this war when restraining orders go unenforced and when NGOs that

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provide vital services on behalf of the state remain underfunded.

And we are simply not going to win the war if ANC Ministers and their departments are not held to account for their failures to protect the most vulnerable.

To this end, the IFP believes that we need a stand-alone parliamentary oversight committee, to oversee the new National Strategic Plan to Fight Gender-Based Violence. Crime and lawlessness in South Africa is a national emergency.

The body count cannot continue to rise. On behalf of the Inkatha Freedom Party, we join South Africans in pledging our support for the 365 Days to end Gender-Based Violence campaign. Enough is enough.

Ms T BREEDT: On Monday, 25 November, the International Day for the Elimination of Violence against Women, we woke up to the start of 16 Days of Activism for No Violence against Women and Children. We woke up to the news that Precious Ramabulana, a student, had been raped

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and stabbed 52 times. We also got news of the teenager brutally attacked and sexually assaulted in Port Alfred.

The world has marked this day since 2 000, making this the 20th anniversary of this day. What success has this campaign had in two decades?

On 26 November, we learnt that a Bloemfontein dad had beaten and strangled his 11-year-old girl child so badly that she had to be taken to hospital.

I have previously cautioned that we should not make the plight of women and children a hashtag fight. But that is

...

Afrikaans:

... presies wat ons tans doen. Op dag drie van hierdie veldtog het die ANC in die NRVP 'n mosie van die VF Plus verwerp, wat gehandel het oor 'n wreedaardige plaasaanval op 'n boer, en sy vrou is nou 'n arme weduwee.

Sestien Dae van Aktiwisme is 'n klug. Bettina Wyngaard som dit mooi op: "Suid-Afrika het van die mees

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progressiewe menseregte wetgewing ter wêreld, maar is die gevaarlikste land vir vroue om te woon, in die hele die wêreld.”

Michele Pietersen is Donderdagoggend dood, nadat 'n betonblok op haar gesig geval het, net hier buite op die N1, naby die ons.

Vrydag, dag vyf van die 16 Dae van Aktiwisme is Marlene Ferreira op haar plaas buite Jeffreysbaai geskiet. Sy kon gelukkig terugveg, maar die res van die naweek se slagoffers kon nie dieselfde sê nie.

In Ventersburg is 'n plaaswerker en sy vrou aangeval. 'n Vrou is verkrag. In Motherwell is 'n 15-jarige meisie en haar kêrel deur vier mans aangeval. 'n Meisie is in haar maag geskiet. In Beaufort Wes is 'n ma van vier doodgesteek toe sy huis toe loop. Dis die derde moord op 'n vrou in die afgelope vyf maande in die dorp. In Queenstown is 'n vierjarige dogtertjie dood en aan badkamerdeur gehang. In Hoopstad is Tannie Dirkie, 89, met hamer oor die kop gemoker toe sy vir haar aanrander koffie maak. In Clifton is 'n tweede tiener in etlike

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maande op die strand doodgesteek. In Paardeneiland is 'n vrou op die N1 deur vier mans aangeval en met klippe bestook.

Hierdie is net die aanvalle waaroor berig is. En ons is nou nie eers halfpad in hierdie 16 Dae van Aktiwisme nie.

Om 'n vrou in Suid-Afrika te wees, is soos om 'n gladiator [vegter] in die Romeinse Ryk te wees. Jy wonder elke dag of jy gaan wen en oorleef. Dan kom môre en jy wonder net van voor af.

Jy leer van kleins af al om sleutels in jou hand te hou as 'n wapen. Jy leer om pepper spray [pepersuit] in jou handsak of skooltas te hou. Jy weet jy moet in groepies toilet toe gaan en dat jou vriendinne jou drankie moet oppas, want dit gaan dalk "gespikie" word nie. Jy leer dat jy by die ingang van 'n winkelsentrum moet parker, want om die duister, donker hoekies van 'n parkeerarea aan te durf, is net te gevaarlik. Maar genoeg is nou werklik waar genoeg.

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Die polisie moet hul sokkies optrek. Rape kits [verkragtingstoerusting] moet by polisiestasies beskikbaar wees. Ons polisiemans en vroue moet opgelei wees om ons slagoffers te hanteer.

English:

Sexual offences courts need to support the victims, not for the offenders.

Afrikaans:

Wetgewing wat jare lank sloer moet nou afgehandel word.

English:

The joint committee that deals with gender-based violence and femicide needs to stop being a circus and start being a proper taskforce to deal with these problems.

Afrikaans:

Die President se vyf-punt plan moet werklik aan die lig kom. Ons het nou genoeg gepraat; ons moet begin doen.

[Tyd verstreke.]

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Rev K R J MESHOE: Deputy Speaker, the ACDP strongly condemns the murder of the innocent in our country, whether they are in their mother's womb, in their homes, work place or wherever they might be.

Even during this 16-day period of activism, there have been a number of cases of violence against women and children. Perpetrators include husbands, uncles, police, priests, teachers, soldiers and professionals in general.

We need to start highlighting the value and central roles of the family in our nation, which I believe should be the bedrock of a strong and caring society. Individual rights should not negate the fact that we need strong families that will impart values, such as respect in every level of society.

If men respect women and their value in society, they will not harm or do them wrong, let alone assault or rape them. Equally, if women respect men and boys, they would also not violate them.

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The ACDP believes the liberal and humanistic legislation have accelerated the breakdown of family values and this has resulted in an increase in sexual violence in our country. To help solve this problem, all antifamily laws have to be revisited and repeated. If we do not do so, the summits and debates about sexual and gender-based violence will continue just as sexual violence also continues.

To emphasise the importance of how to successfully fight against gender-based violence, I will repeat some of the things I raised during the President's recent address on gender-based violence a few months ago.

Firstly, I believe government will go a long way in restoring the dignity of women by banning all forms of pornography, which objectifies women as sex objects. The ACDP has for years said that pornography is the theory, but rape is the act.

Secondly, there must be harsher punishment for rape, and rapists must be denied bail. This would help send a message that our justice system is serious about rape,

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and its deeply scarring effects on victims. Our toothless justice system must be given stronger teeth to swiftly and effectively deal with cases of rape and sexual violence.

Thirdly, victims must be protected from corrupt, immoral police officers who abuse and mistreat them and in some instances, assault and rape them when they go to report a case. These officers must be purged from our police service, and face the full might of the law. The ACDP says the victimising of victims of rape and sexual violence must stop. [Time expired.]

Mr N L S KWANKWA: Hon Deputy Speaker and hon members, hon Mgweba is quite correct in highlighting or repeating the words which were uttered by President Ramaphosa recently where he said:

The crisis of gender-based violence against women and children is a shame on the nation.

Once a year we shine the spotlight on gender-based violence and this House debates the matter but we seem to

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be not going anywhere or make no progress in eradicating this scourge from our society.

Colleagues, you know that in both rural areas and cities, gender-based violence occurs in public places in some instances especially in rural areas it even occurs in public transport. Anecdotal evidence suggests that in the past year we have seen violence against women and children escalate and we must acknowledge the role that the media has played in highlighting this devastating phenomenon.

Ladies and gentlemen, there is a tendency amongst some men in South Africa to blame victims for the violence. I would like to make it categorically clear on behalf of the UDM that our women and children cannot be held responsible for the violence that happens to them. Violence is the responsibility of the perpetrators and we as lawmakers must make sure that those who perpetrate violence against women and children face the full might of the law.

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Honourable members, the UDM started asking an important question a while ago. The question is: What is the use of having a women's department, if that department seems to be doing very little to nothing about the challenges of gender-based violence? This department to us is failing in its programme of social transformation and economic empowerment.

Policy stakeholder co-ordination and knowledge management even though useful is not what we need to address the current crisis. The department has no teeth and issuing statements after gender-based violence has occurred is not useful. The UDM sees this department playing a greater role in co-ordinating government's efforts to definitively remove gender-based violence from our lives. This can be done in co-ordination and co-operation with other structures of society.

A point that we feel is often overlooked is that, as a society that lives in the digital era. We have to do something about the rising levels of gender-based violence that take place in online spaces with little girls, young women and children regularly reporting

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harassment and abuse on these platforms, that go unpunished and usually go unnoticed to the point where they have to exercise self censure.

IsiXhosa:

Siyi-UDM siyabulela kwaye siyayixhasa. Enkosi.

Ms T L MARAWU: Thank you very much Deputy Speaker. Karabo Mokoena, Versha Kandasamy, Jordan Peters, Uyinene Mrwetyana and many more others. More recently Precious Ramabulana, remember their names hon members.

On 03 September, the ATM wrote to the Presidency pleading that the President exercise his power in terms Section 84(2)(g) to allow for a referendum for the amendment of the Constitution to allow for the introduction of a justice based capital punishment System better known as the death penalty.

IsiXhosa:

Sizakuyithetha qho ke, mhlawumbi izakude ivakale.

English:

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This retribution is required to bring proper closure to the families of the victims. A request which fell short of acknowledgement, yet it echoes the wants of millions of South African women and families who are tired of hearing expressions such as, "the President is shocked", "the President is concerned" and most recently, "enough is enough". When will the President stop with these populist platitudes and start protecting the women of South Africa and their children through allowing for this much needed referendum?

Mr President, until when should innocent victims like Precious Ramabulana, Uyinene Mrwetyana and others perish at the hands of merciless, repeat serial rapists and murderers under your watch? Until when are you going to tolerate these unnecessary losses of lives whilst defending this perpetrator's centric Constitution and justice system? Today, Mr President, we demand that you listen to the masses including your own ANC Women's League and the cries of the people who elected all of us to represent them in this House and accede to the referendum.

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We represent them Mr President, not only the fortunate 1% that have access to 24 hour private security. We are tired of academic aerobics about whether death penalty reduces crime or not whilst our women and children are dying and raped by the hour. On 09 October, the ATM Women's League sent a letter to the President where we asked for a referendum to amend the Constitution. Perhaps the letter we sent got lost in the mail, we will resend this letter.

Given the imperfections in our justice system, the capital punishment called for must be accompanied by these safeguards. We are saying: Applicable only to repeat offenders. If convicted, the automatic appeal to a full bench at Supreme Court must kick in. The accused must be represented by a senior counsel, if the accused is indigent, the state must carry the legal costs. The time for a victim centric Constitution and justice system is now. Thank you very much.

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: Deputy Chairperson.

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The DEPUTY SPEAKER: Deputy Speaker.

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: My apologies. Hon Deputy Speaker, I was really hoping today...

Mr T M LANGA: Point of order Chairperson.

THE DEPUTY SPEAKER: What is the point of order? Yes.

IsiZulu:

Mnu T M LANGA: Sekela Somlomo, angazi noma awumboni uNgqongqoshe laphaya ...

English:

...he has standing there for a while and it is happening in front of your eyes. We are dealing with the matter that is very serious [Interjections.]

IsiZulu:

USEKELA SOMLOMO: Ukhuluma ngani manje?

English:

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Oh yes, yes. Hon members, please be present with us, you do not seem to be with us, you are somewhere else altogether. Go ahead Minister.

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: Hon Deputy Speaker, I was very hoping today that as we near the end of the 16 Days of Violence against Women and Children, I was going to hear more contributions about actions and what all of us must do together.

I want to share with you Deputy Speaker that yesterday; we assisted the Woman's Shelter Movement across the country by hosting a golf day. I want to say, thank you to all the men that came out and contributed more than R250 000 towards women shelters. That shows that people are ready to come together. We must unite against the scourge.

I had the honour to play with two young boys, because we must also teach our young boys and entrench a culture of respect for women. A young 9-year old boy, Traigh from Cape Town who is fast becoming a national golf prodigy

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and has his message to women and gender based violence and he said:

I believe that women are the key to the future. My mom works so hard to ensure that I get the tools I need to develop my talent. I hope that women in South Africa will be protected.

We were also honoured to have 8-year old Simthandile SimTiger Tshabalala and is also representing South Africa in multiple international tournaments and he said, he loves his mom because as his mom is always is always sweet and he does not know women and children are being abused. I hope that these two young boys can grow up one day to be like man around, as role models around the country because key to national unity is the protecting of women and girls.

Men and boys should be partners with women to build families and our country and not abuse women and children. Yes, we hear a lot about statistics today, statistics is important but we can repeat and repeat

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them. We have to build a South Africa where our women feel safe, safe in their homes and safe in churches.

My message too is, pain is not normal, if you have pain you must walk away from an abusive relationship and go to a women shelter. We must also distribute that call centre number, I called it last week Saturday and it was answered, but in eight seconds. All of us must distribute that number so that women can know that there is help for them out there. That toll-free number very helpful but now the time has come that if we claim that this government is useless to deal with gender based violence, then why can we leave gender based violence only to government to sort out. We all have got a responsibility and stop complaining; we need to see action from all of us, not only government. Thank you [Applause.]

The DEPUTY SPEAKER: Hon Shaik Emam, why are you sitting there? [Laughter.] [Applause.]

Mr A M SHAIK EMAM: Deputy Speaker, yes indeed once again, and I think I have been doing this for up to 50 years in

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succession, coming here to talk about the issue of gender-based violence.

It is common knowledge that in this country, the extent of gender-based violence and femicide in South Africa renders it a national crisis.

Despite the announcement by the President that gender-based violence will be prioritised and measures will be put in place with a pledge of R1,6 billion. We must be mindful of the fact that it is not only money that is going to solve the problems of gender-based violence.

In fact, let me say that it starts in our very homes. It starts in this House. How many of us particularly male Members of Parliament in this House can honestly and sincerely say that we treat every woman equally? I think we will be shocked and surprised if we do a research in it because we will find that it's clearly not the case.

Women are also emotionally abused. Let me tell you, it is accepted that when you are a Member of Parliament, you are superior. How many men in this House can tell me that

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they are honest and sincere to the wives that they have left behind in their homes where they leave in the real world? Very few of you can tell me that. How many of you can tell me that you sincerely and honestly protect and love your children and pay maintenance to your children? Many of you don't even do that. So, let us take account of our actions and our behaviours. That is why we are like that.

Let me also commend Botswana, I think it's earlier yesterday, for the death penalty on one of the crimes that was committed where somebody has murdered his boss. That's what South Africa need to do.

More importantly, let me tell you what we need to do. We need *sharia* law in South Africa. Chop off the fingers if you cannot deal with the issue. [Interjections.] Yes, many of these people are not going to accept it. Can I tell you why? They will not accept it because if you had to have *sharia* law for some of the crimes, some of them will be fingerless. [Applause.] That's basically what will happen. That's the reason why they will not accept it. [Laughter.]

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Let me give you a good example why I say it's not only money that can solve the issue of gender-based violence.

The DEPUTY SPEAKER: Order! Order, if you want to keep your fingers. [Laughter.]

Mr A M SHAIK EMAM: Let me give you an example why I am saying it's not only money that can solve the problem of our behaviour on gender-based violence. Let's take the issue of a woman by the name of Melanie Carol. I am not going to give you her surname for obvious reasons. The woman has been abused for 17 years by her policeman husband. The police were not able to help the woman. The court released him on a bail last week. The woman is frantic. She fears for her life. The children are traumatised. The police can do very little or nothing about it. It is the criminal justice that must also deal with it. It's not only about finances that can bring about the change in terms of the way we behave on gender-based violence. Thank you. [Time expired.] [Applause.]

IsiZulu:

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Mnu S NGCOBO: Sekela Somlomo ohloniphekileyo, amalunga ale Ndlu ahloniphekileyo, akusona isimo esamukelekile ukuthi unyaka nonyaka eNingizimu Afrika sibe nomkhankaso esiwubiza ngokuthi yi-“16 Days of Activism for No Violence Against Women and Children” kodwa ekubeni abantu besifazane kanye nezingane beqhubeka behlukunyezwa mihla namalanga.

Izigekeko esizibonayo zokuhlukunyezwa kwabantu besifazane nezingane zisikhombisa ukuthi akumele sibe nje no-“16 Days of Activism for No Violence Against Women and Children”, kepha kumele sibe nomkhankaso wezinsuku ezingama-“365 of Activism for No Violence Against Women and Children”. [Ihlombe.] Iqiniso ukuthi abantu besifazane nezingane eNingizimu Afrika abavikelekile. Ngisho besemakhaya abo bayahlukunyezwa noma besendaweni abasebenzela kuzo bayahlukunyezwa. Nanoma sebeya ezikhungweni zikahulumeni njengasehhovisi leposi bafike bahlukunyezwe. Kuliqiniso elimsulwa ukuthi ukuvikelwa kwabantwana eNingizimu Afrika yinselelo yomuntu wonke kodwa naye uhulumeni kumele abenendima enkulu ayidlalayo ukuze aqinisekise ukuthi abantwana bayavikeleka futhi bayathuthukiswa.

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Sekela Somlomo kuyamangaza ukuthi uMnyango Wokuthuthukiswa Komphakathi ukhombisa ukuthi uyahluleka ukulwisana nezinkinga ezibhekene nohlelo lokunakekela izingane. Kunombiko oveza ukuthi imiyalelo yezinkantolo eyizinkulungwane ngezinkulungwane ayizange ilandelwe uMnyango Wezokuthuthukiswa Komphakathi. Le miyalelo iqinisekisa ukuthi uMnyango uvikele abantwana abasuke behlukunyeziwe. Lokhu kusho ukuthi uMnyango awazi ukuthi labantwana abahlukunyeziwe isimo sabo sesishintshile yini.

Inhlosongqangi yohlelo lokunakekela izingane ukweseka kanye nokuvikela abantwana abahlukunyeziwe. Ngaphandle komyalelo wenkantolo osonhlalakahle abakwazi ukuqinisekisa ukuthi abantwana bayavikeleka. Okunye futhi okwethusayo, ukuthi ngaphandle kwalemiyalelo yenkantolo abantu abanakekela izingane ngaphansi kohlelo lokunakekela izingane abakwazi ukuthola isibonelelo sokunakekela izingane. Lokhu kwenza ukuthi izinkulungwane zabantu abanakekela izingane ezihlukunyeziwe bangabi nawo amandla okwenza loko njengoba beshodelwa yizimali. Lesi yisimo esingamele sisivume futhi esingamukelekile. Kumele uMnyango Wezokuthuthukiswa Komphakathi ulusukumele lolu

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daba lwemiyalelo yenkantolo mayelana nokunakekela izingane eNingizimu Afrika.

Ukuxazulula izinkinga ezikhungethe ukunakekela izingane kuzosiza kakhulu ekuvikeleni abantwana abahlukunyeziwe. Kuzophinda futhi kwenze umsebenzi ubelula koSonhlalakahle abasebenza ngokukhulu ukuzikhandla mihla namalanga ekuqinisekiseni ukuthi izingane ziyavikeleka.

I-DA ngeke ithule isonge izandla imbokodo kanye nezingane behlukumezeka. [Ihlombe.] Sizozhubeka nokuba yizwi elikhulumela abantu besifazane kanye nezingane.

Sizozhubeka nokuqinisekisa ukuthi lo hulumeni othatha izinyathelo ezifanele ukuqinisekisa ukuthi lesi sikhava siyaphela. Alikho ilizwe elingaphumelela ngaphandle kokuvikela abantu besifazane kanye nezingane njengoba sisho nesiZulu sithi: Inkunzi isematholeni okusho ukuthi ikusasa lisezandleni zentsha. Ngiyabonga. [Ihlombe.]

Mr T MALATJI: Hon Deputy Speaker, greetings to hon members. I address all of you here as a brother and a leader. Allow me to be in a programme and to put in the

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debate that it is very important that we quote the most important Charter of Women, the 1954 Charter that said:

We, the women of South Africa, wives and mothers, working women and housewives, African, Indians, European and Coloured, hereby declare our aim of striving for the removal of all laws, regulations, conventions and customs that discriminate against us as women, and that deprive us in any way of our inherent right to the advantages, responsibilities and opportunities that society offers to any one section of the population.

It can not be correct, that 65 years later, since the adoption of the Women's Charter that women are still fighting against customs, culture and practices that discriminate against women. The revival of tradition, cultures, customs and practice that derived from them after the demised of colonisation, imperialism and apartheid, will definitely require us to enter into dialogue, a dialogue that characterised our ancestors and what really it is indigenous.

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However the process should take the context into consideration, that some of the cultural practices were necessary then, unnecessary now, due to development, globalisation and other factors. Some cultural practices that need to be scrutinize such as the practice of virginity testing. Women are expected to maintain a high level of morality to be married to an honourable man who might be deflowered as impregnating a lot of women and also possible having human immunodeficiency virus, HIV, positive. On the other hand virginity testing poses a threat of discrimination against girl children who are not virgins, who in many instances are raped by men. The reasons to advance for the virginity testing, it is not focused on prevention and protection.

The practice of *Ukuthwala* is a form of abduction that involves the kidnapping of young girls and women by a man, his friends and peers with an intention to compel the young girls or young women, falsely to endorse a marriage or their families to endorse a lobola negotiation. There is a proven links between education, underdevelopment and poverty. *Ukuthwala* deprives girl children opportunities to educate and to develop

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themselves, further more the research indicates that majority of young women who are victims from *Ukuthwala* are from poor families.

The lack of education and underdevelopment due to *Ukuthwala* poverty deepens the poverty and the circle of poverty in society. A gender-based activist and advocate of high court M J Maluleka, emphasised the following, that hon members:

During the revival of tradition, culture and customs it must be part of a new nation and international identity; however this revival must be rooted in way that is based on human rights, democracy, and equality for all and understood from the point of view of ubuntu.

Culture, traditions and customs must have a balance within the society and the legal content of the Constitution and provision of the Bill of Rights. In the same breath, we must address patriarchy society.

Patriarchy remains a deepest entrenched within the fibre of society, to such extend that most of women consider it

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as being a normal way of life, this must be changed.

Steve Biko once said:

Women must be at the forefront front of nation
to bring South African citizens together.

Therefore develop a whole new ethos of human,
co-existence. Women have shaken off the
shackles of the past in the determine struggle
against political socio-economic oppression,
have decisively earned themselves a place in
the history books of our country.

The nation honour women like Mama Winnie Madikizela
Mandela, Mama Albertina Sisulu, Adelaide Tambo and many
others. The sad reality is however, is that today the
shackles remain different from the past.

