

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 10 NOVEMBER 2020

1. The House met at 14:03.
2. House Chairperson Ms M G Boroto took the Chair and requested members to observe a moment of silence for prayer or meditation.
3. [14:04] The Minister of Public Works and Infrastructure made a statement on the implementation of the infrastructure plan.

Debated concluded.

4. [15:17] Decision of Question on draft resolution in the name of Mr N S Matiase: That the House –
 - (1) notes that farm workers and farm dwellers are amongst the most vulnerable group of people in this country;
 - (2) further notes that historically, the relationship between farm owners and farm workers has always been mediated by violence and this dates back from the violence of forceful dispossession of the land to the slave-like work conditions on farms, from the complete disregard of the human rights of the young and the old to the forceful and illegal evictions of people who have stayed on these farms for generations;
 - (3) acknowledges that despite being directly involved in the production of food, farm workers are prone to going for days without food, particularly those employed seasonally;
 - (4) further acknowledges that it is also common practice amongst farmers to pay workers with wine, instead of money, therefore

creating alcohol dependence that is destroying any prospects of a better future for farm workers and their families;

- (5) realises that farm workers work for long hours and hardly get remunerated for overtime; and that the majority of them do not have access to paid annual leave, and an even lesser number has access to paid sick leave;
- (6) further realises that less than 10% of farm workers are entitled to maternity leave, and that more than 20% have access to pension and retirement benefits;
- (7) recognises that the reality of land dispossession, the maliciousness of the racist system that has characterised South African agriculture, the lack of adequate law enforcement on farms, have created undesirable forms of relationships on farms, relationships which make farm workers slaves in the country of their own birth, and farm owners, slave owners;
- (8) further recognises that if the living and working conditions of farm workers remain as is, then freedom and democracy will continue to elude this section of the South African population, with devastating impacts for peace and civil relations on farms;
- (9) believes that Parliament must play a leading role towards the protection of the constitutional rights of all, particularly of the vulnerable groups in society, farm workers included;
- (10) establishes an ad hoc committee, in terms of Rule 253, the committee to:
 - (a) conduct a comprehensive review of the living and working conditions of farm workers in South Africa, including remuneration as well as the eviction of farm workers from farms;
 - (b) make an assessment of legislation affecting farm workers and farm dwellers in South Africa, and make recommendations for legislative amendments to provide for more comprehensive protection of farm workers and farm dwellers;
 - (c) conduct public hearings with all interested and affected parties, including farm workers themselves, unions organising on farms and civil society organisations;
 - (d) consist of 11 members, as follows: ANC 6, DA 2, EFF 1, and other parties 2;
 - (e) exercise those powers in Rule 167 that may assist it in carrying out its task; and

- (11) sets the deadline by which the Committee is to report as 30 March 2021.

Ms J Tshabalala, on behalf of the Chief Whip of the Majority Party, moved as an amendment: That the House omits all the words after “That the House —” and substitutes it with the following:

- (1) acknowledges legislative and policy progress made in terms of improving the living and working relations between the farmers, farm workers and farm dwellers since the advent of democracy in 1994, such as the Labour Relations Act, Extension of Security Tenure Act (ESTA), Unemployment Insurance Fund, Compensation for Occupational Injuries and Diseases Act and Occupational Health and Safety Act;
- (2) notes that despite progress made since 1994 towards the overall improvement of the working and living conditions of the farming community, farm workers and farm dwellers, and farmers are faced with persistent challenges of crime, violence, gross violations of human rights, lack of adequate housing facilities, lack of access to clean running water;
- (3) notes the continued plight of farm workers, farm dwellers and farmers as important contributors and key role players in our economy;
- (4) notes historically antagonistic relations between farmers, farm dwellers and farm workers have contributed to the negative growth of the agricultural sector economy and that in parts of the country these relations continue;
- (5) acknowledges the work done by the two Departments of (i) Employment and Labour and (ii) Agriculture, Land Reform and Rural Development in improving the living and working conditions in the farming communities;
- (6) notes that the Department of Employment and Labour has in the past carried out successful blitz inspections in farming communities;
- (7) further notes the work done by various other state agencies and departments related to investigations and studies conducted on the gross violations of human rights within the farming communities;
- (8) takes note of the successful implementation of progressive Sectoral Determination 13 that deals with the farming sector and provisions related to prescription of minimum wage for farm workers;
- (9) acknowledges the collaborative work within the farming sector, involving various social partners, farmers, farm workers and farm dwellers in seeking solutions to the challenges faced by farming communities;
- (10) recommends that both the Portfolio Committee on Employment and Labour and the Portfolio Committee on Agriculture, Land Reform and Rural Development as part of their annual schedule of work jointly undertake to –