The recent killing of women in the country bears
testimony of the chains that binds them to find
expression in the patriarchal society. We need to work as
a collective to address patriarchy that is line with the
following incidents that has happened in the past weeks.
The hitchhiking of trips from a job interview in

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Johannesburg turned into a tragedy where two young from Carolina, Mpumalanga, one was painfully killed and raped by men, while other one who is disable was thrown out of a moving car. A 32 year old man Sebokeng, Gauteng man alleged stabbed his mother and father and four year old sister to death.

Right here in South Africa, in the University of KwaZulu-Natal, we heard about the murder of a dean of art who was killed alleged for refusing to approve a dissertation which did not meet the requirement. In Limpopo we see yet another young bright lady who was in fact a bread winner, who supported a family using The National Student Financial Aid Scheme, NSFAS, grant monthly stipends, Precious Ramabulana, who was brutally killed.

In all these incidents are as results of patriarchy, they are happening right here in country, in our homes, our schools and our work places, not far from where many of us are reside. Therefore, it should be the duty of every member here today, both on this platform that we become vocal about this gender-based violence. These are serious matters that should not be used for cheap politicking. We

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should work towards strengthening our police systems; we should towards developing policies that are making sure that we enforce law implementing agencies, to capacitate our police.

Sixteen Days of Activism must not the only time where we fight against this evil society. We must work together to assist each other to build this nation. Hon members, women do not wish to form a society separate from the one of men. In their belief, there is one society and it is made up of women and children. Women share with their man folks the scars of inequality and poverty which are evil. Together we can defeat poverty, together we can defeat unemployment, together we can defeat inequalities, together we can defeat gender-based violence, and together we can defeat homicides.

Last but not least, the matter of dealing with teaching society about respect, concern human rights and women, must be extended to public servants. It must not be that women still feel unsafe even in public spaces where they should feel safe. I will close by saying and quoting what Mama Winnie has once said that:

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The overwhelming majority of women accept patriarchy unquestioningly and even protects it, working out the resultant frustrations not against men but against themselves in their competition for men as sons, lovers and husbands. Traditionally the violated wife beat out or takes their frustration on their daughter-in-law. So men dominate women through the agency of women themselves.

Thank you.

Mr L M NTSHAYISA: Hon Deputy Speaker, as we mark the 16 Days of Activism of No Violence against Women and Children, we must begin ... [Interjections.]

The DEPUTY SPEAKER: Order hon members! Keep your voices low please.

Mr L M NTSHAYISA: ... for the first time, to expose and shame these culprits. These are the culprits that have been convicted, sentenced and charged for crimes perpetrated against women and children. The culprits in the likes of Luyanda Botha, Annanias Mathe - May the soul

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of this culprit rest in hell, Thulani Ngcobo, Bulelani Manyakama, and many others. These culprits have no place in our society.

Deputy Speaker, we are greatly concerned that the contents of the National Register of Sex Offenders cannot be made available to the general public. It is only those who have been granted a clearance certificate that can have access to the contents of this register. This is a great concern indeed. The risk of this overregulation may not be in the best interest of our efforts to stem out child related sexual offences.

Deputy Speaker, we are alarmed by Judge K Bodlani's judgements in child related criminal cases. Her judgements in the recent years on child related cases have been very lenient. This is an affront to the fight against child abuse and violence.

Deputy Speaker, as we mark this 16 Days Campaign, we need to reflect⁶ deeply on the boy child. There must be a concerted effort to mould young men of ethical and moral conduct. This must be a collective effort between the

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government, traditional leaders, civil society and schools. Of course, it cannot be the government alone. Let us not destroy our future by killing our children and women.

Patriarchy is one issue that should be looked into. No one should be seen as above another. Unemployment, poverty and inequality cannot be regarded as an excuse for abuse of women and children. Of course, it is not in our culture as black Africans to abuse women and children. Let us go back to our basics. We think that education; social development; police; justice and correctional services, should come together and fight against this scourge so that our children and women no longer suffer.

We support the idea that now this should be continued for 365 days and not only for 16 days. This should be taken as a reminder that we should work or fight against women abuse and children. Thank you very much.

The DEPUTY SPEAKER: Hon member, as you go away. Please, in future, no matter angry you are, always temper your

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language, especially when you are speaking in the House and elsewhere. It helps to cool tempers generally. Hon Madisha it's your turn.

Mr W M MADISHA: Hon Deputy Speaker, I, too, on behalf of Cope, rises to say; let's respect women. All human beings are the same. All human beings are a product of the same process - a process which results in all human beings taking their first breath and their last breath. All human beings have the same physical and body organs, which without a doubt, must make all humanity to conclude that all people, whether men or women, are the same and must therefore enjoy the same access to all that which is positive.

The only difference between men and women is one organ, without its presence, more humans will not have their first breath. It is unfortunate that South Africans, including this House, we only rise to commit ourselves to gender equality and the removal of gender violence when problems arise; like what has happened in Limpopo and it is continuing to happen in a number of other areas.

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After these 16 days, government will forget until we go to elections because although government here rises to say; respect women, it is a fact that they use women as a tool to acquire votes. Jobs for women are created. But which set of women? I want to ask that question. Not the poor, but for those who are already in high positions.

If we come here to Parliament for an example, it is said that women and men that we have here must be 50%-50%. But now these are people who are already up there. Who enjoys whatever they are enjoying. But then the ordinary people out there, the poor people are not enjoying this. Members of Parliament are made Ministers and that is a very serious problem.

Now, even beyond the realms of this Parliament, who are the women who are being enriched? Those are women who are already at the upfront. It is those women who are rich already. And when they talk about giving women more resources, it is already those who have resources that are given more resources. But then if you go to KwaZulu-Natal, if you go all over, the ordinary people ...

[Inaudible.] [Interjections.]

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The DEPUTY SPEAKER: Hon Madisha, don't go to KwaZulu-Natal, your time has expired. [Laughter] Your time has expired sir. Thank you.

Mr M NYHONTSO: Deputy Speaker, South Africa is an extremely violent society. Criminals opportunistically aim at the soft targets that the state should protect with all means necessary at its disposal. The soft targets are defenceless women, children and especially the elderly.

I want to illustrate this point by telling you of the case of Mama Mandisa Tsotsi. At 77 years, she is a retired nurse, former APLA cadre, a military veteran, a lawyer, a community worker and an activist for the rights of women, a grandmother, a parent and more than anything else, a patriot.

She comes from a political family. Her late father, her brother and herself, were in exile. She was sexually attacked by what could be a youngster from the neighbourhood in rural Tsomo in the Eastern Cape. The rural areas are no longer a safe haven for the elderly.

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The scourge of gender based violence has spread throughout the country. Mama Tsotsi was raided at midnight and held at knifepoint, then sexually assaulted. I know the case, as I went to Tsomo police station in my duties as a Member of Parliament serving my constituency to enquire on the investigations and nothing has happened since then.

The crime happened in August 2019 and the matter is still treated as a cold case. This is a further assault on the assaulted, done by negligent investigators. She is still to date, still receiving treatment in a military hospital in Pretoria.

As the PAC, we continue to hail our loud call for the judiciary system to be transformed and key amongst other changes is; how do we decisively deal with perpetrators of these inhumane atrocities? One of the key reasons why we will continue to have these problems is when the law and judiciary system is seen to be weak. Perpetrators are arrested for a few days and then later be released either on bail or through means and reasons that are never clearly explained.

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We call on this House to prioritise this matter and as lawmakers, let us lead the charge in the fight against these violent crimes. Let us lead the charge by changing laws and put in place laws that will sent a clearly audible message to all; that this behaviour is against our African norms, morals and value system.

As African people, we praise ourselves with our high levels of moral standing on earth and we must do everything in our power to remain as such. What type of a nation are we if we are to fold our arms and watch war being waged against our loved ones. Let us rise as a society, roll our sleeves and give these perpetrators a well-deserved response. I thank you.

Mr M G E HENDRICKS: Deputy Speaker, I need my fingers so that I will be good to women. The 16 Days of Activism Against Violence on Women and Children campaign, with the deepest respect, serves as a smokescreen for state institutions such as SA Police Service, Saps, Social Welfare Department and the judicial system for failing to protect women and children.

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In a news article of the *Cape Argus* this morning, the Western Cape High Court granted parole to a gang member who is serving 10 years for a gang rape committed in 2014. The Chief Justice must please explain as to why there is a war against women by our judiciary - like that one of the judges on the bench. There is no hope for 16 Days Activism campaign. Does the Chief Justice not conscientise his judges? This is a question that Al Jama-ah is asking.

Al Jama-ah has started a gender strengthening mechanism desk at its national constituency office in Surrey Estate, Athlone, to assist physically abused women with legal, social and welfare matters and has put in place an arm response unit to fetch women as their husbands abuse them and take them to the police station.

Deputy Speaker, as part of my constituency work, I chaired the disciplinary hearing at a primary school yesterday in one of the poorest areas in the Cape Flats. I have found the educator guilty and sent the minutes and the report to the chief auxiliary social worker, the Department of Basic Education and the member of the

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executive council, MEC, as they inquire about this case. This is what the evidence that 10 boys and one girl gave at the hearing. "My teacher tried to cut my penis with a scissor. He hit us in our private parts with his hands and sometimes with a ruler. He asks us to lift his arms and punishes us and pinches us until we are blue. When we stretch our arms and legs apart, he proceeds to punch me in my private areas." We as parents, and the parents' rights, appreciate your discretion in this matter as our son is extremely embarrassed.

A Grade 7 girl gave evidence that "the teacher hit me with his elbow against my breast which it hurts. He winks at me and hits me on my head." My classmate said that he was really close to me and he is always around me. "He swears at me with word which is totally uncomfortable. He often forces me to bring things like food as the whole class, he's going to squat." Deputy Speaker, We heard your press conference this morning and we hope that it is not going to be all thunder and no lightning.

Mr L MPHITHI: Thank you, Deputy Speaker. Jackson Katz makes a significant point on the framing of gender-based

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violence. He argues that calling gender-based violence a women's issue is part of the problem because it gives men an excuse not to pay attention. Using this framing you can see how this is systematically worked in our society. For example, when people hear the word "gender" many times they think it's about women issues - as if men don't have a gender. This is one of the ways in which a dominant system maintains itself, the ability to go unexamined about issues that are about us as men. Martin Luther King Junior once said "In the end what will hurt us the most is not the words of our enemies, but the silence of our friends."

Therefore, today, as men in this House we need to ask ourselves what have we done to organise around gender-based violence? What have we done to lead other men in society on gender-based violence? The truth is the responsibility to take up leadership on this issue must fall on adult men, and men who are in power in particular. We know so much about how to prevent domestic and sexual violence. There is no excuse that our institutions, our workplaces, our schools and our public spaces are not doing it. The reason is that adult men -

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and adult men with power in these spaces - are deliberately not taking leadership on this matter.

It's about the Vice Chancellor at a university who has the power to decide how resources are allocated. It's about the male school teacher in a classroom who intentionally taking steps to disrupt toxic masculinity in the classroom. It's about a father at home who sits down with his kids and unpacks the importance of being able to deal with your feelings as a young boy. It's about a coach who corrects sexist remarks in a team and sets a clear example that it will not be tolerated.

[Applause.]

The point is simple: it is about the people in charge, the people who decide what the priorities become, the people who control the resources, the adult men in their homes, the adult men in their work spaces and the adult men in the public spaces. The point is about the people in charge.

The President made a promise here on 5 September and say that he will provide rapid and comprehensive responses to

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all forms of violence. What has happened? Nothing! To address the backlog of cases, the delaying deoxyribonucleic acid, DNA, testing and the availability of rape kits - nothing. That all crimes against women and children should attract harsher minimum sentences, nothing has happened. There are a few hard truths that we need to deal with in order to start changing the course of gender-based violence.

The Department of Women, Youth and Persons with Disabilities has failed. The Minister has failed. She must resign. [Applause.] Either we make a fundamental change and allocate the resources to the Commission of Gender Equality so that the real work can begin on the ground. The truth of the matter is that the nongovernmental organisations, NGOs, are doing the Lord's work in the devil's playground. It is the NGOs in many instances that pick up the slack of government in dealing with gender-based violence in our communities. They tend to lack funding. Therefore, do something about that.

Lastly, there are men who care deeply about these issues but caring deeply is not enough. We need more guts, we

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need to challenge each other and we need to disrupt each other and begin to change the level of tragedy in our society. In closing, Deputy Speaker, there is a man here who disrespected the female colleague of mine. It is unacceptable, and you guys need to change because if we are saying that men must take up responsibility, it must start with us. Thank you. [Applause.]

The DEPUTY SPEAKER: Hon member, you must be careful of your gesturing.

The DEPUTY MINISTER OF WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Deputy Speaker, hon members, Ministers, I just want to take this opportunity to invite all of us to reflect deeply and fairly on the memory of all those whom we have lost through gender-based violence and femicide. Sometime it is easier to reflect on the names that have been flagged and championed all over, especially by members of the media, but we know our people have died in numbers in the most remote rural areas and very little is known about them.

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I will not risk the temptation to reflect a little bit on some of what hon Ngcobo was saying that there is a need to call for 365 days of activism and really when he says that we ...

IsiZulu:

Kuyadabula, kuzwisa ubuhlungu ngoba ngempela sonke sikule Ndlu kodwa cishe asizwa ngokufanayo. Ngithatha ukuthi sekuphele iminyaka emihlanu iNingizimu Afrika yathi asizukuhlala nje kulezi zinsuku eziyishumi nesithupha kodwa kufanele sikhankase izinsuku ezingama-365 ubusuku nemini. Manje kuyethusa uma uthola ilungu elihloniphekile lingakakutholi kahle lokho esazoma phambi kwePhalamende ethi sicela kube nezinsuku ezingama-365.

Okunye nje okuncane ngisababonga aMalungu ePhalamende akhulumile, kuyathanda futhi ukuwukhathaza umoya uma uzwa ilungu elihloniphekile uShariff ekhuluma ngokuthi uhulumeni ayikho into asevenzile. Kubanzima ukukuthola ukuthi kuyipolitiki noma ukungatholi kahle izinto ukuthi imihla ngemihla senzani.

English:

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The President of the Republic of South Africa led a high-level discussion in September. I will refer briefly to what hon Mqweba was saying. Basically, the President made a clarion call, using his highest authority you can ever think of. We have seen the response from top multinational companies in this country launching their own 16 Days of Activism. I personally went where the Anglo-American said globally, we are stamping our authority to say, no violence against women and children. So, ...

IsiZulu:

... uma kukhona amalungu lapha angakatholi kahle ukuthi uMongameli uthini futhi usisaphi - kuyethusa kakhulu ngoba phela sishaya imithetho. [Ihlombe.] Zizinkokheli simele amaqembu okumele ngabe akhankasa ubusuku nemini phansi.

English:

So, our emphasis today, ...

IsiZulu:

... ukuthi ...

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English:

...there are still men ...

IsiZulu:

... abasabambekile, abasaqhubeka nalento kodwa thina kudala siyibekile indaba yokuthi ...

English:

... #women and children abusers must fall. From the time ...

IsiZulu:

... uMongameli ethi ngizobamba Ingqungquthela ezokhomba indlela.

English:

That was basically the message he was sending. However, it is fallacy to think that the President can mobilize youtu R1,6 billion and say ... or just because it came from existing funds, it no money. It is a budget that is meant to strengthen the machinery. When you ask what this department is doing. It is part of the national gender machinery that is working 365 days - it is the women's

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Ministry, it is Commission for gender equality, gender focal points at all levels.

So, the government machinery is hard at work, dealing with a complex phenomenon. The government machinery is being led by able capable &&&& which is giving this process the moral and political authority.

Yes, we are dealing with complex issues. We have heard shocking news while we were saying, at long last, it is on top of the agenda. We should not be deterred nor intimidated. The President has made it clear, even when we came to address the launch of the 16 Days of Activism and he challenged us, as hon Mqweba was saying, to rethink about who we are, our own African identity and to reexamine our attitudes and our beliefs in terms of gender equality. That is a powerful thing, because he is taking this struggle beyond saying the government but looking at us as people who make what South Africa is.

IsiZulu:

INingizimu Afrika yimina nawe. INingizimu Afrika yiqembu lami nelakho. INingizimu Afrika wumuntu wonke

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osemasontweni, osemakhaya okunaphi nakuphi. UMongameli
uthe masenze lokho ...

English:

... which will make us proudly South African.

IsiZulu:

Sihloniphane senze lokho okutholakala kuMthethosisekelo
wethu.

English:

Prevention is a very important component of the work that
we are facing. The preventive measures against gender-
based violence ... They really have to go back to what
tata Madiba has spoken about - the RDP of the soul, the
RDP of the mind. We should rethink and rechallenge our
own attitudes towards especially girls and women, because
that is where it all begins. When you think less of
another person, then it begins to end up not realizing
their rights that are protected in the Victim's Charter,
but end up abusing them in one way or another.

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When we talk about the mechanisms that we should embark upon, it is important to locate what we are talking about within our context of poverty, unemployment and inequality. The women that we are talking about, the girls that we are talking about are the people who bear the brunt of the problem, but also who are far from the resources.

Thank you to the government that has seen it strategic to expand the sexual offences courts to the most remote rural areas and the Minister of Justice who has made sure that they are amended appropriately, the Thutuzela centers. We still have challenges in some instances where they are not adequately &&&&, but at least, there is a clear thinking that those Thuthuzela centres are dealing with trauma and its impact on a person's mind.

We are not where we were yesterday. I want to assure you that our old victim empowerment programme almost all civil society organizations, especially those funded by government are working hard day and night to make sure that from the police to the judge, nobody is going to try and cancel victims, but this empowerment is meant to

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ensure that each and every victim will fight until the last for justice. Where they have disappeared and where they have been killed, what is being consoling is to see families standing up forming foundations and fighting back, not only for those, their loved ones who have died, but for all young women and girls who are faced with this challenge in society.

Secondly, we have to continue looking at the role of the police. Of course, we all know that our police are not adequately staffed and funded, but there are positive things that I am happy to talk about. When we were presented that all our police stations have been given the rape kits, I felt it is up to us, especially, civil society. The community development fora, the community structures are critical if we were to prevent this scourge from occurring, because they have an opportunity to scan and analyse who are potential perpetrators and what can be done timously before they attack. They can make sure that they prevent the act from happening.

So, we are the ones who must support our police today. We must make them accountable through our community

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development fora. We must shout if feel that our local police stations don't have adequate vehicles and measures to communicate or whatever it requires for them to interview women in a decent manner.

When it comes to prosecution, it is a major challenge when you hear that many cases have been dropped because no evidence could be accumulated. Like the police, it is up to us to support the Thuthuzela centres at a local level to ensure that our files have all the important material which will compel the prosecuting authority to do its work timeously and efficiently and in a way that will restore the dignity of women who were dehumanized through sexual assault and many of the crimes that they go through.

When it comes to our legal profession, it is also important to bring our own activism. The easiest thing is to represent the perpetrator and to create doubt in the court and to confuse the victim and to ensure that the perpetrator goes scot free.

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We are of African pride. We are South African citizens. We are all bound to fight for victims of this crime. As long as we don't fight adequately for them, we cannot hope that a miracle will happen and perpetrators will just be intimidated.

So, we all have a responsibility to play our part and to ensure that anyone who is in a court of law, don't have this burden of remembering, this burden of having a clear memory of what happened on that day, of what the perpetrator was wearing, or what the man said whether you agreed or not.

What has been more offensive to women is that normally in a security system, women and all citizens are advised that if you are confronted by armed criminals, you have to find a way of co-operating because you scream or you act in a way where they think you are going to attack, you will be killed.

When it comes to women who are victims of this crime, half of the time, in our courts, they will be looking at whether there are scratches and they will begin to wonder

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why the women did not fight back. There are decided cases where there have been clearly an analysis whereby perpetrators were given lighter sentences and that is a big problem. It does not help us to ensure that we meet our targets in terms of stopping this scourge of violence against and children.

I am not going into details into those, but I would say that those are some of the things that the President was talking about during the 16 Days that we have to examine our own origins and identity as to who we are and do all what will make us to be proud people.

We have to guard against allowing our officials within the criminal justice system to want to be councilors and begin to channel the victim's mind, calming them down and leading to positions where sometimes they withdraw cases.

The officers of the law, throughout the value chain are meant to deal harshly with perpetrators. I was a little bit concerned when I heard that since the summit, nothing has happened, but I must say, if we were to be fair and truthful, there have been heavy sentences that have been

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passed and also here are many people who have not been granted a bail, coming from a history where it almost a routine. In the townships, in the informal settlements, we are all familiar with cases. I hope hon members have constituencies in those communities where people were saying that a young man raped a girl and went to the police station, but after two days, we saw him back, threatening all of us.

Today, since the implementation of this five-point action plan, there has been a clear message sent across that this is a serious crime and this is not the kind of crime where people can easily apply for bail. We are beginning to see the fruit of campaign. Thank you very much. [Time expired.]

THIRD REPORT OF NATIONAL ASSEMBLY RULES COMMITTEE

The DEPUTY CHIEF WHIP OF THE MAJORITY: Hon Deputy Speaker, hon members, in accordance with the Constitution, the NA is empowered to determine its own procedures in working arrangements. The Rules and Orders of the House. Of course Parliament and the political

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environment are not static but constantly evolve and the Rules must be understood as living articles.

Recently, the Rules Committee has been seized with reforms in order to improve the functioning of the House, in particular it has been examining the mechanisms of members' statements and the procedures to remove office bearers in institutions supporting constitutional democracy.

The Rules Committee tabled a report on these matters which included a number of recommendations on 28 November 2018. In the first instance, the Rules Committee considered members' statements and the sequence of proceedings. Members' statements are an important tool in that they allow members to raise pressing issues including those arising from constituencies in the House. The Rules also allow the executive to respond to such statements. In this way the executive is made to account to the to the people's representatives.

In terms of Rule 47, the sequences of proceedings members' statements are at present scheduled after

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motions without notice. This arrangement has led to some challenges especially with respect to the ability of the executive to reply. Accordingly the Rules Committee is proposing that the sequence of proceedings be amended so that statements are taken before orders of the day.

In addition, owing to new political parties in the House, the committee also determines the number of permissible ministerial responses to members statements be increased from a maximum of six to seven and that the time for replies be increased to three minutes. We are satisfied that the proposed arrangement will prove beneficial to the House and facilitate proceedings.

Chapter 9 of the Constitution provides for a range of institutions to support and safeguard democracy. The Public Protector, the Human Rights Commission, the Commission for the Promotion and Protection of Rights of Cultural, Religious and Linguistic Communities, the Commission for Gender Equality, the Auditor General and Electoral Commission, Parliament as with other organs of state is obligated to assist and protect these institutions. To this end, Parliament plays a central

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role in the appointment of the office bearers to these entities. At the same time however, Section 194 of the Constitution provides that the assembly may pursuant to an open process, recommend that any of these officials be removed from office on specific grounds namely misconduct, incapacity and incompetence.

While the Constitution and existing rules do not set out a broad framework for Parliament to exercise its functions in terms of Section 194, there was a view that to ensure clarity and uniformity, specific Rules were required for this purpose. The proposed Rules as set out in the committee report address this need

Importantly, the Rules rest on the principles of fairness and due process. Firstly, they define the ground for removal those I have mentioned above. Thereafter, they provide for a four stage procedure derived in part from the procedures developed for the removal of the President. The stages allowed a member to initiate a process, a preliminary inquiry of evidence by an independent panel of experts. This will be done after

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consultation with all parties, a committee inquiry and finally the consideration of any findings by the House.

In particular, we welcome the envisaged role of the panel that will only be to assess the existence and non-existence of evidence that of establishing whether an office bearer has a case to respond to and whether the Assembly should proceed with an inquiry or not. This will promote impartiality and objectivity.

The rules also dictate that any inquiry must be conducted in a reasonable and procedural fair manner and concluded within a reasonable time frame.

We believe that the proposed rules will ensure that Assembly is able to meet its responsibility in a manner that serves to support the work of these entities and thereby democracy. I present the Rules Committee Report to the House for adoption. I so move.

There was no debate.

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The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy Speaker,
I move:

That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

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CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE
AND CORRECTIONAL SERVICES - RESTORATION OF ADVOCATE
NOMGCOBO JIBA AND ADVOCATE LAWRENCE SITHEMBISO MRWEBI TO
THEIR POSITIONS OF DEPUTY NATIONAL DIRECTOR OF PUBLIC
PROSECUTIONS AND SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS
AT NATIONAL PROSECUTING AUTHORITY, IN TERMS OF SECTION
12(6) OF NATIONAL PROSECUTING AUTHORITY ACT, ACT 32 OF
1998

Mr G MAGWANISHE: Deputy Speaker and hon members, the
Portfolio Committee on Justice and Correctional Services
having considered the removal from office of Advocate
Nomgcobo Jiba, Deputy Director of National Prosecuting
Authority, and Advocate Lawrence Sithembiso Mrwebi,

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Special Director of National Prosecution Authority, in terms of section 12(6) of the National Prosecuting Authority Act, Act 32 of 1998, reports as follows. On 25 June 2019, the President wrote to the Speaker of the National Assembly informing the National Assembly of his decision to remove Nomgcobo Jiba and Advocate Lawrence Sithembiso Mrwebi from their positions at the National Prosecuting Authority. Parliament's role in this process is provided for in section 12(6)(c) and (d) of the Act.

The enquiry done checked by Justice Mokgoro found that both Advocate Jiba and Advocate Mrwebi were not fit and proper to hold their respective offices at the National Prosecuting Authority, NPA, and recommend that they be removed. On 24 July 2019, the committee informed Advocate Jiba and Advocate Mrwebi that it will be initiating a process to consider whether or not to recommend their restoration to office. The committee also invited them to make any further written representations for considerations by the committee by 9 August 2019.

In reaching its final findings the committee considered whether the President has complied with the requirements

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of section 12(6) (a) and (b) of the Act and whether the process was fair. Informed by the documentation supplied to us the view of the majority in the committee is that the President has followed the prescripts of the law in reaching his decision to remove Advocate Jiba and Advocate Mrwebi from office. The committee is also of the view that the process followed was fair noting amongst others that both advocates had made submissions to the President and this formed part of the President's decision-making process in both their provisional suspension and removal.

The President provided reasons for his decisions to provision ally suspend and removed them office. The President established an enquiry to look into their fitness and prosperity of both Advocate Jiba and Advocate Mrwebi to hold office. The enquiry has clear terms of reference. At the enquiry both Advocate Jiba and Advocate Mrwebi were represented by senior counsels. The rules of procedure at the enquiry adopted were agreed by both Advocate Jiba and Advocate Mrwebi's legal representatives.

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The committee therefore recommends that the National Assembly resolves not to restore Advocate Nomgcobo Jiba to the office of Deputy Director of National Prosecution Authority and Advocate Lawrence Sithembiso Mrwebi to the office of the Special Director of National Prosecution Authority. I thank you.

There was no debate.

CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, I move:

That the Report be adopted by the House.

Declarations of vote:

Mr W HORN: Deputy Speaker, the power entrusted to Parliament in dealing with this item as the legislator arm of the state, is a power in terms of our constitutional system of checks and balances, the power stronger and more important than our ordinary powers of oversight aimed at ensuring that the President acts lawfully when making a decision which could, if not taken properly, erode the independence of the NPA. Therefore, we as Parliament should carefully consider whether the

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President followed the correct process in making his decision. In addition, it is our duty to consider whether the President could have been motivated by an ulterior purpose or whether he was biased. In such circumstances his decisions would constitute an abuse of power and Parliament would be duty-bound to restore to office.

Afrikaans:

Die DA is van mening dat Pres Ramaphosa in die lig van die ernstige bewerings van wangedrag teen Adv Jiba en Adv Mrwebi in die uitvoering van hulle pligte as senior direkteure van die Nasionale Vervolgingsgesag, geen ander keuse gehad het as om 'n formele ondersoek te laat doen na hul geskiktheid and gepasheid vir hul posisies nie.

Die Mokgoro Komisie van Ondersoek se verslag maak dit baie duidelik dat hulle nie net skuldig is aan ernstige wangedrag nie, maar boonop oneerlik was in die uitvoering van hulle pligte. Die getuienis voor die komisie het 'n verdoemende oordeel gefel oor beide, en die President effektief gedwing om hulle uit hul poste te verwyder.

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Ons is ook tevrede dat die Portfeuljekomitee vir Justisie die proses en die besluite van die President behoorlik evalueer het, soos die wet van hierdie Parlement vereis, en dat in die voorleggings wat aan ons gemaak is geen dwingende redes gevind is om die President se besluit om te keer nie en Jiba of Mrwebi in hul poste te herstel nie.

Die boek moet vandag toegemaak word op hierdie skandelige hoofstuk in die geskiedenis van die Nasionale Vervolgingsgesag.

English:

Deputy Speaker, it is so that Mr Mrwebi and his written submissions to Parliament raised an argument that the process followed was unfair claiming that it was supposed to be only a fact-finding exercise which tend out to be a disciplinary inquiry. Now it is difficult to make sense of this argument in light of the fact that the Act states very clear that the aim of such an enquiry is simply to determine whether a director or directors in question are still fit to hold office.

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In any event we have the benefit of the Western Cape High Court judgment in their unsuccessful application for an interdict brought by Miss Jiba after the matter was referred to Parliament. The court assessed the process followed by the commission and the President and held it to be consistent with the applicable rules and requirements.

Mr Mrwebi's other arguments range from being a victim of political conspiracy to bias being shown by the findings of the Mokgoro enquiry to a final argument that because he was found to be entitled to remain on the role of advocates by the Supreme Court of Appeal he must also be entitled to remain as a special director.

Deputy Speaker, it must be remembered that the Mokgoro enquiry was established to give effect to a specific prescribed process, a process the President had to embark upon before deciding whether these senior directors of the NPA should be removed from office or not. The findings of the Mokgoro commission in any event are not inconsistent with the main theme of the findings of the findings over the years by our courts

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Miss Jiba and Mr Mrwebi having been found to have acted in a manner that at best can be described as unbecoming of senior functionaries of the NPA. Findings that label their actions as constitute at least serious misconduct and being inconsistent with the absolute and fundamental duty which all officials of the NPA have to act without fear, favour or prejudice.

The final argument raised for restoration was that since the Supreme Court of Appeal, SCA, held that both are to remain as advocates, they should be deemed to be fit and proper to remain in their offices. This argument asks for this National Assembly to ignore the fact that Miss Jiba and Mr Mrwebi were entrusted with serving in some of the most senior and powerful positions in the prosecuting authority which, should and does bring with it, a concomitant higher duty of care. Serious misconduct on the part of senior directors can never be deemed as anything but fatal to their fitness and propriety to hold office. We are therefore satisfied that the President was correct in concluding that an enquiry should scrutinise their specific actions because of the serious and persistence allegations of misconduct. We are also

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satisfied that in light of the findings of the Mokgoro enquiry the President had no choice but to remove them from office.

Lastly, we are satisfied that none of the arguments raised to Parliament warrants restoration to office. This House should not restore either Miss Jiba or Mr Mrwebi to office. I thank you. [Applause.]

Mr B S MADLINGOZI: Deputy Speaker, the EFF objects the idea of refusing Advocate Lawrence Mrwebi and audience with the Parliament of the people. People must never be irritated to hear others out even you were to reach a negative or unfavourable conclusion. It is wrong to simply reply in a written word and not elevate the spoken word. The people are a spoken word. Speaking is a better form of expression than writing when it comes to such matters.

As the EFF we are unable to associate with Portfolio Committee on Justice and Correctional Services' report because of the refusal to hear Advocate Mrwebi out. The decision is not only inhumane, unprincipled and

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opportunistic, but it is also out in the very pursuit of injustice. The EFF rejects the report.

Declarations of Vote cont.

Prof C T MSIMANG: Hon House Chair, there can be no doubt that the President of the Republic of South Africa lawfully and in accordance with due process, exercised the authority granted to him in terms of the National Prosecutions Authority Act, when he suspended Advocate Jiba and Mrwebi from their positions in the National Prosecuting Authority, NPA, pending an inquiry into their fitness to hold such office.

In the subsequent inquiry, chaired by Justice Yvonne Mokgoro, it was found that once considering the totality of evidence before the committee, that advocate Jiba and Mrwebi, were not fit and proper persons to hold their respective offices and further that they be removed from office.

Audi alteram partem was afforded to these two Advocates post inquiry and after such representations into consideration; the Advocates were both dismissed from

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office by the President. The matter was then referred to the Portfolio Committee on Justice and Correctional Services and the Advocates were offered further opportunity to make representations for considerations. Such were received from Advocate Mrwebi but not from Advocate Jiba, who elected to initiate legal action in the Western Cape High Court which application was subsequently dismissed.

The office that these two Advocates previous held, our public office situate at the veritable coal face of the enforcement of the rule of law. It is therefore of outmost importance, that the individuals who hold these offices, are beyond reproach. The IFP is in full support of this report and its findings. I thank you. [Applause.]

Mr S N SWART: House Chair, the ACDP rises to support this report. Previous speakers have highlighted the process that was followed by Parliament in terms of section 12 (6) (c) of the National Prosecuting Authority Act. Now the committee was very clear about its mandate and this is set out by Judge Henny, in the Jiba versus the President of South Africa case where Advocate Jiba tried to

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interdict the President and indirectly Parliament then from carrying out its functions. He said; the wording of the Act is very clear.

Parliament's function is not to remove but to restore. Parliament plays no role in the removal. Parliament acts independently in terms of its oversight function of the President in terms of section 55(2) (b) of the Constitution. He added that the provisions of subsection 12(6) (7) (8) of the National Prosecuting Authority Act are peremptory; in other words they are obligatory and they in fact protect the National Director Public Prosecution and the Deputy National Director of Public Prosecutions from arbitrary removal by the President.

So in other words, Parliament exercises more than an oversight function. It is in fact a check and balance on the powers of the presidency. So the committee considered all the relevant facts relating to due process as well as to the merits of the President's decision based on the Mokgoro inquiry. And, Parliament found that the process had been fair and that the President had applied his mind properly on the matter.

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And consequently, recommended that the National Assembly resolves not to restore the Advocates to office and that basically, should be the end of the story. The ACDP trusts that the crisis-ridden, National Prosecuting Authority, NPA, will now be placed on a solid footing; following the acceptance of this House of this resolution. Advocate Batogi in presenting the NPA's annual report, recently used phrases like, crisis management and referred to the criminal justice system as partly dysfunctional.

And, we in the ACDP agree with it. I think it's been raised in the previous debates here as well. The public outrage about the high levels of crime, particularly gender based violence, demands urgent action and we are hoping that this decision will now result in a stabilisation of the NPA so that we can see far more prosecutions. And it is imperative that we see those successes. We need asset forfeiture to improve collecting unpaid taxes; reclaiming ill gotten gains due to corruption or negligence by officials as well as collection proceeds from crime.

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This must be prioritised as this will booster the fiscus as well as fighting general crime that is being highlighted and that everyone is so upset with. So, we as the ACDP, we support this report and we look forward to the stabilisation of the NPA. I thank you.

Mr A M SHAIK EMAM: Hon House Chair, the NFP welcome the report of the Department of Justice on whether or not to restore Advocates Nomgcobo Jiba and Lawrence Sithembiso Mrwebi to their respective positions as department's National Director of Public Prosecutions and Special Director of Public Prosecution.

The NFP is satisfied that all the relevant process have been followed and concluded. However, I must draw your attention to the fact that too much of democracy is sometimes counterproductive, and what one tends to do is hide behind democracy and what they do is, they repeatedly want to defend this and take the matters to courts and all kinds of processes which is a waste of tax payer's resources.

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We note the evidence of the inquiry that was conducted. Both Advocate Jiba and Advocate Mrwebi were given an opportunity to make representations to the President in respect of the findings and the recommendations of the inquiry. The inquiry was credible and was conducted without fear or favour. Legal representations to both persons were allowed.

The allegations against both Advocate Jiba and Adv Mrwebi were of a very serious nature. Whilst I do not wish to dwell in to the substance of the matter and in light of the expectations from those holding such office, the recommendations must be supported. The NFP notes the recommendations set out in detail.

Having considered all the facts, the NFP is of the view that Advocate Jiba should not be restored to the office of Deputy National Public Prosecutor. In the matter of Advocate Mrwebi, the NFP is of the similar view that that all due processes were indeed followed and considering the facts contained in the report, he is not to be restored to the office of the Special Director of Public Prosecution. I thank you.

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Mr X NQOLA: House Chair, I think it is important for the House to note that there is no truth to the fact that Advocate Mrwebi was not granted a fair chance. Advocate Mrwebi was afforded a fair chance in the inquiry. The President, before taking a decision to remove him, granted him a chance to present his case. The portfolio committee itself gave them 10 days to make presentation which was further extended to another seven days.

Even in the letter Advocate Mrwebi wrote to Parliament, he does not plead that there are new facts to what he has been presenting throughout the process. So, his oral presentation would not have altered the facts that were sitting with Parliament at that time which had made us not to grant him the oral representation.

Section 9 of the National Prosecuting Authority Act, sets out the qualifications for appointment to the position of the National Director of Public Prosecutions; the Deputy National Director of Public Prosecutions and; the Special Director of Public Prosecutions at the NPA. In addition to possessing the requisite legal qualification to practice in all courts in the republic, this must be fit

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and a proper persons with due regard to their experience, consciousness and integrity to be entrusted with the responsibilities of the office concerned.

The meaning of fit and proper persons has long been interpreted by the South African courts. Advocate Nomgcobo Jiba and Advocate Lawrence Sithembiso Mrwebi were provisionally suspended from office at the NPA by the President on the 26 October 2018, in terms of section 12 of the National Prosecuting Authority Act, pending the completion of an inquiry into fitness and propriety to hold office.

Following their provisional suspensions, the President established an inquiry as required in terms of section 12 (6) (a) of the Act, to determine the fitness and propriety of Advocates Jiba and Mrwebi to hold office in their respective capacities. Advocates Jiba and Mrwebi, have made representations and the inquiry found that based on the totality of evidence, both Jiba and Mrwebi were not fit and proper to hold their respective offices.

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The inquiry recommended that Jiba and Mrwebi be removed from office. In the later dated 4 April 2019, the President shared the inquiry report with Advocate Jiba and Mrwebi and invited them to make representations regarding the findings and recommendations contained in the inquiry report.

The two Advocates did so, the President having applied his mind to the recommendations of the inquiry and the representations made by Advocate Jiba and Mrwebi, decided to accept the recommendations of the inquiry. The President made the decision not to have them restored to office. A letter was sent to the Speaker of the National Assembly informing her of the decision.

The matter was referred to the Portfolio Committee on Justice. The two Advocates were invited to make representations to Parliament. On 26 July 2019, Advocate Mrwebi submitted his representation to the committee supplementing this with a further submission on July 2019.

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Advocate Jiba through her attorneys, sent a letter and requested Parliament not to proceed with its consideration of the matter until 27 August 2019 in order to allow her urgent interdict to be heard. In Part A of her notice of motion, Advocate Jiba sought interim relief pending the hearing and final determination of Part B of the application. The relief sought order Part A included that the Parliament process in terms of section 12 be state pending the outcomes of the applications for orders in terms of Part B.

On the 18 October 2019, the Western Cape High Court dismissed Part A of Advocate Jiba's application seeking amongst others, an order stating the Parliament process pending the outcome of the application for orders in terms of Part B of the application.

On 7 November 2019, Advocate Jiba later wrote to the committee and expressed her gratitude for the manner in which the matter was handled and informed the committee that she did not seek any restoration by Parliament back to her position in the NPA. She stated that her reasons were personal.

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The court in Freedom Under Law verses the National Director of Public Prosecution and others. The Supreme Court of Appeal draws a clear distinction between the tests of fitness required one to be an Advocate and that pertaining to an official in the NPA. While the one might embark on the other, the two are distinguishable.

... [Inaudible.] ... in the case of Jiba verses the President of the Republic of South Africa and the others, the wording of the Act is clear. Parliament's function is not to remove but to restore. Parliament plays no role in the removal National Director of Public Prosecutions, NDPP, and the Deputy National Directors of Public Prosecutions, DNDPP.

Parliament acts indefinitely in terms of its oversight function of the President in terms of section 55 subsection (2) paragraph (b) of the Constitution when it considers whether the restore NDPP or the DNDPP in terms of subsection (6) (c) or (d).

Having considered the representations made and all the facts before us as a committee and in the interest of

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having a National Prosecuting Authority which functions properly and its stable; we support the report for a non-restoration of both Advocates. Thank you very much.

[Applause.]

Question put.

Motion agreed to.

Report adopted and Advocate Nomgcobo Jiba and Advocate Lawrence Sithembiso Mrwebi accordingly not restored to office of Deputy National Director of Public Prosecutions and office of Special Director of Public Prosecutions, respectively.

**CONSIDERATION OF REQUEST FOR PERMISSION IN TERMS OF RULE
286(4)(C) TO INQUIRE INTO AMENDING OTHER PROVISIONS OF
DEFENCE ACT, 2002 (ACT NO 42 OF 2002**

Declarations of Vote:

Mr S J F MARAIS: The amendments were considered and passed by the fifth Parliament subsequent to which the NCOP made some proposals which have no significant impact

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on our previous support of the amendments. However, we are obliged to address some developments that can nullify these amendments and further destroy what is left of a once competent and globally respected defence force and that of our South African defence industry.

Our defence capabilities and state of readiness to defend our country's integrity and sovereignty and to protect our citizens from external threats is in a downward spiral to total destruction, if we do not intervene as a matter of national interest. We have little to no capability to effectively patrol and defend our maritime area and land borders and to support Operation Pakisa. Our capabilities cannot secure our borders and protect us against the illegal cross-border movement of foreign nationals, contraband, illegal products and services, human trafficking etc.

We all agree that our country's vulnerability is increasing at an alarming rate, yet little has been done to mitigate that. The defence leadership has confronted our committee on the realities and dangers facing them and us as a nation. Unfortunately, the only option to

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resolve these challenges from the Minister seems to be fully implementation of the unrealistic and unsustainable Defence Review of 2015 and to nearly double the defence budget with immediate effect.

However, this government could not get the economy to grow from three to six percent annually with no sign of recovery. The government has shown the defence force in compliance with Section 200 of the Constitution is not a high priority. This implies no more money which requires cutting our cloth to size. Unfortunately with the lack of political and management will, the defence force has not been repositioned and defence spending reprioritised in compliance with Section 200.

Over the medium-term our air force will become an air wing, our Navy a water wing with our army a shadow of its potential and our requirements. Our defence industry is facing irrelevancy in the global defence market with closures and job losses as we speak if silly red tape requirements are not urgently removed. The only solution seems is to lock the Ministry and the defence leadership in a room, only to be opened once they have come with

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realistic and sustainable amended policy and a funding model in compliance with Section 200. It is up to us to assure compliance which is possible with current budget. I thank you.

Mr H A SHEMBENI: Hon Chairperson, when this Bill was debated here, the EFF opposed it on the basis of some key fundamental points. None of those points have been addressed even by the NCOP. The minor technical amendment proposed by the NCOP does not deal with the substantive issues we raised before.

The 2015 Defence Review Report stately demonstrated that the decline in defence allocation has declined year on year by approximately five percent per annum. In the real terms, over the last 20 years, to less than one percent of the gross domestic product, resulting in the loss of essential defence capabilities. The result of this has been horrendous and the defence review noted the consequence as loss of significant impact on the capacity and capabilities of the Department of Defence and the level of the Republic of South African defence ambition in support of its national interest and foreign policy.

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A properly thought legislative mechanism ought to have dealt with the funding model of our defence force to ensure that the ambitions of the defence force and the resources available are not out of sync with each other. The difference reviewer did not end on the matter of funding alone. It advocated a role for the military in support of the South African Development State and the harnessing of national resources to the benefit of the population.

These review claimed could be done through the virtues of military services in socialising and educating young adults and enhancing the national skills base. The economic benefits that might flow from military procurement to local business and national industry, and the support that the military engineers and medical staff as well as the air force can sometimes provide for civilian projects. Therefore, if we were serious about improving our defence force, we would not be entertaining the artificial amendments proposed by the Amendments Bill. The request for the reconsideration of the amendments is limited. Therefore, we reject the request. I thank you.