- a) conduct comprehensive oversight work on the living and working conditions of farm workers, farm dwellers and farmers;
- b) monitor progress made by government's commitments towards improved living and working conditions in the farming communities, including work done different stakeholders in the agricultural sector;
- c) conduct public hearings with key stakeholders;
- d) undertake an impact assessment of legislation affecting farm workers and make recommendations for legislative amendments;
- e) in consultation and with the express consent of the relevant Select Committee/s in the National Council of Provinces, collaborate with these Committee/s in carrying out the tasks at hand;
- f) exercise those powers in Rule 167 that may assist the Committees in carrying out their task; and
- g) set a deadline by which the two Committees will report back to the National Assembly as on or before 30 November 2021.

The Chief Whip of the Opposition, on behalf of Dr A Lotriet, moved as an amendment: To omit all the words after "That" and to substitute with the following: The House -

- (1) notes that the agricultural sector is an important contributor to the economy and plays a crucial role in the food security of the Republic;
- (2) further notes that the future of the sector is dependent on the well-being of everyone involved in the sector;
- (3) acknowledges that all farm workers should enjoy the respect and working conditions consistent with the labour laws and regulations of the Republic;
- (4) recalls that many farmers and agricultural organisations have expressed their concern regarding any maltreatment of farm workers and their families, and the non-compliance with the current labour laws and regulations, and that they continue to act decisively against any such instances of maltreatment and non-compliance;
- (5) realises that the farming communities, which include farmers, farm workers and their families, play an integral role in the rural communities and landscape of the Republic;
- (6) establishes an ad hoc committee in terms of Rule 253, the committee to –

- (a) conduct a comprehensive review of the conditions of farm workers across the Republic, including all the work that has been done within and by the agricultural organisations in the country;
- (b) make an assessment of legislation affecting farm workers and make recommendations for legislative amendments to address any inconsistencies with the current labour legislation;
- (c) conduct public hearings with all interested and affected parties;
- (d) consist of 11 members, as follows: African National Congress 6, Democratic Alliance 2, Economic Freedom Fighters 1, and other parties 2;
- (e) exercise those powers in Rule 167 that may assist it in carrying out its task; and
- (f) sets the deadline by which the Committee is to report as 27 May 2021.

Question put: That the amendment as moved by the Chief Whip of the Opposition, on behalf of Dr A Lotriet, be agreed to.

Question not agreed to.

Amendment accordingly negated.

Question put: That the amendment as moved by Ms J Tshabalala, on behalf of the Chief Whip of the Majority Party, be agreed to.

Question agreed to (Democratic Alliance, Freedom Front Plus and Al Jama' ha dissenting).

Amendment accordingly agreed to.

Question put: That the motion, as amended, be agreed to.

Question agreed to.

Motion, as amended, accordingly agreed to.

5. FIRST ORDER [15:40]

Decision of Question on Report of Portfolio Committee on Cooperative Governance and Traditional Affairs on **Petition from the residents of Letsitele Town, Ward 23, Tzaneen, calling on the Assembly to ensure that the Tzaneen municipality abides by the laws, by-laws and regulations, and that it implements the prescribed environmental and applicable zoning, as well as monitor and halt all illegal activities (submitted by Ms D van der Walt, MP)** (Announcements, Tablings and Committee Reports, 21 October 2020, p 26).