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Khoisan:

Ms A J BEUKES:

English:

On the 29 October 2019, the National Assembly took a resolution to resume the proceedings of the Defence Amendment Bill which lapsed on the last sitting day of the sixth session of the fifth Parliament. On Wednesday 27 November, the Portfolio Committee on Defence and Military Veterans considered and adopted an interim report on the Defence Amendment Bill, B 18 of 2017 whereby the committee requested permission from the National Assembly to effect the proposed section 103 amendment to the Bill.

This Bill in question comes back to this from the NCOP. The Select Committee on Security and Justice had considered the Bill and proposed one amendment informed by presentation by the Department of Defence and Military Veterans. The department had proposed an amendment to Section 103(1), amendment of the Principal Act. The proposed amendment relates to a board of enquiry in relation to absence without leave and falls outside the

ambit of the Bill as originally tabled and transmitted to the NCOP.

The amendment seeks to change the period from the more than 30 days to a continuous period exceeding 10 days within the enquiry context of Chapter 16 of the Defence Act. No proposed amendment of any section within chapter 16 was included in the Bill as tabled and considered as such proposed section 103 amendment of the Principal Act does not fall within the scope of the Bill as per its long title ...

Afrikaans:

Dit wys net dat die ANC neig daarnatoe dat ons 'n verantwoordelike en verantwoordbare mag moet hê.

English:

The department presented to our committee their view that the proposed amendment of Section 103(1) of the principal Act is consensual amendment as the amendment of section 59(3) of the principal Act remove the 30 days and substitute it with 10 calendar days, being cognisant of the fact that Section 59 contained in Chapter Nine of the

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Defence Act deals with employment in the defence force, whilst Section 103 contained Chapter 16 of the Defence Act deals with boards of enquiries.

The committee holds the view that the proposed amendment is a substantive amendment that requires permission from the National Assembly as well as the facilitation of public participation. This view informed by recent court rulings. The Supreme Court of Appeal in the Minister of Defence and Military Veterans vs Mamasedi 2017 found that the section 103 enquiry does not automatically follow section 59(3) which allows for termination of service by operation of law after 10 calendar days.

The Supreme Court of Appeal also emphasise that even an enquiry stage right stands to be effected.

Afrikaans:

As 'n voorbeeld, het die Grondwethof in 2018 in die saak tussen die SA Veeartsvereniging v Die Speaker van die Nasionale Vergadering beslis dat die Parlement die insluiting van veeartse in spesifieke seksies van wetgewing as opvolgend beskou en dat dit 'n substantiewe

verandering was en dus publieke insette benodig. Dit was benodig omdat dit die regte van veeartse kan affekteer.

English:

Consequently, the committee in the current context thought it wise to approach the assembly for permission to effect the proposed Section 103 Amendment of the Defence Act in terms of National Assembly Rule 286(4)(c) which states that the committee, if the Bill amends provisions of legislation must it intend to propose amendment to other provisions of that legislation, seeks the permission of the assembly to do so. We appreciate the fact that we are on the same page on the budgetary status of the defence force.

Afrikaans:

Ons voorstel is dus dat u die komitee toestemming gee om die geaffekteerde wysiging in die artikel soos voorgestel deur die Gekose Komitee van Sekuriteit en Justisie asook gemeenskapsdeelname verseker, en om die portfeuljekomitee toe te laat om ons finale verslag op die wetsontwerp voor te lê vir oorweging.

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Ons lê die verslag voor vir oorweging. Baie dankie.

The HOUSE CAHIRPERSON (Mr C T Frolick): Baie dankie, ...

Khoisan:

... kay aios.

English:

The hon member greeted us in the traditional Khoisan language. I respected her by responding with...

Khoisan:

... kay aios.

English:

That means, thank you very much.

Question put.

Agreed to.

QUESTIONS TO MINISTERS

ECONOMICS

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CLUSTER 5

Question 347:

The MINISTER OF TRADE AND INDUSTRY: Hon House Chairperson, hon Yako's question comes in two parts, the first part relates to the legality in terms of the Competition Act of a manager of one company MiWay, also serving on the board of another company Santam, which operates in the same sector. The Competition Act prohibits collusion between companies in the same sector. I am advised though in this particular instance, the company concerned is a wholly-owned subsidiary of Santam. Our law, the Competition Act and its provisions on collusion do not apply to wholly-owned subsidiaries, based on what is known as a single economic entity doctrine and I refer the member to the provisions of section 5.4 of the act. It's consistent with provisions in Competition Laws elsewhere in the world too.

The second part of the question Act relates to the inclusion of the black penal beaters on the data bases of insurance companies and what step government is taking to facilitate this. Let me start by saying that there is

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clearly a problem here. We had it from many panel beaters that they are not being included and so the steps we took relate to the Competition Act to the promotion of greater transformation in the industry and through partnerships with the private sector. We have amended the Competition Act to introduce a buyer power provision and in December last year, I published draft regulation that referred among others to the panel beating and insurance industry we and hope to finalise this provision - soon we have met with black panel beaters subsequently.

In October last year during the Investment Conference hosted by President Cyril Ramaphosa, we went to Soweto as part of the conference and we met with panel beaters there who raised their concern. As part of that work we subsequently met with the Santam and they have launched what they called Project Pakisa, which is a project to take 100 black panel beaters and include them in a special facility where they take cars, bakkies and so on that have been damaged and salvaged. They will give this specifically to this 100 black pane beaters, 15 panel beaters have already been recruited and they plan to role this out.

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Finally in terms of the auto industry transformation plans, the auto big companies, the top seven, have put together a fund of about R6 billion and that funding is to promote broad base transformation, in through out the value chain. That can include panel beaters and so we will be working to ensure that there are these opportunities. So these are the three areas that we have used to respond to the challenges that black panel beaters face in getting into the main stream industry.

Mrs Y N YAKO: House Chairperson, thank you Minister, this question is a follow up to your second part of the question that we posed. Government departments in all the spheres of government including state-owned companies they have 100 of cars, ambulances, police vans and other cars that are used by government but these cars are ensured by privately-owned insurance companies. So, government spends billions every year on the sector but really done nothing much in terms of transformation. So, basically is it not time that any company that ensures for government uses 100% black-owned panel beaters. I hear you spoke about 100 penal beaters but I think after these longer twenty something years of being in the

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democracy, I don't think 100 panel beaters is the projection we should be going for and I think any legislation that you have right now, should prioritise black-owned small businesses that are actually dealing in the insurance companies, so that the money is kept and spread around to black-owned companies. Thank you.

The MINISTER OF TRADE AND INDUSTRY: Thank you very much hon Yako for the follow up question. Let me clarify that the 100 panel beaters involved is simply a project of one company in the insurance industry, we would like to do many more things, we agree with much more needs to be done and so that already is an important first step.

The other part of it, is the measures on the Competition Act, because we have introduced now a buyer power provision for the first time in our law, which will help to redress the imbalance in power between small player and large buyers of services as would be the case between an insurance company and a panel of panel beaters or mechanics or so. As regards government, I seem to recall but I am relying on memory that the South African Police Services, SAPS, has in the past made an announcement that

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they will strongly prefer the use of township panel beaters to ensure that in fact the economic dividend of our spend, multiplies, strengthens and grows the township economy and I am sure that the Minister of Police will be happy in future to provide details thereof, is not invigorously in agreement and he says they have already started with that. So, there are in fact some positive steps and we certainly will be doing a lot more in the space. Thank you.

Mr M J CUTHBERT: House Chairperson, Minister you have just spoken about the steps being taken to broaden black-owned businesses in the panel beating business, but can you tell us what you have done with respect to the neo monopoly of Nzabanzaba Attorneys which continues to receive 70% of the Competition Commissions legal work at the expenses of other black-owned attorney firms. This is despite Mr Nzabanzaba's previous employment at the Competition Commission, that his services have been flagged as irregular expenditure by the Auditor General and forensic audit by the department. Do you support our view that Nzabanzaba Attorneys is being favoured at the expense of other qualified companies? Thank you.

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The MINISTER OF TRADE AND INDUSTRY: Thank you hon Cuthbert, I start by pointing out that that is a completely different question that has absolutely no relationship to the original question that was asked. This relates to the procurement of legal services by the commission the question relates to the use of black panel beaters by the insurance companies, but nonetheless happy to indulge the hon member and reply to the question. The reply to the question is as hon member Cuthbert will know because we have also answer this question with a written reply that the matter that was flagged by the Auditor General, is a subject of a forensic investigation, that we should have patience and wait for the outcome of the forensic investigation, when that is available then of course at that point I would be happy to make a comment on the matter. Thank you.

Mr A M SHAIK EMAM: House Chairperson, Minister allow me to applaud your department with the latest report, I think on the retail sector which is what I have been highlighting in this House for the last couple of years, the lack of competition and how the big five supermarket change, are manipulating the system for their own gain.

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There is an equally serious problem in the tour truck industry and my understanding is that under your department there is Bill that was being introduced sometimes in 2006. Could you kindly tell us what you are willing to do in terms of ensuring that that Bill comes to this house and you address that challenges in tour truck industry because big insurance companies are now marginalising black-owned tour truck companies particularly in the Western Cape Province? Thank you.

The MINISTER OF TRADE AND INDUSTRY: Thank you very much hon Emam Shaik, I will certainly look up what has happened since 2006, not having been a member of the House or the Cabinet at the time, but I will be happy to look up and reply directly to the hon member on the matter. If I use the time though briefly, just to comment on the retail sector marketing inquiry, that hon Emam Shaik referred to. There was investigation that Competition Authorities conducted, they looked at two areas. The first was shopping malls and the second one related to retail in townships. The report was recently released, it makes for very, very interesting reading, because it documents a range of practices in both

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township areas and particularly in the shopping malls, that raises significant competition matters, and it also sets a series of remedies to deal with that. I will be happy to again provide the necessary details dealing with matters like exclusive leases and so on.

For example they found that there is more than 2000 shopping malls in South Africa, that more 50% of groceries in the country are sold through the shopping malls and that these shopping malls, often have an anchored canons, which would be a big supermarket and those anchored canons in many cases have exclusive arrangements with the shopping malls, that require the shopping mall owners not to enable or allow any competitor to operate in that mall. In that way acts to discourage and in fact prevent new entrance competitors ... [Inaudible.] Thank you.

Mr W M THRING: Hon House Chair, hon Minister the question posed by hon Yako, speaks to issue of collusion as indicated as well the issue of conflict of interest where a particular board sits on an entity and then as a board member as well on another entity or business where that

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particular board member may then encourage business interactions between the two entities or businesses, either directly or indirectly in order for that particular member to benefit or company to benefit, materially or otherwise. The question to the Minister is; are the other board members both in the public/private sector that the department is looking into, is the Minister aware of where such conflict exists and what is the policy implementation of conflict of interest or where there is collusion to be found, what is the policy implementation phases where the Minister has found that to exist? Thank you.

The MINISTER OF TRADE AND INDUSTRY: Thank you very much hon Thring for that question. So this refers to cross-directorships and there are two ways in which a cross-directorship arrangement could work. The one is where one person serves on the board of two competitors that are not related to each other. In cases like that the competition authorities keep a careful eye on it, particularly when a complaint has been raised or when they become aware of it and of course you can't prejudge the outcome of an investigation as the commission, you've

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got to look at facts of the matter, but the commission would take that materially into account, in determining an investigation on collusion.

That however is different to an instance where you have cross-directorship in a wholly-owned subsidiary of a holding company as is the case in the question. I had regard just see to what extend is our law out of sync with what happens with the rest of the world. There is an important judgement in 1984 in United State of America Supreme Court which dealt with issues of anti-trust, what we called competition policy, they call it antitrust. The judgement specifically refers to the co-ordinated activity of a parent and is wholly-owned subsidiary. They go into the details and essentially they say if a parent and a wholly-owned subsidiary do agree to a course of action, there is no sudden joining of economic resources that it previously served different interest and there is no justification for an antitrust scrutiny. So, I think it does depend on the facts, so much of the investigation we do is to apply the law to the facts. In this case as I indicate cross-directorships between competitors do raise

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a flag for us, cross-directorships of wholly owned subsidiaries ... [Inaudible.] Thank you.

Question 320:

The MINISTER OF PUBLIC ENTERPRISES: Hon Chairperson, the question is in two parts, the first is in relation to resolving Eskoms's debt problem and this is indeed covered by the new roadmap paper that we received in respect of Eskom. Generally, the first referred to finance question and in this regard, the important issue is how do we cut costs in Eskom?

Secondly, how do we restore revenue and revenue collection in Eskom? Thirdly, how do we ensure that contracts are priced correctly? Fourthly, on the question of debt, both the treasury and we initiated the process and in the case of ourselves, we appointed Mr Nomvalo to the Chief Restructuring Office, and a number of options were received in relation to the resolution of the debt question, and similarly, the Treasury did similar work.

Those have now been prioritised, and in the coming week or two or early next year, we will apply our mind to what

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is the most appropriate way in which to engage with the lenders to Eskom, and see what appetite they have in respect of resolving the debt issue. So, that's a process that will take some months as we get into the next year. On the second question of whether the roadmap will actually lower the cost of electricity?

Let me very quickly cover six issues. The first is that the separation into three entities will give us more focus on management and therefore, better operational efficiencies. The second is particularly in relation to generation. There's a lot of hard work to be done, and some of it has been done. Some of it involves the implementation of the recommendations of the ministerial task team that looked into the generational issues to improve operational efficiencies.

The third is to get competition in generation as the roadmap paper points it out, and here we are saying that in a monopoly mind setting, having 16 coal power stations that don't compete with one another then creates a climate where costs begin to escalate, we want to experiment with clustering them and get some competition

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between them and create a market even within the state sector itself.

The fourth is to begin to remove and change the monopoly culture that you find in some of these state-owned enterprises, SOEs, which itself results in the escalation of costs and accumulation of all sorts of benefits. The fifth is the review of contracts in relation to coal, in which my colleague, Mr Mantashe and I are working together.

In relation to renewables there are similar processes on the manner in which parts and services are supplied by original equipment manufacturers and where there's a lot of overpricing as well. Finally, it is the quality and cost of maintenance and how that impacts upon the cost structure as well. So, these are some of the elements that you will find in the roadmap paper, all of which should begin to stabilise prices within the Eskom's system over time.

It's very important that electricity tariffs result on the one hand lowering the cost of living in South Africa,

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but secondly, lowering the cost of doing business in South Africa to make our businesses more comparative. Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Is there a follow-up question from hon Magaxa?

Mr K E MAGAXA: Yes, sir. Hon Minister, in your response you have indicated that the Chief Restructuring Officer will consider a range of options to deal with Eskom debt and to advise government accordingly, and that the creation of three separate entities will result in the ability of Eskom to develop and implement cost-effective solution within their businesses.

The ANC welcomes this progress policy direction. However, we would like to know, Minister, how does the roadmap ensure that Eskom will modernise its operations in order to remain competitive and sustainable in the light of the emergency of new technologies such as renewable energy generation, smart battery storage and others? Thank you.

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The MINISTER OF PUBLIC ENTERPRISES: Chairperson, clearly the role of the new CEO takes over in the middle of January, and the team that reports around him which fits into a new kind of structure that is emerging at Eskom, has its principle responsibility, modernising operation, but also as I have pointed out, making them a lot more efficient than they are at this particular point in time.

There are very encouraging signs in some of our power stations. We visited two of them in the last week, to find young black professional engineers looking after a plant like Matimba, and having an electricity availability factor of over 85% is a phenomenal achievement that we have seen as part of nonracial team of managers that they have in that environment.

Secondly, the renewable energy generation will be part of the integrated resource plan that the Minister of Energy has put out, and of course, that plan must result in a build programme that government and the private sector where it is relevant, will have to apply them, and that will continue to introduce new technologies and better efficiencies and competition in the system.

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The third is, if you take battery storage as an example, Eskom will soon embark upon a very important battery storage project that could be one of the largest in the world, and that will actually be, firstly, innovative in the South African context, but secondly, give us better use of the renewable energy that it has produced, even the coal power energy as well, and give us better stability in relation to the base load in our particular system.

Mr E J MARAIS: Minister, the regularity methodology for tariff setting for Eskom is regulated by National Energy Regulator of SA, Nersa. Tariff setting, over a longer period will create more consistency for Eskom. Minister, what additional specific steps or projects will the government introduce to lower the cost of electricity? You did refer to one, but additional.

The MINISTER OF PUBLIC ENTERPRISES: Chairperson, to repeat what I said earlier on partly, firstly, it's about operational efficiency. Secondly, it's about much more efficient procurement than we currently have. Thirdly, we've got to remove rand seeking and the corruption from

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the procurement process itself, which can significantly reduce costs.

Fourthly, it's an issue of, for example, coal procurement, and I think we shed some numbers and there's a later question on this in the programme that I will give you the details. But if coal, renewable energy and other sources of energy are procured on the right kind of basis, that will certainly reduce costs as well, in addition to the kind of competition that we are introducing and the restructuring as well.

All of these won't happen tomorrow morning. It will take time to get the culture change, but also the operational efficiencies. Nersa itself will have to look at some of the issues that they are confronted with in terms of their last determination. For example, in co-operating the R23 billion that government gave to Eskom, including it in the tariff structure, and as a result of which Eskom didn't derive any benefits from the R23 billion itself.

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The Minister of Energy has amendment legislation in place and in Parliament as well, which will introduce an appeal mechanism which currently doesn't exist, so that there's better interaction between Nersa and Eskom itself.

Mr W M THRING: Hon Minister, one of the many barriers of entry for new businesses in South Africa is the cost of electricity. Eskom has moved from being one of the most efficient and cheapest electricity suppliers in Africa, to one which now holds the economy to ransom, as the single biggest risk to the economy with outstanding debt of some R454 billion.

Does the Minister believe that the unbundling of Eskom into generation, transmission and distribution is the panacea to the Eskom crisis, while maintaining bloated management figures where senior managers refused to undergo lifestyle audits and security vetting by the state security agency? Thank you.

The MINISTER OF PUBLIC ENTERPRISES: Many questions in that one question, but thank you hon member for that.

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The HOUSE CHAIRPERSON (Mr C T Frolick): According to the rules hon Minister, you may decide to answer only one of those follow-up questions.

The MINISTER OF PUBLIC ENTERPRISES: I will try to give respectful as we can. As I said earlier on already, there's no doubt that administered prices can be both the barrier to entry, but also anticompetitive factor as well. So, that's the first thing. Secondly, not only the restructuring itself is not going to be the panacea, but also the restructuring combined with financial measures, operational measures, a different culture, a different set of skills and tougher management within the Eskom environment, can certainly over time begin to create an Eskom that is actually supportive.

If Eskom is not careful in those entities, self-generation within the private sector, if permitted by the Minister of Energy, will begin to create competition outside of this market place as well. So, it's certainly not a panacea. For example, the top management has been reduced from 21 persons to nine persons over the past

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year or so, and similar work still needs to be done as the separation process continues.

As far as lifestyle audits and vetting is concerned, all of these employers better comply or they must be disciplined in the appropriate kind of way. We know that the Eskom employer is doing business in one form or another. With Eskom, this is not allowed, by the rules of the game. Where appropriate, the Eskom management must have courage and diligence to discipline them in the appropriate kind of way.

The HOUSE CHAIRPERSON (Mr C T Frolick): The next follow-up question goes to the hon T M Langa from the EFF. Hon Langa, do you have a follow-up question?

Mr T M LANGA: Apologies Chairperson, I think I pressed earlier.

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising, hon Paulsen?

Mr M N PAULSEN: Chairperson, I'm taking the follow-up question.

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The HOUSE CHAIRPERSON (Mr C T Frolick): You know what's important is... [Interjections.] ... Order, hon members. We want the hon members in the House to press the button in front of them so that they can be recognised. Hon Paulsen, you may continue.

Mr M N PAULSEN: Through you House Chair, Minister, in its own financial report, Eskom admits that currently independent power producers, IPPs, account for more than 25% of primary energy generation that produces less than 5% of the necessary energy. Will you consider reviewing all power purchase agreements with independent power producers with the aim of exiting these contracts that make no sense at all, as part of your turnaround roadmap? If not, what are the reasons you are going to remain with these agreements, and what will it be of benefit for the country?

The MINISTER OF PUBLIC ENTERPRISES: Chairperson and hon Paulsen, IPPs, particularly renewable IPPs, are part of the future of humanity, in terms of reducing the carbon footprint and we ask and answer this question in a context where the climate change talks have just

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commenced in Spain in Madrid. But, there are processes I mentioned earlier on, Chairperson, that Minister Mantashe and I have initiated with the new Biz industry, where we admit that the first three rounds or so of the renewables bid, wind and solar were more expensive than the current prices are.

The idea is to negotiate those earlier prices down in a way in which there's a win-win outcome. That process is still being undertaken by the technical team, and the outcome has, I think that we will have a beneficial effect at the end of the day, for Eskom and for South Africans more generally. Similar thing have been done in Germany and in Spain, where old contracts have been renegotiated on this win-win basis as well.

So, we can't exit contract in a sense of cancelling them overnight, because clearly that's going to be a costly exercise as well. So, the more constructive approach is to win over this particular constituency, which we have begun to do, and to sit with them across the table and find a convenient and constructive way forward, whereby they don't lose out, but we gain as far as lower costs

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are concerned at the end of the day. Also, renewables are part of the Integrated Resource Plan, IRP, which have been issued. Thank you.

Question 321:

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you House Chairperson, the department of Small Business Development is aware of the perception that foreign nationals are dominating opportunities in the small business sector. We have a number of programmes to support South African entrepreneurs to succeed in this space.

On the policy front, the department, with the support of the Office of the Chief State Law Adviser is in the process of formulating regulations that will designate certain trades within the small business sector to be the sole preserve of South African entrepreneurs. This is in line with policies of other countries like Ghana, Zimbabwe, Ethiopia, Nigeria and Kenya, just to name a few.

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On the support front, Small Enterprise Development Agency, Seda, and the department also provide nonfinancial support instruments to beef up the growth and sustainability of Small, Medium and Micro-sized Enterprises, SMMEs, owned and managed by local entrepreneurs. Such services cut across various business functions ranging from production of goods and services, human resource training, financial management skills, marketing and access to markets.

In addition, the department is already working with a number of informal business and SA Spaza and Tuckshop Association, Sasta, owners to finalize concrete programmes to further support the development and sustainability of these programmes.

Some of the interventions include bulk buying initiatives to exploit the economies of scale and to ensure that transportation and storage costs are shared.

Furthermore, the department has already commenced with the programme to establish product markets or market hubs

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where products that are manufactured in the townships and rural areas are traded. Thank you.

Tshivenda:

Ms M L LUBENGO: Ndi khou livhuwa Mudzulatshidulo wa Nnḁu, u shumiswa ha milayo kha u tandulula u dzudzanya zwithu ndi mafhungo a takadzaho vhukuma. Nahone izwi a zwo ngo livhiswa kha u tevhela dziṅwe tshakha u ita zwa makwevho fhanḁ kha ḁa hashu ḁa Afrika Tshipembe.

Vho Minista, mbudziso ndi ya uri ndi zwifhio zwine ri nga guda kha mashango a fanaho na Kenya, Ghana, Nigeria na maṅwe uri ri kone u khwaṅhisa milayo ya ḁa hashu. Ndi a livhuwa. [U dzhenelela.]

MINISTA WA MVELEDZISO YA MABINDU MATUKU: Ndo livhuwa Mudzulatshidulo wa Nnḁu, milayo yo itelwa u ṅhonifhiwa uri hu kone u vha na mulalo na vhudziki shangoni. Zwine ra nga guda kha mashango e vha vhala sa Kenya, ndi zwa uri ri fanela u tevhedza milayo u itela uri mashango ashu a vhe na vhudziki na u kona u bveledza vhathu vhapo vha hashu. Ndo livhuwa. [U vhanda zwanḁa.]

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English:

Mr Z N MBHELE: Thank you House Chairperson, Minister, various studies have shown that the competitive advantage enjoyed by foreign-owned microretailers is based on them leveraging bulk buying for price discounts and economies of scale ... as you mentioned in your first reply ... as well as sharing debts through peer to peer microfinancing.

In addition, the foreign spaza shops often invest larger capital outlays than local owners. The opportunity here is to build links and synergy. So, what has your department been doing and planning to do in future to facilitate partnerships between the foreign-owned retailers and the local owners to promote access to microfinancing as well as shared benefits amongst stakeholders? Thank you. [Applause.]

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you House Chairperson, the question around foreign nationals is a responsibility of the Minister of Home Affairs, who will indicate whether they are legal in the country or

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not. Our responsibility is to support businesses that are legal and of people who are legal in the country.

Having said that, we are working with our own entrepreneurs to make sure that there are linkages for them to access the markets, including organizing them not only for bulk buying but also to leverage on competitiveness of their own businesses.

We continue to do that work because it is our responsibility to grow not only the microbusinesses but also the small business sector in totality. That work includes special funding programmes for small and microbusinesses to make sure that they are advanced and give them the necessary competitive advantage and head start as they commence with their businesses.

It is for that reason that we are extending the availability or establishment of incubators in the townships and rural areas to make them accessible to our people. Thank you.

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Mr T M LANGA: Thank you House Chairperson and it is good to have you Minister after a while, and the portfolio committee misses you too. [Interjections.] It is easy ... can I be protected House Chairperson?

The HOUSE CHAIRPERSON (Mr C T Frolick): You are fully protected hon member. Just continue with the question.

Mr T M LANGA: It is easy to blame foreign nationals for our own failure to support our own businesses. Minister, have you perhaps done any study to understand the real reasons for failure of locally-owned spaza shops in the townships and what impact do you think the explosion of shopping malls in the township has had on local businesses? Thank you.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you House Chairperson, and through you House Chairperson, the portfolio committee will know that they sit on the days of Cabinet and we have a responsibility to attend Cabinet. Where the Minister is required to be at a portfolio committee, the Minister is always available.

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Be that as it may, there is no one blaming foreign nationals for explosion of businesses in the townships and rural areas. We are taking the responsibility to support businesses in townships and rural areas.

On our part, I have indicated that we are extending business support services to townships and rural areas. Furthermore, we are extending funding to businesses in townships and rural areas.

In addition to that, we have ... that's why I have referred to our engagements with the Sasta owners because of the planning and the work we must do together.

We do not have to undertake a new study for the reasons for failures of businesses in townships. The National Planning Commission, NPC, did the research, completed and tabled the report in 2017 which indicated that part of the problems is: firstly, lack of access to funding; secondly, lack of access to business facilities in the townships and rural areas; thirdly, lack of access to business support services in those areas; and lastly, the

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overcrowding of businesses, where our people continue to replicate each other's businesses when they see success.

We have put in place work to ensure that we address those challenges. Thank you.

Mr N L S KWANKWA: Thank you very much House Chairperson, I think the hon Minister has answered part of my question but I am will ask a different question altogether; because I was going to point you to section 27 of the Ghana Investment Promotion Centre Act, which deals precisely with the issue where they have reserved certain sectors of the economy, especially those that have to do with petty trading for locals. It is good to hear that you have already started doing that process.

But I think the more fundamental question, Minister, is to say what steps have you put in place as a department to ensure that small businesses are also able to benefit in the medium to long-term from the establishment of the African Continental Free Trade Area, AfCFTA? Thank you.

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The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you House Chairperson, and thanks to the compliment on the work that we are doing. With regard to the AfCFTA, there is work that is being done at Small, Medium and Micro-sized Enterprise, SMME, framework for the continent but as part of the response, I indicated that we are helping our SMMEs to have access to the markets. That access to markets includes opportunities to trade and export to the continent, for example, with regard to our partnership with the International Trade Centre, ITC, where in we have partnered with them on their SheTrades platform, where they have targeted to have at least 3 million women exporting goods and services across the world by the year 2021.

We have set ourselves an ambitious target of having 250 000 of those 3 million women being South African and coming from the small business sector. Thank you.

Question 322:

The MINISTER OF TOURISM: Thank you very much, House Chair, and thank you, hon Gomba, the department undertook the development of the Tourism Safety Strategy in

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partnership with the SA Police Service, SAPS, and the business sector following concerns of the safety of tourists when in the country.

The impact of the perceived lack of safety and recurring incidences of crime against tourists has projected the country in a negative image and therefore those who suffered robberies, hijacks or attacks return home and narrate their stories.

This has created a bad image especially when those who intend to visit our country see headlines of tourists who are killed, robbed or raped in South Africa. The impact of these headlines and how these stories quickly spread through word-of-mouth can not be ignored as it derails us from achieving our goals.

You trust that this background is important because it provides the context on why the department took the initiative to introduce the Tourism Safety Strategy that included the deployment of the Tourism Safety Monitors in some hotspots.

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The strategy covers areas of awareness for tourists, communities and operators, tourism safety monitors, SAPS operations and deployments, application of appropriate technologies, support for victims where necessary and brand outreach to markets.

I must emphasise that the Tourism Monitors Programme has not only assisted with reducing crimes in hotspots but it has also provided an opportunity for young people to be incorporated into the tourism sector through a learnership programme. No impact assessment has been conducted as yet as this programme is still fairly new but it can be stated that in sites that formed the part of the first phase of the deployment of monitors such as Vilakazi Street and the Cape Town Table Mountain, we have seen a decline in tourist attacks.

We have, hon member, rolled out this programme across the country. We first started in Gauteng with a pilot in October 2017, Eastern Cape in 2018, Limpopo in April 2019, Mpumalanga new cohorts started in July 2019, Free State cohorts will be start in December 2019, North West in December 2109, KwaZulu-Natal started in June 2019,

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Northern Cape started in February 2019 and Western Cape started in Northern Cape.

I must emphasise hon members, the responsibility to look after our tourists remains a responsibility for all of us. These crimes are committed in our communities and are committed by people we know. We have to help the image of the country and make sure that what we have worked so hard to build, a better and good country, is not damaged by the unnecessary attacks not only on our tourists but on ourselves. Thank you very much.

Ms M M GOMBA: Thank you very much, House Chair, and also thank you to the Minister of Tourism and applaud her for the initiatives of ensuring that the tourists are also safe in South Africa. Given the deployment of the Tourism Safety Monitors, how ready is the department for the festive season? Thank you very much.

The MINISTER OF TOURISM: I think one thing that is important and I need to acknowledge the critical partnership we have with the SA Police Service through Minister Cele where they have announced their safety

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strategy for the festive season. We think we will benefit as South African tourism and our tourist will benefit from the zero tolerance to crime in the country.

The second area of partnership that I think is going to contribute to the state of readiness for the festive season has been announced by Minister Motsoaledi in terms of his state of readiness for the festive season where the ports of entry operating times have been extended because this will ensure that our visitors are able to pass through our ports of entry with ease of access. And the other issue from our side, we have appealed to our sectors to ensure that they put together packages that will ensure that South Africans can be able to enjoy the beautiful country that we have.

We have also appealed for those ... through messages and marketing for our domestic marketing approach and talking to our domestic travellers in order for us to buy local because we contribute to the economy for us to enjoy our country because through tourism we are able to see economic development and job creation.

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We have also appealed to South Africans, those who are not aware in terms of utilising the right, for example, tour guides who are registered, who are able to give them a good experience. They can check our website for that information.

I think as South African tourism together with all our partners we are ready to make sure that all South Africans including our international travellers are able to enjoy the beautiful scenery and adventures that exist in our country. Thank you.

IsiZulu:

Mnu K P SITHOLE: Angithokoze Sihlalo, ngithokoze kakhulu kuNgqongqoshe, engicela ukukuthola ukuthi uNgqongqoshe usekuphendulile okunye kodwa engifuna ukubheka ukuthi la kuqalwe khona amaphrojekthi, la kuqalwe uhlolo lokusebenza kwephrojekthi ye-Tourism Monitors Programme njengako-Gauteng, ngabe umehluko ukhona yini? Noma mhlawumbe imiphumela yakhona iyabonakala yini ukuthi okwenzakalayo kuyabonakala ukuthi kuzoba nemiphumela kusasa? Ngiyathokoza.

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UNGQONGQOSHE WEZOKUVAKASHA: Ngiyabonga, mhlonishwa Sithole, ngithanda ukugcizelela kakhulu ukuthi siyakubona ukwehla kwamanani ezindaweni ezinezigameko eziningi zobugebengu ikakhulukazi uma sengichaza la e-Vilakazi Street la siqale khona siye sabona kakhulu uma sibheka manje akubi nezigameko eziningi ezibikwayo. Kodwa lokhu sikujabulela njengoba ngisho ukuthi okuningi ... laba bantwana esibathathayo nje sibafake kuhlelo lokufundela emsebenzini, abanye sibangenisa kumkhakha bagcine sebeziqalela amabhizinisi abo amasha.

Uma ngaseMpumalanga kulelithimba esiqale ngalo, abaningi babo sebeqhuba amabhizinisi ezokuvakasha bangabaqondisi bamathimba ezivakashi ezisuke zivakashile baqale kungabantu abaqaphe ezokuphepha zabavakashi ngakhoke siyabona ukuthi lephrojekthi uma singahamba kakhulu ngaleli zinga esihamba ngalo singakwazi ukuthi hhayi kuphela sibhekane nalokhu kwezokuphepha nezokuvikela.

Kodwa kakhulu ukuthi izingane zethu lezi ezinentshisekelo kwezokuvakasha sikwazi ukuqala amabhizinisi noma ziqale zazi ... zibe nolwazi ukuthi kwezokuvakasha kwenziwa kanjani ngoba lezi zifundo esibafaka kuzo lolu hlelo

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lokufundela emsebenzini ibafundisa ngaphezulu kwezokuphepha nje, siyabafundisa ngokuthi kwenzakalani kwezokuvakasha, ukuba umqondisi wamathimba avakashile kumele wenzeni, uma bekwindawo ethize sibafundise ngaleyo ndawo.

Ngokwesibonelo, eMpumalanga siyabafundisa nge-God's Window ukuthi kwenzekani kugcine sekukhona i-God's Window ngakhoke umuntu ugcina eseba nolwazi olukhulu ngezokuvakasha. Ngiyabonga.

Mr G K Y CACHALIA: Chair, the order has been changed; the hon De Freitas will answer this one.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, but your name appears here. Are you handing over follow-up question to the hon De Freitas.

Mr G K Y CACHALIA: Yes.

Mr M S F DE FREITAS: House Chair, the initiative of the Tourism Safety Monitors which the department is running has been introduced in all the provinces and except for

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the Western Cape, none of the other provinces have introduced additional programmes.

In the Western Cape they have got the Band-Aid service which includes trauma counselling, translation services, assisting tourist that have lost their passports, bank cards and in addition, the City of Cape Town have got the tourism safety ambassadors that serve on the ground to support tourists.

What is the Minister doing to encourage other cities, other local authorities and other provinces to include additional services to the Tourism Safety Monitors Programme so it is not just that programme that is taking place in the various parts of the country. Thank you.

The MINISTER OF TOURISM: House Chair, hon De Freitas, factually it is not correct that it is only in the Western Cape, the programme we are doing is standardised because it is a learnership programme. So, when you do a learnership there are standards that you have to comply with and it is a registered qualification so you can't

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when you have a registered qualification become flexible about it.

So we have as the national department registered this. You would remember that I am the one who was at Table Mountain to launch the safety campaign in the Western Cape. It is a programme of the national department because we have taken a decision as the national department not to work alone but in partnership with the provinces, with the MECs, because we believe that collaboration and partnership will bring us the results.

So, let us not separate to say, "This is done by province so and so, this is done" We have one country, we have one programme, Tourism Safety Monitors of South Africa.

[Applause.]

Mr P G MOTEKA: Chairperson, Minister, do you have any plans of ensuring that these monitors who will develop skills over time get employed on a permanent basis going forward?

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The MINISTER OF TOURISM: Thank you, hon Moteka, our responsibility as the department, as we have said, we have taken the initiative to train these young people because the majority of them are young people to give them exposure and skills because the responsibility of employing remains with the sector itself.

We do not hospitality for example. We do not tour operators. Now, we are preparing these young people so they can be absorbed. Some of them we are giving them the necessary skills as they start their own businesses we are able to absorb them into the incubation programme that we do.

As I am saying, those we started with, we are able to see the results because right now as we speak those who started initially, some of them, out of the Mpumalanga cohort, we have seen them start their own businesses so there is a success rate that we can talk about that we are seeing and we believe that this is a good programme because you can not guarantee that they are going to get jobs. We can talk to the sector, inform them about the programme, partner with them, and inform them that this

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is what we are doing but giving the skill and the qualification opens the door that ordinarily would not have been opened. Thank you very much.

Question 330:

The MINISTER OF PUBLIC ENTERPRISES: Chairperson and hon Minnen, as group chief executive officer, Mr De Ruyter will be responsible for the day-to-day management of the business of Eskom and some other key deliverables lined and found in the shareholder compact would include the implementation of the roadmap paper.

He will lead and manage and exco team and take full responsibility for reserving Eskom's financial operational and structural challenges. The CEO will also be accountable to the board of Eskom through an employment and performance contract. Together with the chief financial officer, the CEO will also be an executive director in the board of Eskom.

The implementation of solutions proposed on the roadmap requires obviously a very capable Eskom Executive Leadership Team led by chief executive, who must have a

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number of attributes which were taken into account in ... to the appointment. These include being decisive, being results driven, having a commercial astuteness and mindset, the ability to manage the relationship with various stakeholders and a track record of leading and managing significant change in complex organizations, such as the one he has been leading at the moment.

Extensive experience in funding and managing large capital projects, strategic human capital deployment and governance related matters are also attributes that the chief executive will be required to have and does have. The board and I are absolutely confident that the preferred candidate possesses these qualities.

As far as the question of resolving the debt issue is concerned, the CEO and the Eskom team will work with the National Treasury and the Department of Public Enterprises to apply their minds to but also take the initiative in relation to what I said earlier on, that is interacting with the lenders and finding a win-win solution and a constructive outcome on the negotiations with the lenders as well.

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Of course, in doing so, the chief executive and his team must also address, as I said earlier on, the core structure of Eskom, but finding innovative ways of increasing the revenue and collecting the debt due to Eskom are equally important as well. Thank you.

Ms B M VAN MINNEN: House Chair, can the Minister assure the House that unions and organised labour will not be permitted to hijack potential necessary reforms and restructuring, including rightsizing the labour force, thereby placing at risk not only the future viability of Eskom but also the economy of the Republic as we are currently seeing with SA Airways? Thank you. [Applause.]

The MINISTER OF PUBLIC ENTERPRISES: Chairperson, unions and organised labour are part of the South African economic reality. I think what is important is to have the right mindset and the right approach in managing a very important set of stakeholders. The approach that we will recommend and apply in Eskom or SA Airways or anywhere else is to firstly seek to bring all of these little players around the table. For example, in the case

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of SA Airways, although we have not been too successful, subsequently, on 22 July 2019, I met all seven unions

Mr M N PAULSEN: House Chair, Minister, your answered a first part of my question, which was: What convinced you that Mr De Ruyter was the right person for the job? You said it was to lead change. He has led change: The Nampak share price took nosedive under his leadership. So, that is so much for change.

Secondly, there is a perception out there, Minister, and you have to respond to it, that you are leading a systematic process of excluding African leaders from executive positions at state-owned companies.

[Inaudible.]

The MINISTER OF PUBLIC ENTERPRISES: I suppose we do leave in the age of fake news; don't we? All the statistics that we have, which are published in the annual reports of all the SOEs reflect the demographic make up of the leadership. I just can't find the pages right now, but amongst the biggest of the SOEs under our guardianship,

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if you like, African persons represent at least 70-75% of top management.

The numbers are there but if you want to engage in false political narratives, of course we have the democratic right under free speech to actually do so. Mr De Ruyter was not appointed by me or identified by me. There was a board process: First having 150 odd names, reduced to 17 by a search agency. Seventeen people were interviewed by the search agency. Eight persons withdrew. There was shortlist of six; and then a shortlist of four.

All four were sent for competency test. A shortlist of three was developed. A preferred candidate was identified. A group of Ministers interviewed those candidates and came out with Mr De Ruyter who was the preferred candidate of the board. These are the fact; accept them.

Mr D W MACPHERSON: House Chairperson! House Chair!

The HOUSE CHAIRPERSON (Mr C T Frolick): Who is rising now? Yes, hon member!

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Mr D W MACPHERSON: I just want to enquirer if perhaps the hon member was jealous that he wasn't shortlisted because they are looking for a new cash cow! [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Is it a follow-up question, hon members, or is it a point of order? [Interjections.] No, hon member, you must take your seat; you are completely out of order now! The next follow-up question is to be taken by the hon Shaik Emam.

Mr A M SHAIK EMAM: Hon House Chair, Minister, there is a report that at any given time in the public sector, there is 30% of staff not at work, either through sick leave or just staying away. Is Eskom facing a similar problem or can you tell us: What is the human resource capacity at Eskom and/or any challenges that you might be facing in terms of that?

The MINISTER OF PUBLIC ENTERPRISES: Chairperson and hon member, Eskom employs about 46 000 people, but in addition to directly employing 46 000, at least 20 000 or 30 000 contractors from time-to-time, retained by Eskom

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for maintenance and other work within the Eskom system at the different power stations.

Stay aways on the basis of being sick or whatever the case might be are a regular feature in the public sector and the private sector. Unfortunately, I didn't have advanced notice, so I don't have the numbers with me, but clearly this is a practice. If it is of the order of 30%, that we must discourage because it affects the productivity of Eskom or any such entity in the public or private sector.

This is where we need to have a leadership within these institutions that insist on performance, on productivity and earning your wages rather than being depended on a salary and then cruising through the jobs that we actually have to do. We need a sense of urgency and diligence amongst the employees in all of our sectors and SOEs so that we can truly do the job that we are required to.

Mr W M THRING: Hon Chair, hon Minister, the appointment of Mr De Ruyter as the new CEO of Eskom has come as a

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surprise to many. The ACDP has wished him well and noted that he must have been a very brave man to have accepted the position with a responsibility to turn the entity around, with its R454 billion debt burden.

However, three criticisms were levelled at his appointment and you have to some extent answered some of them. So, feel free to just answer the others. I only have one question. The three criticisms have been: He is white and therefore you as Minister are anti-transformational.

Second criticism is that he is not an engineer; hence he will not be able to understand and solve some of the intricate technical difficulties at Eskom. The third criticism was that he did not make much of a success at Nampak; hence South Africans should not expect him to turn Eskom around. Can the Minister respond to these criticisms? [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, you are now running out of time. What is your question?

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Mr W M THRING: Can the Minister respond to these criticisms?

The MINISTER OF PUBLIC ENTERPRISES: Mr Thring has a penchant for multiple questions. Indeed, Mr De Ruyter is not just brave; he is a patriotic South African. In our Constitution, the principle of nonracialism is embraced as much as positive discrimination, if you like, is embraced as well in the equality clause in the Bill of Rights.

Secondly, he is the one person who also said he will take a 20% cut in his salary. In today's world, few people will actually do that. The third, that I am anti-transformation: Well, I don't have to stand here and justify myself, but I have got 40 odd years of activism behind me. It has been part of the nonracial movement called the African National Congress, which is committed to transformation.

He has worked for 20 years in Sasol and he has got massive experience in working with engineers. Look at his CV and his record and you will see that. Those who have

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worked with him at Nampak are highly complimentary of his leadership. Companies do go through difficult patches; I am not an expert on Nampak, but Nampak itself had to be massively restructured over the last couple of years under his leadership as well. Thank you.

Question 348:

The MINISTER OF PUBLIC ENTERPRISES: Hon House Chairperson, this question is about coal and the price paid for it. So, Eskom acknowledges that certain coal contracts are deemed to be excessively priced and it said so publicly. I will give you some numbers in this regard. However the details of actual contracts cannot be revealed by Eskom that is according to them because these are all commercially important sets of information in their negotiations with various suppliers.