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted.

6. SECOND ORDER [15:41]

Decision of Question on Report of Portfolio Committee on Tourism on **Transformation Charter in Tourism Sector** (Announcements, Tablings and Committee Reports, 14 October 2020, p 17).

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted (Democratic Alliance dissenting).

7. THIRD ORDER [15:42]

Decision of Question on Report of Portfolio Committee on Cooperative Governance and Traditional Affairs on **Petition relating to allegations of corruption and mismanagement at Knysna Local Municipality, Western Cape** (Announcements, Tablings and Committee Reports, 21 October 2020, p 20).

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted.

8. FOURTH ORDER [15:43]

Decision of Question on Report of Portfolio Committee on Higher Education, Science and Technology on **Oversight visit to Gauteng** (Announcements, Tablings and Committee Reports, 15 October 2020, p 4).

There was no debate.

Question put: That the Report be adopted.

Report accordingly adopted (Freedom Front Plus dissenting).

9. [15:43] Mr T S Mpanza moved without notice: That the House –

- (1) notes that on 3 November 2020, the United States of America held its national elections for the Presidency and other public representatives;

- (2) further notes the two candidates competing to be elected as United States President were Joe Biden and Donald Trump;
- (3) acknowledges that this was the most hotly contested election ever in the history of the United States and widely regarded as a polarising one for all Americans;
- (4) congratulates Joe Biden who has been widely reported as the winner and wishes him well as the President-Elect; and
- (5) appeals to all Americans to accept the election results and work towards unifying their country.

Agreed to.

10. Mr K J Mileham moved without notice: That the House -

- (1) notes that farmers in the Free State, Northern Cape and North West are still reeling from the impact of the devastating veld fires that destroyed more than 200 000 hectares of farmland on more than 300 farms a few weeks ago;
- (2) further notes that the towns of Hertzogville and Boshoff quickly became the epicentre of the devastating fires after they were reportedly started by protesters during a service delivery protest in the Tokologo Local Municipality;
- (3) acknowledges that famers and disaster management teams battled the raging fires for more than a week to bring it under control under difficult circumstances, with strong winds hampering fire-fighting efforts and fuelling and spreading the fire;
- (4) recalls that the fires come after a prolonged period of drought in the area, and that some of the farmers are also in the midst of an 8-year long drought period;
- (5) recognises that although some of the farming communities affected by the devastating fires have been overwhelmed by, and are extremely appreciative of, the support and donations they have received, they have requested potential donors to remember the farmers who are struggling with the prolonged drought and requested that donations of feed be diverted to these farmers if they are closer for delivery; and
- (6) extends its heartfelt thanks to every person who assisted in battling the raging fires, who donated much needed fodder to feed the animals and money to do urgent repairs to infrastructure, and who continues to support the farming communities in the aftermath of the devastating fires.

Agreed to.

11. Mr S M Dhlomo moved without notice: That the House -

- (1) appreciates all health professionals and frontline workers in general for their efforts in helping the country through the worst of the COVID-19 pandemic;
- (2) understands that among the many who have lost their lives are health care workers and the consummate professionals who cared for and gave support and comfort to those in hospital isolated from their families;
- (3) salutes these brave warriors who leave their homes, families and loved ones to report without fail for duty every day in clinics, hospitals and other health facilities;
- (4) appeals to all South Africans to adhere to the measures implemented to curb the spread of the virus;
- (5) commends the frontline workers and all South Africans for rallying together in the fight against the virus; and
- (6) thanks President Cyril Ramaphosa and Minister Dr Zweli Mkhize for providing leadership during the difficult times.

Agreed to.