As indicated in the roadmap paper, contracts are deemed to be expensive and will be renegotiated and I said that in response to earlier questions as well. Minister Mantashe now has a meeting with the mining sector. The Mineral Resources and Energy Department is working on our process where we index the different qualities of coal,

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so that everybody makes a fair return on the one hand, but we do not exploit the situation as far as the costs incurred by Eskom are concerned.

Analyses of all of the coal contracts that are deemed to be earning excessive returns have been identified. Eskom has initiated exploratory engagements in addition to what we are doing with identified suppliers so that they can contribute to the resolution of Eskom's financial challenges.

So, coal is an item on which we spend the most of our money as far as Eskom is concerned. A significant reduction in costs with the fair return for the private sector will make an important contribution to reducing the cost structure of Eskom itself.

So, the facts that we obtained in this particular regard is that from an Eskom point of view, nine suppliers are estimated to earn between 30% and 49% margins based on contract prices. Four suppliers at this stage earn between 50% and a 100% margin and there are seven suppliers that are estimated to earn about a 100% margin

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based on contract prices. Now these excessive profits and what we want is a fair return for the private sector and a fair price to Eskom so that all of us can get the best price for electricity at the end of the day. Thank you.

Mr M N PAULSEN: Hon House Chair and Minister, one of the biggest culprits responsible for collapsing Eskom is that criminal syndicate Glencore. The majority of coal contracts that have crippled Eskom are Glencore contracts.

Have you engaged Glencore and who did you speak to and should not Eskom cancel all contracts with Glencore and conduct a thorough investigation as to how they have managed to secure those contracts? Thank you.

The MINISTER OF PUBLIC ENTERPRISES: I do not engage with suppliers. So, if you have any information about Glencore, please pass it on to me and I will pass it on to Eskom and they can do the necessary. However, you might want to do your research. There is a group of people called the Guptas who also contributed in various

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ways. I do not know whether there is a connection there, but I do not know why you left them out.

[Interjections.]

Mr G K Y CACHALIA: Hon Minister, given that the major local banks have said they will not fund new coal, it now appears that in the case of the Seriti Resources, they would not need bank finance, as Eskom will finance the mine. So, Eskom to be clear is now subsidizing the private sector, Eskom that has no money. This means that Seriti Resources will become just one of two major suppliers to Eskom, supplying a whopping 32% of Eskom's coal, the same Seriti Resources whose chief executive Mike Teke, donated R600 000 to Cyril Ramaphosa's election fund in 2018.

So, Minister, what plans are in place to mitigate the risk of potential failure from Seriti Resources and should one have so many of one's own eggs in basket?

The MINISTER OF PUBLIC ENTERPRISES: Hon House

Chairperson, eh, I do not think it is right to mention

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particular firms. However, Mr Cachalia is within his rights in this particular regard. So, clearly Eskom has to manage its risks in an appropriate way if it limits its suppliers to a few suppliers, firstly.

Secondly, Eskom historically had a policy that they build their power stations on coal mines. It also had a historical policy where those coal mines were on a cost-plus basis where there was a capital investment in the coal mine. In addition to the actual costs, a margin was added on which Eskom paid in respect of the price of coal. So, this is a historical factor. This was disrupted during the state capture period where the coal plus formula went out of the window. In the past year Eskom has begun to set aside money again, to once again invest in coal plus mines because that way you are ensured of security of supply, transparency of price, and lastly your prices are lower than buying on a spot market for example. So, I am sure that all those factors will be taken into account.

Finally Mr Cachalia, would you like to name some of the people that donate to campaigns within the DA?

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Mr G K Y CACHALIA: Yes.

Mr W M THRING: Hon House Chair and hon Minister, South Africa is blessed with some of the largest coal deposits in the world. This should give us both a competitive as well as a comparative advantage. When looking at the cost of energy generation in South Africa, so it is counterintuitive and costly and illogical. We now have some of the highest costs of energy where Eskom could be saving some of R4,5 billion, it is estimated per day, or R10 billion over the next six years if it adhered to National Energy Regulator of SA, Nersa's, recommended price of around R350 per tonne delivered.

Now, in addition there is some R632 million owed by Zimbabwe, Zambia and Mozambique. What has the success of the Interministerial Task Team been in negotiating the price of coal downward? Thank you.

The MINISTER OF PUBLIC ENTERPRISES: Well, as soon as we are ready in as far as the negotiations are concerned, Minister Mantashe and I will report to you, but those negotiations as I have said are in progress and secondly,

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part of that is the formulation of that indexing system. So, when next you have an opportunity hon member, please get my colleague involved as well so that he can report to you on that. We will look at the figures that have actually given. I am not sure about them. I do not have them at hand. However, any effort to reduce the cost of coal is an important contribution as I said earlier on, to the overall cost of electricity.

As far as our neighbours are concerned, some have the capability to pay, others yes do not have the capability to pay. However, Eskom is constantly engaging with them to ensure that they collect as much debt as they can. In each case we have to look at their circumstances, their ability to pay and the exercise on the one hand, some pressure, but on the other hand some patience as well, because we want not just South Africa to develop, but the region to develop as well. However, collecting debt as you correctly point out is an important exercise that Eskom must be mindful of.

Mr N L S KWANKWA: Hon Minister, thank you very much for the answer to the question. I think when you were

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answering and talking specifically about some of the suppliers who benefitted from the inflated prices of coal you said, there have been discussions with them to try and find a resolution to the financial situation at Eskom.

The question is: Since most of the payments for price for tonne for coal were above the Nersa regulation which is the guideline for this question. Should we not begin a process where we try to recover monies from suppliers who have unduly benefitted due to the inflation of prices as well as you undertake the process of discussing these issues? Thank you so much.

The MINISTER OF PUBLIC ENTERPRISES: Hon House Chairperson, eh if there has been any improper, illegitimate or illegal contracting with suppliers then Eskom has applied its mind to that. We will check whether in fact there is such a case, but as I pointed out on several occasions this afternoon, we have to lower the price of coal, talk to the coal suppliers and get them to understand that they need to share the burden of making sacrifices so that Eskom is in a financially more stable

position than it finds itself at this particular point in time.

Lastly, as Mr Kwankwa correctly points out, if there has been any illegal contracting then the effort must be made to recover funds from the relevant suppliers as well.

Thank you.

Question 323:

The MINISTER OF TRANSPORT: Chair, we are in the process of finalising permanent board for Passenger Rail Agency of SA, Prasa, which should go a long way in restoring stability at the entity. The process is at an advance stage, and we will subject prospective board members to an interview process before confirming their membership of the board. We have begun implementing a robust consequences management system, where we hold the board accountable for delivery on the targets agreed to in the shareholder compact and the outcomes of the audit by the Auditor-General. To this end, following a dismal audit outcome of a disclaimer in the 2018-19 financial year, I have written to the board to give me reasons why I should not take action against them for failure to comply with

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their fiduciary obligations and their duties in terms of the Public Finance Management Act. Once I have evaluated their representations, I will make a determination on a correct course of action. As part of strengthening management at Prasa, the board has finalised the appointment of a Group Chief Financial Officer, Group Executive Human Capital Management and the Group Chief Procurement Officer. The position of Group Chief Executive Officer and other executive positions will be filled in due course with necessary agency. Thank you.

Tshivenda:

Mufumakadzi vho M M RAMADWA: Ndo livhuwa, muhulisei mudzulatshidulo.

English:

Hon Minister, what are the plans that the department has to safeguard the safety of commuters? Do you have plans to combat unruly behaviour that happens on the trains, like people hanging on the moving trains and other incidents that endanger the lives of commuters? Thank you.

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The MINISTER OF TRANSPORT: Chair, you would know that at the present moment we have a security arrangement at Prasa in which most of the security companies the Auditor-General have declared as irregular appointments. We are reconfiguring our approach to security, not in the short-term but in the long-term. That includes permanent security insourcing within Prasa that will look after the assets of Prasa, and that also includes the passengers and to reinforce the railway police.

That particular arrangement will include among others, training in combat. But at the same time, crowd control to safeguard and keep our commuters safe, as you know that people are being pin pocketed in the trains, and because of all sorts of things that are happening in trains. In terms of our intervention through the war room, we are addressing the situation of safety in our trains across our all main corridors in the country.

These includes those that are non-functional like Cape Town mainline corridor, which we are in the process of reviving by buying new rolling stock and ensuring that along side those particular areas, where there's an

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encroachment by citizens who build shacks and all of that, we build walls along the corridor line to ensure that we keep it safe. Thank you very much.

IsiZulu:

Mnu K P SITHOLE: Asibonge kakhulu, Sihlalo, sibonge kakhulu, Ngqongqoshe, engicela mina ukukubheka mina Ngqongqoshe ukuthi umonakalo kwezokuthutha naku-Passenger Rail Agency of South Africa, Prasa, ulokho waqala kusekhona u-Lucky Montana kwasuka lapho kwaba u-Popo Molefe. Kuze kube yimanje akukho noyedwa umuntu oboshwayo kuloko umonakalo waqala kuse kube namhlanje. Manje-ke, engicela ukukubuza ukuthi, bakhona yini abantu abasebeboshiwe njengoba umonakalo ungaka nje kwa-Prasa? Uma bengekho, kungani bengekabikho? Uma bekhona, bangaki? Nanokuthi-ke uma bephenywa, sephenywe kwafika kuphi? Ngiyathokoza.

IsiXhosa:

The MINISTER OF TRANSPORT: Njengoko usitsho Lungu elihloniphekileyo mninzi umonakalo kwaPrasa, kodwa abantu bazokubanjwa isandla somthetho side, injalo nje umthetho awupheli mandla. Amasela angahlala kwezo ndawo acinga

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ukuba akukhonto izakwenzeka kodwa umthetho uzakufikelela kubo, nabo bacinga ukuba abasokuze bavumbululwe kwezo ndawo bazifihle kuzo, uzakuba vumbulula umthetho ubasonge, ubabeke kwindawo zabo ezibafaneleyo.

Ukukuphendula ngamafutshane mntu omkhulu ndingathi kuwe iSIU ingenelele phaya nabomthetho abangamapolisa bangenelele phaya siyayazi ukuba izinto zihamba kancinane nathi asiyifuni lonto sifuna ukuba kwenziwe ngokukhawuleza sikulento yokukhawuleza ngoku, yokubasicoce silungisa yonke into ihambe ngendlela efanelekileyo. Yonke into eyonakeleyo phaya sisemsebenzini wokuyilungisa lonto. Musa ukuthetha ububhanxa usendlwini yoMthetho wena. [Uwele-wele.]

Mr N L S KWANKWA: House Chair.

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising, hon member?

Mr N L S KWANKWA: I'm just trying to see if I understood what the Minister was saying correctly there.

IsiXhosa:

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Uthi amasela azakubanjwa Mhlekezi, ufanele ukuzakujoyina iUDM xa usithi amasela.

IsiXhosa:

The MINISTER OF TRANSPORT: Injalo ndoda yakuthi.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon Minister. That is not the question, that's a comment. It's commentary on the sidelines.

Mr C H H HUNSINGER: Through you Chair, Minister, the latest Auditor-General's findings state that controls at Prasa has broken down and Prasa achieved only 26% of its performance targets. Commuter and passenger numbers have plummeted to less than half in 10 years with manual safety directors that have increased radically. Seventy percent of Prasa controlled strange stations do not have CCV cameras and in the past five years, not a single meter of rail tracker has been purchased.

Now Minister, can you justify moving R4,5 billion from the Prasa budget, given this downward spiralling

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performance and amidst all these very basic needs at Prasa for commuters?

The MINISTER OF TRANSPORT: Hon member, I don't know whether when you talk from R4,5 billion, do you mean moving from to the Development Bank of Southern Africa, DBSA? Sorry.

Mr C H H HUNSINGER: The money that you took from e-tolls to Prasa to be specific.

The MINISTER OF TRANSPORT: Well, I thought that he's talking about something very serious, but... [Laughter.] ... you would know, hon member because you have been in this portfolio long before that with Prasa, among the challenges we are addressing is its inability to spend on capital projects because of lack of capacity.

That is why we have taken steps to approach some of our entities, of course, seeking deviation from Treasury to allow us to be assisted to ensure that capital expenditure is expedited within Prasa, which is what we are doing at this present moment. Treasury has also

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advised that we don't have to use one entity, we can use several entities.

But what we are doing at the present moment within Prasa through our intervention is to build a decisive capacity. I have referred to the employment of CFO, procurement, human resource, all women at Prasa, and black. That's what we are doing now. So, you will see that particular capacity will lead to that particular entity having a capacity to spend on its capital projects. You know that copper cables have been stolen and vandalised.

We've got irregular contracts of security companies, and we are changing and reconfiguring our approach to safety within Prasa and in no time, we should be in a position to realise our own objectives. As to whether or not, in terms of your comment about money spent on e-tolls, it's a debate that me and you will actually have one day.

Mr M M CHABANGU: House Chair, the Passenger Rail Agency has all but collapse, and we would have thought that after the President was stuck in train during the electioneering period, there will be more urgency in

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resolving the problem of agency here. Here in Cape Town, it is a completely dysfunctional mess. What action have you undertaken to ensure that trains are running on time everyday? When will we see improvements in passenger rail services? Thank you.

The MINISTER OF TRANSPORT: The improvements are coming, and they are coming very fast. In the past weeks, you would have seen at Pinaarspoort, if you know where Pinaarspoort is, it is one of the main congested corridors in the area of Tshwane. We are bringing in the new rolling stock which is running on time. There is safety and people are arriving on time to their destinations. So, that is what we are doing in all the corridors.

Where the President encountered a breakdown, we will take you back there, to show you that trains are running on time and we want to assure you that we are on track to recover that corridor. You are right and I agree with you that the situation is dire, but we are not folding our arms. We've got plans and strategy that we are implementing.

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In terms of the war room, we have set ourselves 30 weeks and we have passed the mid 15 week period. When we reach 30 weeks of the war room existence, you should see the signs of a difference, which the management of Prasa will take forward in terms of ensuring that we build on that. So, things are happening at Prasa. It does not mean that we are out of the woods, but at the same time, watch out, changes are coming and we are working very hard.

Every Monday there is an evaluation of that work, including in terms of governance, to ensure that the things that the Auditor-General have spoken about, are actually addressed within Prasa. Even the past issues that have been identified long time ago, we are cleaning them, and we are determined that we are bringing the broom that will ensure that things and steps are taken, to ensure that we are bringing stability at Prasa.

Question 324:

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: Hon Chairperson, in 2016 the Department of Public Works embarked on a consultative process to design and discuss with stakeholders recruitment criteria and guidelines.

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And these guidelines were then, in 2017, approved by the Minister of Labour and in June 2018 it was launched by the previous Minister with all the participants and stakeholders.

On an ongoing basis these guidelines are also presented to various mayors and councillors who in some instances have been found to be interfering with the recruitment of the Extended Public Works Programme, EPWP.

But we also tried various other communication channels like the information is on the department's website; it's also on Facebook, pamphlets, booklets and brochures; just ongoing to remind all stakeholders about the guidelines.

To promote the guidelines further, we've also interacted with National Economic Development and Labour Council, Nedlac's community constituency and we've also visited some of these projects identified by the Auditor-General, AG. And in addition we also trying to find a social audit pilot, whereby we want the community to lead the process to monitor the implementation of the EPWP projects but also be involved in identifying some of the participants.

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And finally, we have to increase the participation of the communities themselves to take ownership of these projects. Then I hope you will see some differences and limit the interference by other stakeholders. Thank you, Chairperson.

Ms M J MJOBO: Minister, I welcome your response. Your department is the custodian of the EPW Programme. But every department and municipality recruits beneficiaries to the programme as they wish. For example, the City of Tshwane has started recruiting through a lottery recruitment system.

I wish to ask you to explain how is your department intending to modernise and ensure best practice in the EPW Programme is reproducing across the country so that its reputation and credibility improves going forward? Thank you, Chairperson.

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: Hon Chairperson, certainly there are some of the stakeholders that are not following the guidelines. But the Department of Public Works received the grant from national

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government and then we then pass it on to provinces, to municipalities, to the non-profit sector for implementation; and that is where the weakness is, in terms of monitoring that they actually spend the money for what it's meant to be.

And that is why I'm saying, hon Mjobo, we are now getting to do social audits, where we want the communities to do those audits for us. But again, we can only appeal to the provinces, the municipalities, to assist us because they get the funding and they must also monitor the implementation of the project. I thank you.

Ms S J GRAHAM: Minister, the Eastern Cape's poverty level is 72% and towns like Klipplaat and Hofmeyr have unemployment levels close to 80%.

EPWP is often a family's only means of survival, and that means that those folks are more vulnerable to abuse in the recruitment process and political patronage and sex for jobs become a currency for placement.

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There are no enforcement or punitive measures in place because there's no existing EPWP policy. Please can you tell this House when you are going to implement an EPWP policy and what are the timeframes for that? [Applause.]

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: Hon Chairperson, it's certainly not correct to say there is no policy. The EPWP is existing since 2003. There's a social contract by Nedlac where it's agreed how the EPWP will be monitored and implemented. We are now going into the fourth phase of implementing the EPWP.

But I would also encourage members that where you pick these examples, where people are abusing their power to employ the people of their choice, please report that so that we can investigate that. [Interjections.]

[Laughter.]

So, definitely we calling for your cooperation also, to give that information for us because EPWP is meant to be also a driver of poverty alleviation. Many of our communities rely on the income of the EPWP and we must

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make sure that the right beneficiaries receive those benefits. Thank you.

Ms A M SIWISA: Chair, one of the mandates of EPWP is to equip beneficiaries with skills that will enable them to seek for employment at a later stage.

Minister, what percentage have been equipped with skills, especially in the scarce skills department, and how many have been assisted by your department to seek for further employment? Thank you.

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: Hon Chairperson, first of all, the EPWP money that we receive to distribute to the various spheres of government, that money is meant for payment of salaries, what is not included in that money is skills development. As EPWP we then have to apply to National Skills Fund to give that money to various sectors to train people in those programmes. But this is not the only training programme, there are various sectors, the environment sector and the social sector, where we get at least I think R268 million per year from the National Skills Fund to include that.

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We are now in the third quarter of the implementation of the EPW Programme and I will certainly report once I get the audited figures for the third quarter. I thank you.

Mr A M SHAIK EMAM: Minister, and I'm going to be very direct about this, I've got many complaints from the City of Cape Town that if you are not a DA member you will not get a job in the Extended Public Works Programme.

[Interjections.]

Now, Minister, please tell us what additional measures you are going to put in place to deal with this DA and the City of Cape Town who only give work to their own people? [Interjections.]

The MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE: Hon Chairperson, I would request that the hon Emam to give us the proof and bring the information [Applause.] so that we can investigate it.

I'm certainly not responsible snow for putting measures in place. All municipalities, all provinces, must put their measures in place and they must be held accountable

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by the different sphere of government that receive the money from us. Thank you. [Applause.]

Question 335:

The MINISTER OF TRADE AND INDUSTRY: Thank you very much, House Chairperson. The question relates to the National Credit Act. I'd like to start by noting that the Act arose as a committee Bill from the Portfolio Committee on Trade and Industry. It introduces a range of measures to deal with overindebtedness of low-income consumers. There are a set of procedures and legal powers in the Act. It applies to a specified group of persons and specified categories of credit. It identifies what is meant by overindebtedness and it establishes a range of interventions, from debt rearrangement plans to changes in the debt repayment periods to debt extinguishing.

The Act was assented to by President Ramaphosa on 13 August this year and it will take effect upon proclamation once the implementation work has been completed. On 10 September this year I addressed the portfolio committee on the implementation plan. In addition, the department did a detailed presentation on

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the steps that are required prior to proclamation of the Act. These include, among others finalising a budget for the implementation of the legislation and securing approval through the budgetary processes; identifying the staffing requirements of the regulators as well as smart regulation so that we avoid setting up a large and expensive standing bureaucracy; identifying the regulations to be developed and doing public consultation on those regulations; and engaging the finance and retail sectors to ensure that the implementation maximises the benefits of the Act and minimises the cost of the Act.

We subsequently set up a task team made up of the regulators and the department, and on 30 September this year I convened a meeting with regulators, the finance sector and credit retailers to discuss implementation of the law.

Industry agreed to take part in an implementation forum to consider ways of ensuring that the law is implemented effectively and cost efficiently, while extending the benefits to overindebted low-income persons.

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The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you hon Minister. In the absence of the hon Cuthbert ... he not taking a question ... hon Macpherson will take the first question.

Mr D W MACPHERSON: Thank you House Chair. Minister, the debt relief Bill, which was a pre-election ANC party trick, has now come back to haunt your party in a spectacular fashion at the expense of the poor. It is very clear from all the available evidence that the National Credit Amendment Act will now become one of the single biggest hurdles to financial inclusion for low-income people in the credit market. This, despite every expert and the opposition at the time warning the then Minister, the ANC and the President. This was best articulated in your own government's commissioned study into the impacts of the Act, which stated that it will be net negative for financial inclusion, will drive up the costs of credit for people and enrich loan sharks to the tune of R7 billion; and which the President chose to ignore in submissions made to him.

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The consequences of this will be dire, with financial institutions already cutting off credit to people, much to the delight of illegal lenders that will have a bumper festive season, thanks to the President.

In the face of this ANC self-made disaster, do you support the Department of Trade and Industry urgently putting on the table a total review of the National Credit Act, which will allow your party, yourself and the President to save face by repealing these disastrous amendments, to put low-income people first, cut off the loan sharks and broaden financial inclusion?

The MINISTER OF TRADE AND INDUSTRY: Thank you very much, Chairperson. Hon Macpherson's question comes in two parts. The first part relates to the socioeconomic impact assessment that was done and which was requested by Parliament from the department. As I indicated in the portfolio committee, that socioeconomic impact assessment system, Seias, report raised a number of concerns with the provisions of the law but it also pointed to positive outcomes of the Act. It suggested a number of steps to be

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taken to address the concerns, if the Act was implemented in its current form.

I do want to make the point that hon Macpherson's second point relates to the President's role, and ... said the President chose to ignore the report. The President of the Republic is required to act in a constitutionally proper manner. If the President decided to decline the Bill, or alternatively to send the Bill back to Parliament based on the Seias report, the President would be in breach of his constitutional responsibility.

Our Constitution has only one ground ... only one ground ... on which the President may send a Bill back and that is when a Bill does not pass constitutional muster.

Indeed, Adv Wim Trengove, senior counsel, was asked for an opinion on the matter. He reviewed some of the key provisions and found that those provisions would pass constitutional muster. Therefore, what hon Macpherson wants the President to do is firstly, not permitted; and secondly, would be in contravention of his constitutional duty, as was pointed out in an article published in *Daily*

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Maverick by an eminent legal commentator, who responded to the request by hon Macpherson.

So, I think we should put that little chestnut aside and focus on an effective implementation. The job of the executive is to implement the laws that are passed by Parliament. It's not our job to second guess, even if we don't agree with something. Once it has been passed by Parliament it becomes binding and we have to take the steps to ensure implementation of it.

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

An HON MEMBER: Are you a loan shark?

Mr S H MBUYANE: Thank you Chairperson. Minister, I just want to check, because seemingly our colleague doesn't understand the Seias report ... to say the Seias study report was prepared ... did the report contain any remedial measures in terms of the Credit Amendment Bill if it's passed, and if so, can you please provide clarity

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to the gentleman so that he understands what is contained in the Bill?

The MINISTER OF TRADE AND INDUSTRY: Thank you very much for the question. Indeed, what the Seias report did ... So, let's first start with an issue of the Seias ... the timing of the Seias report.

This was a committee Bill; not a Bill introduced by the executive. Parliament has no rule that requires committee Bills to go through a Seias report. Had the Bill come from Cabinet it would've indeed gone through a Seias process.

Once the committee requested the department to commission such a study, we approached an independent economics firm and they did the study. We have analysed that, and as I've indicated, the study in fact points to both challenges in the Bill but also to remedial steps. Some of the remedial steps that the Seias report points to are ones that we are now following up. For example, it calls for greater oversight of the regulator; it calls for an accurate and an appropriate communication exercise so

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that there is no misleading information that reaches the market; and it points to a role for regulation. So, each of these are now being pursued.

Indeed hon Macpherson, we met with the financial sector and with the retail credit providers which were the groups that were opposed to the provisions of the Bill, and we are now seeking a constructive way forward with them that still gives effect to the decision of Parliament.

So, I think what we have done is to act in a responsible way and to address the real challenges of poor South Africans that are overindebted, and deal with that debt crisis in an appropriate manner and consistent with the law.

Ms Y N YAKO: Thank you Chairperson. Minister, it is a reality that millions of South Africans are literally unable to participate in the economic activities of South Africa because they are heavily in debt. So our question is, what comprehensive solutions do you propose to ease the debt burden of South Africans?

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The MINISTER OF TRADE AND INDUSTRY: Thank you very much for the question. I would like to start by saying that in legislation across the world there is normally provision for dealing with instances of overindebtedness. If a company is overindebted, the insolvency laws essentially provide it initially with an opportunity to seek ... to get out of that level of indebtedness. It's called business rescue. If that is impossible ... for a fair way ... in which the distribution of its assets go to creditors.

However, what we've not had in the past was a piece of legislation that deals with the overindebtedness of individuals. As hon Yako mentions, there are millions of South Africans who are at various stages of indebtedness; many of whom are overindebted, meaning that it doesn't matter what they do; they are not going to be able to get out of debt. The interest payments that are mandatory exceed their incomes and the available resources that they have to pay their debts.

So, I think that there's certainly a basis – and everybody agrees there is a basis – for legislative

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reform. We have a law that was passed by Parliament. It sets out that when you are overindebted, there is firstly mediation. You get debt counseling. There is a postponement of the period of the payment of the debt. And, if all else fails, your debt is extinguished; it's removed.

That's what the legislation deals with, step by step. We are now working on ensuring that the effect of that is implemented and we are doing it through the work that I've indicated needs to be done.

Over and above that, there is an important role for us in public education, financial literacy and in acting against loan sharks. Loan sharks are a pernicious grouping in our society because they trap people in overindebtedness and charge enormous rates of interest. So, it's a combination of this. Finally, we have to prosecute the mashonisas and the loan sharks that in many cases break the law and prey on poor people.

Mr H S GUMBI: Hon Minister, you can't get around the fact that persons with low incomes ultimately need credit to

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survive and when they can't get that from a registered credit provider they end up going to loan sharks who ultimately have abusive practices and basically charge criminally high interest rates.

So, it was clear from the Seias report into this Act that loan sharks are the biggest winners from this amendment and it's all at the expense of the poor.

So, if protecting the poor and stamping out loan sharks is a priority of your government, can you tell this House what successes the National Credit Regulator along with the police have had to date in shutting down these loan sharks, what penalties have they faced and how many have landed up in jail? [Applause.]

The MINISTER OF TRADE AND INDUSTRY: Thank you very much House Chair. I'm sure we can encourage the hon member to reduce his questions to writing. It's a different set of questions to the question that we are dealing with and I'll be very happy to provide a parliamentary reply to that.

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I do wish to point out though that in the Seias report that has been quoted by hon Macpherson there is a section – and I would encourage the hon member to read it – that says on page 13 ... one of its recommendations ... and the heading is, If the Bill were to go ahead in its current form then we respectfully recommend. It has recommendation one, debt intervention must be responsibly communicated; debt intervention two, enforcement of unregistered creditors; debt recommendation three, definition of overindebtedness; recommendation four, the National Credit Regulator, NCR, considers the prosecution of a number of high-profile cases involving reckless lending as well as false testimony. The NCR is sufficiently skilled with analytical staff to ensure qualifying consumers enter into the process while nonqualifying consumers are rejected.

On the final issue that's come up, which is to avoid low-income South Africans and low-income persons being driven into the hands of loan sharks ... It's a concern that we as government share ... [Interjections.] ... and we raised it at the portfolio committee ... and when we really just stop politicking about this ... We went down

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and met with the financial sector and we met with the retail credit providers, and are reaching an agreement with them on how to deal with this. I would recommend that hon members relax a little bit and give those who want to take action an opportunity to do so.

Question 325:

The MINISTER OF TRADE AND INDUSTRY: Hon Hermans, thank you very much for the question. The SA Investment Conference was held in November this year. There were number of positive outcomes that spoke quite powerfully to our reimagined industrial of strategy. The first was that 70 companies committed and pledged some R363 billion of new investment in South Africa. A few days after the conference, one of the companies, a global company that was present, Isuzu, pledged a further R1,2 billion bringing the total pledge to R364 billion.

Now these investments were indicated for each of the sectors where we are seeking to have master plan. So, that is the first positive thing. Not all of these investments, the hon Hermans, were in Special Economic Zones, SEZs. However, I do want to point to a few that

were in SEZs, like an edible oil factory in Richards Bay SEZ, a prepaid electricity meter factory in the Dube Trade Port SEZ and a component manufacturer in the Tshwane Automotive SEZ.

The second way in which the investment conference assisted is through the signing of master plans. The master plans are really the engines driving the reimagined industrial strategy. We signed the master plan for the clothing textile, footwear and leather sector and we also signed the master plan for the poultry sector. These cover commitments by investors, by government and by trade unions.

The third way in which the investment conference assisted is that it provided the platform for the signing of two key business promotion agreements. The first one was the Japan SA Business Council, signed with the government of Japan. The second one was the United States SA Business Council signed with the US Chamber of Commerce. These will help to drive greater levels of fixed investment in the economy.

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The fourth area is the conference hosted eight panel discussions on sectors that President Ramaphosa referred to in His state of the nation address, when he spoke about the reimagined industrial strategy.

Finally, a major focus of the conference was on the African continental free trade area and on infrastructure funding. If you take these five areas together, they constitute practical steps to make sure that strategy goes to action and to implementation. Thank you very much.

Ms J HERMANS: Hon House Chair and hon Minister, I think you epitomise a hard working government, even if the opposition does not want to admit it.

[Interjections.]

In your hard work at the investment conference, it also contained a number of signing ceremonies and an announcement by Toyota.

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Can the Minister share with this House what these activities involved and what their significance are for our national development goals?

The MINISTER OF TRADE AND INDUSTRY: Hon Hermans, thank you very much for those comments. Let me start with the Toyota example. Toyota which has a manufacturing plant in South Africa producing Toyota Fortuners, minibus taxis and Corollas made quite a significant announcement at the investment conference. They announced that Toyota board globally, has decided to invest in an expansion of the plant in South Africa to produce hybrid vehicles. A hybrid vehicle is a vehicle that is part electric and part petrol driven. So, that is the new technologies. That is really the car of the 21st century that ensures we can drive, but in a manner that is not damaging to the climate.

So, it is Africa's first hybrid production facility in car manufacturing. We hope it will be the start of many more that we eventually we can get to full electric vehicle production in South Africa.

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On the second area on the signing ceremonies, two of the signing ceremonies covered master plans. In the case of the clothing textile, footwear and leather master plan, what was agreed there is the retailers, the mainstream South African retailers committed that they would increase their level of local procurement. They would stock their shops with more clothing and shoes made in South Africa. At the moment the aggregate rate of local procurement is about 44%. They have committed over the next decade to work with us, to increase that to 65% which means a significant increase in the level of suits, shirts, ties, shoes and so on that are made by South Africans creating local jobs, ensuring that in fact we boost investment. [Applause.]

We also signed an agreement with the poultry industry that committed the poultry industry to restructure and ensure that we create more opportunities for small-scale poultry producers, for black South Africans to enter the poultry industry and for South Africans to eat more locally produced chicken. So, hopefully these two areas which are underpinned by competitiveness plans, greater investment, support from government, commitments by the

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labour movement, show the value of social compacting that South Africans, working together to build this economy. Thank you. [Time expired.] [Applause.]

Mr W M THRING: Hon House Chair and hon Minister, South Africa has one of the highest unemployment rates in the world. Topping close on to 30% on the narrow definition of unemployment and certainly the highest Gini coefficient in the world speaking to the challenge that we have of inequality. The central goal of the department is to grow our failing economy.

So, Minister, how successful has the online business portal, as well as the business process services been in addressing these challenges that we face in South Africa? Thank you.

The MINISTER OF TRADE AND INDUSTRY: Hon Thring, thank you for that question. In fact I would like to provide a bit of background information before answering the question. One of our challenges is to increase levels of investment in the economy and create opportunities for small businesses. My colleague the Minister of Small Business

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Development makes sure that we constantly look at how to open up the economy for small businesses is to increase the ease of doing business. One element of that is how easy it is to register a business. Many entrepreneurs especially smaller players have found it quite tough in the past. It would take up to 40 days to register a company then you have to register for tax, for Unemployment Insurance Fund, UIF, and a range of other regulatory requirements.

So, what we did now we have created a single online portal. We have launched it in its pilot phase in the first week of November. What this portal does, in place it brings together your ability to register a company, you register for tax, you register with a Black Economic Empowerment, BEE, commissions where you can get your certificate, you register with the Unemployment Insurance Fund, with the Workmen's Compensation Act, you can even register for your domain name. So, that means in the space of a couple of hours you would be able to meet all those regulatory requirements. So that is how we in fact are opening up the economy, making it easier for South Africans to participate in this economy and wanting to

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increase the number of entrepreneurs in the economy. That is one of the examples of a number of other interventions to make it easier to do business in South Africa, so that we can grow the economy. Thank you.

Mr D W MACPHERSON: Hon House Chair and hon Minister, by all measurable data, your government's investment drive and SEZs are simply not doing anything for economic growth in South Africa. In fact, after today's announcement that our economy shrank by 0,6% dragged down by agriculture, manufacturing and mining, it is becoming abundantly clear that President Ramaphosa and the ANC has run out of roads to turn our economy around and create jobs.

[Interjections.]

There are many reasons for this including the deep and bitter civil war in the ANC between those that support Minister Mboweni's economic plan and those that want to see it go up in flames.

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Can you tell us Minister, if you support Minister Mboweni's plan to cut debt, dump SA Airways, SAA, unbundle Eskom ...

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

Mr D W MACPHERSON: ... and radically slash the size of civil service to get South Africa back on track to economic growth and job creation? [Applause.]

The MINISTER OF TRADE AND INDUSTRY: Hon House Chair, three responses to the hon Macpherson. The hon Macpherson is normally very positive in portfolio committee meetings. I do not know what has happened today for the grandstanding. It is so unusual and out of character, but anyway let us get to the substance.

The first part of it talks about investment. Today the gross domestic product, GDP, figures came out. They did indicate a contraction, a quarter to quarter contraction, but the hon Macpherson would be well-advised to tell this House that in fact investment levels went up. Investment

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increased by 4,5% and in fact, private investment, increased by 10, 8%. Now there is a lack between when an investment comes into the economy and when you see the results in increase output. Simple economics; Eco-101 will convince the hon member of that. [Applause.]

The second thing I should indicate to the hon Macpherson is the description of a deep and bitter civil war is accurate. It is very accurate, but it applies to the DA.

[Interjections.]

It is not the ANC that has just lost its leader. It is not the ANC that is in deep and bitter fights. It is in fact the DA. And so I think, it is one of those instances where the level of projection is telling. [Laughter.]

The third area that I should indicate is no plan belongs to an individual Cabinet Minister. There is no Minister Mboweni plan. Cabinet as a collective take ownership of the plan and the ideas and in the fiscal framework that was set out in the Medium-Term Budget Policy Statement, Minister Mboweni spoke on behalf of Cabinet. [Applause.]

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And so unlike what we have heard in the DA where there is sniping, fighting, we have in front of us a coherent government. Thank you.

Mr J W W JULIUS: On point of order, hon House Chairperson.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): What is your point of order, hon member?

Mr J W W JULIUS: My point of order is: The Minister is politicking around the question. Do you support Minister Mboweni's plan or not? That was the question. Stop politicking because you have a fight in all of you! Tell us about your fights. Do you support it or not?
[Applause.]

The HOUSE CHAIRPERSON (Mr L D Ntombela): Hon Julius, you are out of order. Hon member! Hon Julius, you are out of order. Hon Minister, I think you have exhausted your answering.

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Mr D W MACPHERSON: House Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Mr L D Ntombela): Hon Macpherson, what is your point of order?

Mr D W MACPHERSON: Hon House Chairperson, my point of order is: You know House Chairperson, when we ask very simple question as in a yes or no and a Minister refuses to answer that question, it makes a mockery of these question sessions!

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

Mr D W MACPHERSON: So, if the Minister is unable or unwilling to answer the question, it goes on the record that he did not want to support the Minister's plan.

The HOUSE CHAIRPERSON (Mr L D Ntombela): Hon Macpherson. Hon member. Hon Macpherson. You are the second after the hon Julius to be out of order. You are out of order, Sir. The hon Langa, can we continue. Order please. The hon Langa.

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Mr T M LANGA: No hon House Chairperson, it was for the hon Yako.

The HOUSE CHAIRPERSON (Mr L D Ntombela): Pardon me.

Ms Y N YAKO: Sorry hon House Chairperson, I think he was enthused because his question is coming next, but I had pressed before him. I am hon Yako.

The HOUSE CHAIRPERSON (Mr L D Ntombela): Alright, hon Yako.

Ms N Y YAKO: Thank you, hon House Chair. Hon Minister, it is my view that the true litmus test of economic growth is to see it from where the people are, to see it reflected from where the people are and the people are in townships and in rural communities. Now, it is my belief that your Special Economic Zones most of them do not reflect where the people are.

My question is: Are you of the view that the Special Economic Zones have been utilised appropriately as vehicles of economic growth and job creation and if not

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what more still needs to be done to fully realise the potential? Thank you.

The MINISTER OF TRADE AND INDUSTRY: Hon Yako, thank you very much. We believe that if you look carefully at the location of both Special Economic Zones they are 10 of them now and industrial parks which complement them. They are in many cases in rural areas. I can provide the hon member with a list of them, but what we have done recently is we have done a review of the impact of the Special Economic Zones. We have recognised that some of them have been very successful. The example of Coega and the Dube Trade Port stands out. Some of them have not taken off. An example is the one in Saldanha that was in fact agreed to some five and half years ago and we have not seen significant off take in the Saldanha one.

So, Cabinet has agreed to a new approach to Special Economic Zones. One in which the national government plays more role. Up to now we have left it largely to provinces. They put forward the business case for Special Economic Zones and then we leave it to the province. We now into partner much more, create a project management

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unit at national level to be able to assist provinces with effective implementation.

The first example of this new approach came in the SEZ in Tshwane where it is an automotive hub. We have fixed commitments by about 10 investors already and the plan is to create some 6 700 jobs in that SEZ over time. Now, I raised that having said earlier that when the question was asked on the issue what was described as the hon Mboweni's plan. We answered very clearly.

Firstly, no plan belongs to an individual. Minister Mboweni brought the plan to Cabinet; we discussed the plan in Cabinet the Medium-Term Budget Policy Statement that was produced by Minister Mboweni on the basis of Cabinet discussions says where we are going with the plan. So, I just wanted to underline that and indicate that that question was fully and comprehensively answered. Thank you very much. [Time expired.]

Question 326:

The MINISTER OF SMALL BUSINESS DEVELOPMENT: House Chairperson, it is a requirement of the law that all

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business facilities must be accessible to people with disabilities. Should the department, its agencies or sister department and their agencies be responsible for providing business accommodation, such facilities must be accessible to entrepreneurs with disabilities. The department is committed to support entrepreneurs with disabilities, and through its agencies - the Small Enterprise Finance Agency, Sefa, we offer Amavulandlela Funding Scheme for entrepreneurs with physical disabilities.

The scheme is targeted for small and medium-sized enterprises and co-operatives with at least 50% plus one ownership by entrepreneurs with disabilities and there must be operationally be involved with the business. In the Amavulandlela Funding Scheme, entrepreneurs are offered a preferential fixed interest rate of 7% per annum, and the service includes preapproval assistance if it required, and to bring an application to a bankable stage and technical assistance with sourcing and negotiating with suitable suppliers.

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It extends to postapproval assistance, which includes in-depth mentoring and coaching as well as other business support that is required up to two years. The normal Sefa repayment terms will obviously apply, and this scheme depends whether the person is applying on asset finance, bridging or revolving credit or term loan. With regard to the second part of the question, in rural areas and townships, the President has directed us to establish incubation centres and other business support centres that include digital hubs or technology hubs, and trade markets.

It is our commitment that when we establish these facilities they remain accessible to entrepreneurs with disabilities and we make special efforts to support entrepreneurs with disabilities. Thank you, hon House Chairperson.

Ms K B TLHOMELANG: House Chair, through you to the hon Minister, thank you, indeed, our people, especially those living with disabilities will be liberated from poverty, unemployment and inequality. Hon Minister, the challenges facing entrepreneurs with disabilities also includes lack

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of access to machinery and equipments. For instance, a person with sight disability may need Braille to read and write business documents. The same can be said about the deaf disability. Will the outline support measures by the Minister also provide these machines and equipments for entrepreneurs with disabilities such as blindness and deafness? Thank you, House Chair.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you, hon Tlhomelang. The preapproval assistance includes assistance for technologies such as Braille and all other facilities that they require so that they can have their business plans and all other proposals in the languages that they understand - the languages that they can read and write for themselves. Thank you..

Prof C T MSIMANG: Thank you hon House Chair. Minister, we appreciate the commitments that you make to assist, especially small businesses in rural areas and townships. But still, there is that outcry that these people don't feel that their challenges are prioritised by government. My question is, "Would it not be prudent for your department to co-operate with municipalities at rural

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area level as well as in townships as these municipalities are closer to the residents and understand their problems better?" We are aware that Small Business Development department has very few offices in the provinces. I thank you.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you hon Msimang. With regard to the question about the presence of our department - our presence is through the Small Enterprise Development Agency, Seda, and Sefa, which have offices across all the district municipalities of the country. But to augment that we have decided that we are going to partner with municipalities. There are local economic development units so that we can extend services through the sphere of government that is closest to the people, but we need to train municipal officials in the local economic development, Led, units. We also need to have a full agreement with the SA Local Government Association, Salga, through the facilitation of the Department of Co-operative Governance and Traditional Affairs so that we can have a joint government as part of the district development model of doing services for our country.

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Mr T M LANGA: House Chairperson, I think I speak on behalf of many people when I say we have some respect for you because you come across as a Minister with conviction on her deployment unlike the hon Ginger who left the Ministry in the intensive care unit, ICU.

[Interjections.] ... but surely her results will reflect the inputs. When it comes to the question, I am partly covered. However, I would like ask again so that you can further elaborate. One of the main stumbling to growth for small businesses owned by people living with disabilities is that the general nature of businesses does not cater for people with disabilities. They are marginalised when applying for finance. The general nature of township environment, lack of equipment, and lack of support from the state makes it difficult for businesses run by people with disabilities. So, what intervention has your department made to resolve these challenges? Thank you, House Chairperson.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: House Chairperson, I don't know who the hon Ginger is, but if you are talking about my predecessor and my big sister, the hon Minister Lindiwe Zulu, I would not be able to be

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moving forward if this was not the platform she created for me to be able to take over where she left off.

As we move on with regard to the issue of supporting people with disabilities, that is why we have specific schemes that are targeted to entrepreneurs with disabilities. And we should remind ourselves that people with disabilities and entrepreneurs with disabilities have thrived in those conditions that were not very supportive. We have dedicated programmes to support them and by the way, the Amavulandlela Fund was established by Minister Lindiwe Zulu. Thank you.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon members, we refer to people who have disabilities as people with disabilities and not people living with disabilities. So, please make note of that. Hon Mbhele?

Mr Z N MBHELE: Thank you House Chairperson. Minister, one of the key complaints from organisations working in the disabilities sector is about not just inadequate support from government regarding the specific needs of people with disabilities, but also inadequate consultation with

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the stakeholders in that sector or that the inputs in consultation processes are not being implemented.

So, could you please explain to us what mapping exercise, specifically of the landscape - of the context, has been undertaken either by the department, Sefa or by Seda to ensure that adequate consultation has taken place to incorporate the specific needs of people with disabilities so that the financial support and other support given to entrepreneurs is up to standard.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you hon Mbhele. You lay the responsibility of consulting with people with disabilities to the department. We have the Department of Women, Youth and Persons with Disabilities which is responsible for that. They have done the consultation before these schemes were set up and ours is to execute because we are one government. There is no point for the Department of Small Business Development to duplicate and repeat the work that has already been done by another department of government. We work with that department and the stakeholders that are involved in the sector to make sure that the programmes we have put place

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are responsive to the needs of entrepreneurs with disabilities. Thank you.

Question 345:

The MINISTER OF TRANSPORT: Sorry Chairperson!

The HOUSE CHAIRPERSON (Mr M L D Ntombela): The Question is 345, hon Minister.

The MINISTER OF TRANSPORT: I was checking whether is this the Mabhena, Mabhena or ... [Laughter.] ... my friend Mabhena. Chair, on 3 November 2014, the passenger Rail Agency of South Africa submitted a public-private partnership treasury approval application to National Treasury in respect of the Moloto Rail Development Corridor project.

On 3 December 2015, the National Treasury declined the application, sighting mainly unaffordability of the project and the unlikelihood of the project yielding the social, economic and developmental benefits as envisaged in the feasibility study.

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The department embarked on the feasibility study for Moloto Rail Corridor in 2012. The project was the handed over to Prasa for implementation. Following the conclusion of the feasibility study on the Moloto Rail Corridor project, an endorsement by the political oversight committee, in October ... [Interjections.]

Mr C H HUNSINGER: Point of order, Chair!

The HOUSE CHAIRPERSON (Mr M L D Ntombela): What is your point of order, hon member?

Mr C H HUNSINGER: Chair, I respectfully want to submit that it might be the wrong answer to a question which the Minister supposes to 344. We are now dealing with Question 345.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you, hon member. That might be possible but if you had allowed him to complete his response.

The MINISTER OF TRANSPORT: Prasa has not conducted a skills audit in the past years to ascertain whether

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managers are duly qualified in line with management position requirements. However, Prasa did embark upon qualifications verification exercise to verify management qualifications.

The SA Qualifications Authority conducted the Prasa Qualification Verification and the Prasa Board of Control considered the qualification verification report in 20 May 2018.

In total, 864 qualifications for various managers were forwarded to SA Qualifications Authority for verification. Of the 864 managers included in the qualification verification, with 524 manager qualifications, 61% were positively confirmed by SA Qualifications Authority.

A total of 337 manager qualifications, 39% that were submitted to SA Qualifications Authority could not be verified as many of these were short courses. Prasa has prioritised the verification of organisational structures, employee verification and headcount verification in the current financial year.

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To close the gap of a skills audit, Prasa has developed a plan that includes employee verification and a qualifications and skills audit, which should be conducted by July 2020. Thank you.

Mr T B MABHENA: Hon Chair, I think the confusion that reigns in this House is the one that reigns at Prasa. [Laughter.] Anyway, that is why you are answering wrong question here. Essentially, Minister, you are saying that 39% of managers' qualifications at Prasa are actually unverified. Therefore, this means that we have people who are running the Passenger Rail Agency of South Africa who are unqualified.

So, what I want to ask as a follow-up question is: How much has this cost the entity; are there any steps that you are going to take to recover some of the funds as we have done with Mr Moshohisi; and also, what are consequence management that you are going to put in place, to ensure that all these people are now qualified for, and to ensure that the people that hired these guys are actually held accountable?

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Lastly, it is concerning that you have the Pallo Jordan's of this world roaming the corridors of Prasa there, doing work which they are not qualified for. Thank you.

[Applause.]

The MINISTER OF TRANSPORT: Hon Mabhena, you will know that some of these issues arose in the Auditor-General's report. Part of the remedial action that has been suggested is that consequence management need to unfold - include the fact that some of these people who are unqualified, were not actually attended to.

You will know that one of the failures that have been pointed by the board is that according to this Act, some of the actions that were supposed to be undertaken at Prasa were not, that includes the question of verification, ghost workers, and among other, people who are not fully verified. All of those will be undertaken into the future in terms of the measures that we are going to put into place... Thank you very much.

Mr B S YABO: House Chair, in tandem with the commitment of the ANC to fight corruption and its associated

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practices: What will the subsequent steps be following the outline process regarding those who do not meet the minimum requirements to ensure effective management of the organisation and save it from the current quagmire?

The MINISTER OF TRANSPORT: I think you will know that over a period of time, Prasa did not have a chief financial officer, a group CEO and procurement officer. Everybody at Prasa has been acting. The management was totally depleted and was unable to spend some of the resources allocated: Some of the interventions, including the questions that have been asked before around monies transferred to other entities. It is precisely because of this, which has got nothing to do with the e-tolls and so forth.

So, how are we addressing that to assist in terms of capital expenditure for Prasa? There are measures that we are putting into place to address that and I have spoken about it earlier on. There will be action taken for those who are failing in management. There will be people who will be appointed in new managerial positions to ensure

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control and capacity at Prasa. As we speak, that is being undertaken.

We are strengthening governance control. For all the issues that have been raised by the Auditor-General: Matters of corruption; irregular expenditure; and irregular contracts - all of those - are going to be attended to systematically and ensure that there is consequence management at the end of the day. Thank you.

IsiZulu:

Mnu K P SITHOLE: Angibonge kakhulu, Sihlalo, ngibonge kakhulu kuNgqongqoshe, into engizama ukuyibheka ukuthi ngabe i-consequence management uhlelo sinalo yini ebheka wonke umonakalo okhona ku-Prasa ngoba into engiyikhumbulayo kunemali eyake yanikezwa izinkampani zamabhasi, imali bavele banikezwa ngaphandle kokubheka ukuthi izidingo zokwenza umsebenzi zikhona yini. Ukuthi njengamanje nje sekubonakala ukuthi umonakalo mukhulu la zikhona yini mhlawumbe izindlela zokubheka ukuthi lezi zinto ezenzeke ekuqaleni azisezo ziphinde zenzeke siyaphambili. Ngiyabonga.

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The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you, hon member. Hon members, the noise levels seem to be rising. I know that hunger is also rising, with exhaustion. That is consumerate. Hon Minister, can you reply to that?

IsiZulu:

The MINISTER OF TRANSPORT: ... senza okusemandleni ukwenza ukuthi isimo e-Prasa sibe ...

IsiXhosa:

... semgangathweni ovumelekileyo. Ezinye zezinto esizenzayo kukuba kubekho abantu abasebenza ePrasa abafanele ukuba baqeshwe ngokwemfundo abanayo lonto siyayenza kungoku nje kwaye ngoku senequmrhu elijongene nokugwadla zonke ezingxaki ndithetha ngazo.

Okwangoku uyayazi ukuba siphuma kwingxaki yokungabikho bantu abajongene nendlela yokusebenza kwabantu abo sibabiza ngokuba ngabaphathi, bebengekho abo bantu ePrasa. Yiyo lento bekuqashwa ooMthimkhulu abo bekuthiwa baneziqinisekiso zemfundo engaqinisekiswa ndithi mna umntu akanguye noGqirha weze Nkolo akukho kwanto anayo esandleni lo mntu nguMthimkhulu nje ngegama.

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Zonke ezi zinto bezisenzeka phaya ePrasa bekukwavula zibhuqe exesheni elininzi kodwa kungoku nje ndingatsho ukuthi siyasebenza injalo nje inguqu yona izakubakhona, baninzi abantu abaneziqinisekiso zemfuno eyiyo abo bebengakwazi ukusebenza ngenxa yokunganikwa amathuba okwenza umsebenzi wabo kuba bebevaliwe iminyaka le idlulileyo.

Abaphathi bebengasebenzi ngoku fanelekileyo. IBhodi ibihla isilwa njalo noMphathiswa kodwa ingeguye lo ukhoyo ndithetha ngalo ebekhona kuqala lowo ebekhona phambi koMphathiswa uNzimande, uyayazi ngalo lonke ixesha bekukho ukungaboni ngasonye.

English:

We are minimising that and we are going to ensure that that which does not work for us is put aside or overhead to ensure that the Auditor-General's matters of emphasis with regards to Prasa are going to be addressed.

IsiZulu:

Ngingakutshela nje baba ngithi kuwe ungawachithi lawomanzi ngoba kusekho ikukhu esazoxhelwa lapha.

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Mr M M CHABANGU: Minister, I am partially answered but I would like to know ... [Interjections.] Can I be protected, Chair?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): You are very protected, hon member.

Mr M M CHABANGU: I will react and you won't like it! I would like to know as to whether you are in agreement with the narrative that the present reigning government is appointing people on the principle of cadreship? Hence, people end up fabricating their qualifications. How long is this hiring of people with fake qualifications going to continue because it is derailing the progress of South Africa? Thank you.

The MINISTER OF TRANSPORT: A sound management, in terms of exercising his prerogatives, should be in a position to pre-empt bogus unqualified people in the system through the checks and balances that need to be followed. Where there is no such management, you will see volumes of people inflow into the system without qualifications. That then begins to tell you that in simple organisation

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management, there are no system or management or policies that people are following.

There is no way in the system whereby you can have bogus workers up to more than 100 unqualified people. In fact, if we speak about Prasa now, it has been hollowed out in terms of capacity of engineers. This is what we are seeking to recoup in the system.

So, you get people there without requisite qualification but they are employed. It has been business as usual. So, we are addressing that through sound management and a very clear management that will put its foot down to turn things around.

I have been to Standing Committee on Public Accounts, Scopa, with Prasa management; I don't need to be lectured. I have been to Scopa with Prasa Board. They could not answer Scopa about the deficiencies in the system. As a Minister, I have got the responsibility to act and to take Prasa forward and we are doing exactly that.

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In the near future, we are going to respond collectively with the management that is there on what needs to be done at Prasa. So, with all the measure that we have put in place, which focus mainly in terms of the war room on operational aspects, governance and management, those are things that we need to address, even if we were to think about the next leadership in the chain. [Time expired.]
Thank you.

Question 349:

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Question 349 has been asked by the hon M Q Ndlozi to the Minister of Public Enterprise but I suppose hon Paulsen becomes responsible for that.

The MINISTER OF PUBLIC ENTERPRISES: Chairperson, many of the answers I have to give have already been provided earlier on but let me nonetheless, for the benefit of hon Paulsen, repeat them. The first question was about the candidate - whether there was nobody else. The point I made earlier on is that it is the board's responsibility to identify candidates, interview them, indicate their preference, and put them through the necessary competency

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test that I described earlier on. To repeat, there were 142 potential candidates including eight Eskom employees. A shortlist of 17 was provided by the search agency. Eight of the candidates withdrew; six were interviewed by the board; four were shortlisted for competency test; out of the four three were then shortlisted and they went through the processes of the competency test; there were further discussions by the board; the President had appointed a few Ministers to interview two of them; and Mr De Ruyter emerged as the candidate to be chosen.

The second part of the question implies racism and I refuted that earlier on, both in the organisational capacity and my personal capacity. There are two provisions in our Constitution: One in respect of ensuring that previously-marginalised people in particular African people must be empowered; and secondly, in doing so, we must ensure that we also follow the principle of nonracialism in the ... I don't think there is any point in talking, Chairperson.

[Interjections.] There is noise.

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The HOUSE CHAIRPERSON (Mr M L D Ntombela): I'll take care of that hon Minister. Go ahead, you are protected.

The MINISTER OF PUBLIC ENTERPRISES: We might want to remind ourselves that South Africa does in fact belong to all who live in it, black and white. This appointment received the support of the governing party, the ANC and various other stakeholders as well. It received the support of government in the traditional Cabinet statement that was issued after Cabinet made its decision. In relation to ... As I said earlier on, if you look at some of the SOEs that we have responsibility for, some 85% on the average of senior people in these SOEs are black and some 66% are African. According to their annual reports you'll find that the numbers vary between 75% and 65% across the board. So, any implication about racism of one kind or another is wrong. In fact, the question itself is problematic.

Mr M N PAULSEN: Chairperson, I make no apology whatsoever, sir. Minister, I just heard Minister Mbalula saying that the problem at Prasa is that it cannot find suitably-qualified engineers. Am I correct, Minister? But

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here at the parastatal where we need engineers you have appointed somebody who doesn't have the engineering background. Can we then assume that the reason why Mr De Ruyter was appointed was rather to see to the unbundling of Eskom rather than to improve the operation of the parastatal as a whole? Thank you very much.

The MINISTER OF PUBLIC ENTERPRISES: Chairperson, for anybody who has run an organisation of any substantial size would know that you don't need a particular discipline. You need leadership, broad knowledge, and the capability to command engineers, scientists and other technicians. As long as you can mobilise them, organise them in a particular way and ensure that they perform at the right kind of way, you have the right kind of formula. Not every head of every technical organisation is necessarily an engineer. I am sure Mr Paulsen knows there are different types of engineers: Civil engineers and electrical engineers - and even amongst electrical engineers you have a diverse range of operational capabilities that these individuals actually have as well.

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So, yes, one of the responsibilities of the new CEO, as I did say earlier on, is to implement the roadmap but to also lead this organisation, bind the professionals who are IT specialists, electrical engineers and other types of specialists as well into a well-organised team so that they serve South Africa well and ensure that Eskom performs. That's the job of a leader.

Mr M N PAULSEN: Chairperson, the explicit question I asked was...

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

Mr M N PAULSEN: ... is Mr De Ruyter there to oversee the unbundling of Eskom?

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

Sesotho:

... o a qala hape ntate.

English:

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Mr M N PAULSEN: Chairperson, I didn't get the response, a yes or no.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): If you are not satisfied with the answer that the hon Minister has given you, you know what avenues to follow. [Interjections.]

Mr M N PAULSEN: Yes or no! Yes or no! [Interjections.]

The HOUSE CHAIRPERSON (Mr M L D Ntombela): The hon Minister has responded to that. Can we continue hon Cachalia!

Mr G K Y CACHALIA: Given that the hon Minister was less than clear in his answer to my last question, let me be more than clear in my framing of this one. Could the Minister state unambiguously that the strategic appointments in SOEs need to be made on the basis of merit given the parlous state of Eskom and the risk of a crucial strategic entity failing? If that is the case as it should be given the enormity of the consequences, why should this not apply to all SOEs, the vast majority who represent an unsustainable drain on the fiscus especially

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given Minister Mboweni's statement that we cannot really and truly go on like this? So, what tangible steps are being taken to ensure that scarce fiscal resources are being managed by the best of breed and not via the empowerment of those with a track record of dismal failure, whatever colour they may be unlike the decision...? [Time expired.]

The MINISTER OF PUBLIC ENTERPRISES: Chairperson, in South Africa we have a unique opportunity to have employment equity; to have marginalised populations, the majority in South Africa affirmed in every single sense whether on the basis of gender or race and perhaps even on the basis of youth in the various appointments that we make; and combine it with the level of expertise and skill that they actually offer. So, yes, indeed Mr Cachalia is right that in making these appointments, merit and these other factors must be taken into account. And I hope he will concede that merit, gender considerations and race considerations will have to be combined in a particular way in order to seek the best that we have amongst South Africans. They will emerge in different types and places. So, yes, scarce fiscal resources must in fact be managed

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properly. But it is not one individual who actually manages these resources but it is teams of people. In the case of Eskom certainly over 40 000 people have to make a contribution to that.

Ms J C N MKHWANAZI: In future hon Minister, how is your department going to share the information about the equity statistics in the entities so that the racial chauvinism that is perpetrated by those who seek to sow confusion in the nation does not find a fertile ground to reverse the gains of the ANC in terms of nation-building and upholding the constitutional values of nonracialism and nonsexism? Thank you.

The MINISTER OF PUBLIC ENTERPRISES: Chairperson, the governing party is very clear on matters of principle. As I said, it is a combination of what the hon Mkhwanazi is saying, commitment to nonracialism; commitment to affirming marginalised populations or sections of our population; and at the same time utilising the best talents that we have in this country wherever it is possible including the factor of merit as well. All we need to do is to look at the annual reports of these SOEs

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if we have an honest intention to find out what the facts are. If our intention is to spread fake news in order to actually gain some or other imagined political advantage, then one will have the capacity like many in the world today to twist facts to create own narratives and have those narratives repeated fascinatingly in many different quarters, in Chapter 9 institutions and other institutions as well in order to mislead South African about where we really stand on this issue. Perhaps hon Mkhwanazi is right that we need to do more both as Parliament and as government to make our people aware of what the true facts are so that they don't fall fowl of the disinformation that is passed around.

Question 327:

The MINISTER OF TRANSPORT: My department is working very hard to ensure that transformation of the transport sector yield a tangible return that empowers those who were historical disadvantaged and creates opportunities that lead to economic growth. The transformation agenda of the sector in the medium term will focus in the following objectives, transformation of the South African construction, Engineering Aviation Maritime sectors in

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line with transformation imperatives in the manner that broadens economic participation, economic growth and job creation.

The Department of Transport and all its entities contribution to Broad Based Black Economic Empowerment, Skills Development and the growth of Small Medium Micro Enterprises and Cooperatives with a particular bias towards township, dorpie and rural economists.

South African National Roads Agency's horizon in 2030 adequately captures the contenance of its transformation agenda which will be represented across all our entity's. policy and practices of all our entities must cover the whole rage of the organizations activities from employment equity to skills development, community and enterprise development procurement, legal and finance audit.

The building block of our sector empowerment programmed is driven by the following pillars. The first focuses on accelerating the empowerment of the taxi industry through 60% ownership in publically funded integrated public

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transport network projects and taxi recapitalization scrapping entity.

We are committed to expiate this through a model that touches every single legal operator across association lines however this will not be a blank cheque. The industry must take tangible measures to ensure that the safety of the committing public is not compromised through reckless and selfish conduct.

Operators who are involved in violence and conduct that endangers the lives of commuters and workers will be bud from reaping rewards of government procurement and spending. The restructuring of the bus subsidy in its current form is long overdue.

The taxi industry as the market share in excess of 60% and yet the only form of subsidy it benefits from is the capital subsidy in the form of a scrupling allowance will accelerate the process of developing and implementing a public transport funding model that takes into account the current realities the country's economic climate and instruments while in the long terms we will seek to

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establish an Aviation Academy that services the Southern African Development Community region that will focus on interventions that accelerate our ability to develop technical skills in the sector through collaboration and implementing the Khawuleza efforts means giving priority to services delivery interventions that people can see and feel which must qualitatively improve the lives of the people.

In giving practical expression to this will deliver high impact socio-economic flagship projects across our functional areas. Working closely with Sanral will create a technical innovation hub underpinned by strong research and development.

In addition we will expand Sanral's technical excellence academy. Achieve 60% spend on goods and services with procurement from Black owned township, dorpie and rural enterprise ... private sector expertise and provide skills fast track programs through innovation arrangements.

Mr L E MCDONALD: Minister in line with the ANC manifesto in reforming the transport industry. When you look at

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the... industry is one of the least reformed sectors in the South African economy. How ... the department start implementing changes to the sector specifically on international airports where the ... side the foreign owned white monopoly capital companies dominate the industry is very difficult for young and black especially women entrepreneurs to enter this highly competitive and monopolized industry. I thank you.

The MINISTER OF TRANSPORT: Yes, we are very... I don't know why you are laughing is it because Mcdonald is taking white monopoly capital and he is white. White monopoly capital relates to how we relate to the means of production and that is how we define class so it does not matter whether you are Black or White where you stand in relation to the means of production and accumulation it determines where you stand in the social stratification of the society you can be white but be a working class but we know White in majority are privileged and don't constitute that class and in your majority same of you in those benches you what we characterized as the middle straighter.

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We are committed to ensure that the aviation sector within transport is actually transformed and that is why I refer to the aviation academy which my predecessor already together with science and technology we are going to work together to launch this academy in order to support young pilots as you can see in our country today there are many young pilots but it is difficult to crack into that particular space and the academy is going to assist them in terms of financial capacity and muscle to be trained and also in the long term to be actually be absorbed and we don't seek to waist time with regard to that we should see this coming into frisking in the near future in the next coming years. Thank you.

Mr C H H HUNSINGER: Minister after 30 years the combined National Party, ANC government could only register five ships under the South African Flag maritime ... and maritime employees have to work on one of twelve thousand foreign vessels that export 95% of South African goods to the rest of the world often under terrible conditions. So even if one would want to find a job or join where are these opportunities, also Minister a flight training school called African College of Aviation shout down last

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year due to the Department of Transport, Transport, Education Training authorities failure to pay R2.5 million to the school robbing innocent young stars and families of their money and dreams. How will you improve the conditions for expiring maritime ... and will you pay back the aviation students their money.

The MINISTER OF TRANSPORT: I cannot commit to that but to make a follow-up but our intention is to ensure that we built an academy not only in terms of aviation but also maritime that includes sea fears and which is our project that we embarking upon together with Samsa our agency to ensure that most of our people do actually find space and in particular young people to participate in the maritime space. Thank you.

Mrs N J NOLUTSHUNGU: Minister taking into account the number of accidents caused by the trucks on the roads, what steps have been taken to revive our rail transport infrastructure for the movement of goods. Do you have any plans to completely eliminate the transportation of cargo by road and make this an exclusive domain of rail transport, if not why, has that not been done. Thank you.

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The MINISTER OF TRANSPORT: Nolutshungu hon member I thought anyway the question we are dealing with relate to transformation, but our policy is to move goods and people from road to rail and that is our strategic objective that is what we want to achieve, how are we going to achieve that, some of the things that we seek to do is to ensure that we upgrade our rail system to ensure that we are able to ... most of the goods on the road will move from road to rail and that will include people. That is why we are talking about speed train between Durban and Johannesburg that will come to ... in the near future and in the long term will look at what the President talked about in the State of the Nation address. Thank you.

Mr C H H HUNSINGER: Minister Mbalula, in your response a couple of moments ago you reply to a question of Mr Sithole, colleague, hon Sithole that the board of Prasa was in ... with Minister Blade Nzimande can you please elaborate on that statement.

The MINISTER OF TRANSPORT: No, I did no say that because I was speaking isiXhosa so I did not say that I said the

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Minister before me also cannot take account of what happened because among others we had other people who were there and I refer to Dr Mthimkhulu among others who was there and so on, so those are the issues that we are dealing with in terms of some of the things that have been addressing the Auditor-General's report.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Thank you, hon Minister, hon member a very important announcement please.

Time allocated for question expired.

Business concluded.

House adjourned at 19:33