12. Mr M A Zondi moved without notice: That the House -

- (1) notes with sadness the passing of South African Rugby Union's (SARU) first black president, Silas Nkanunu, at the age of 87, on Friday, 6 November 2020;
- (2) remembers that Nkanunu, who was a lawyer by profession, specialising in human rights law, succeeded Louis Luyt in 1998 to become SARU's first black leader;
- (3) further remembers that Nkanunu also held positions within the International Rugby Board chairing its games regulation committee and being its vice-president for a brief period;
- (4) acknowledges that he is one of the most distinguished rugby administrators who helped unite South African rugby and has gained the respect of the rugby world;
- (5) recalls that he ran his own law practice in Port Elizabeth and was also chair of the Law Society of South Africa; and
- (6) conveys its deepest condolences to his family and friends.

Agreed to.

13. Mr S N Swart moved without notice: That the House -

- (1) congratulates Mr Brad Binder who became the first South African to win a premier class world championship motorcycle race when he claimed victory in the Czech Moto Grand Prix on Sunday, August 9, 2020;
- (2) notes that the win was also the first for the Red Bull KTM Factory Team in the sport's premier class;
- (3) further notes that what makes this achievement even more remarkable is that Mr Binder was a rookie and was competing in only his third Grand Prix of the sport's premier class on the day;
- (4) recognises that he had, however, showed great potential in motorcycle racing when competing in the lower ranked Moto2 and Moto3 classes, and was world champion in 2016 in the Moto3 class;
- (5) acknowledges that in a country desperate for some good news amid Covid-19, the power of sport again showed that it could bring hope to the nation, with social media sharing happy messages about Mr Binder's achievement; and
- (6) agrees with President Ramaphosa's statement, when he congratulated Mr Binder on Women's Day, that indeed Brad's victory provides us with inspiration, hope and pride and lifts our spirits at a time we needed it.

Agreed to.

14. Mr N L S Kwankwa moved without notice: That the House -

- (1) congratulates the "*Jerusalema*" hitmaker Master KG featuring Nomcebo, for winning the Best African Act award at the 2020 MTV EMA (MTV Europe Music Award);
- (2) notes that he was up against Burna Boy (Nigeria), Rema (Nigeria), Kabza De Small and DJ Maphorisa (South Africa), Sheebah (Uganda) and Gaz Mawete (Congo);
- (3) further notes that "*Jerusalema*" continues to make history globally, rising to that higher place, increasing over 48,000% Spotify streams between October and November 2020, not only in its native South Africa but also in Luxemburg, the Netherlands, Portugal, Romania, Belgium, Switzerland and Spain in September 2020;
- (4) acknowledges that Master KG ended South Africa's seven year losing streak at the MTV Europe Music Awards (EMAs) upsetting Nigeria's long reign; and
- (5) congratulates Master KG for raising the South African flag high and wishes him well in all his endeavours.

Agreed to.

15. Ms B M van Minnen moved without notice: That the House -

- (1) notes that Rhenish Girls High School in Stellenbosch is the oldest girls' school in the Republic;
- (2) further notes that the school celebrated its 160th anniversary since being established on 1 May 1860;
- (3) acknowledges that the school has done wonderful work in its 160 years in existence to educate girls from all strata and to empower them to take up their rightful places in the South African society;
- (4) recalls that the school was one of the first schools in the Republic to embrace the post-apartheid era, by opening its doors to girls from all racial backgrounds in 1991;
- (5) recognises that the school consistently produces excellent matric pass rates, and continues to be one of the top performing schools in the Western Cape; and
- (6) congratulates the principal, Ms Helmiën Slabber, the management team, educators and all other staff, as well as all learners on the occasion of the school's 160th anniversary; and wishes them well in the future.

Agreed to.

16. Mr J B Mamabolo moved without notice: That the House -

- (1) notes that the 24-year-old Shudufhadzo Musida, who comes from Ha-Masia village in Limpopo, was crowned Miss South Africa 2020 at the glittering pageant finale held at a closed ceremony at the Table Bay Hotel in Cape Town on Saturday, 24 October 2020;
- (2) further notes that Shudufhadzo, who holds a Bachelor of Social Sciences degree in Philosophy, Politics and Economics from the University of Pretoria, won a package of prizes worth over R3 million;
- (3) acknowledges that the first runner-up for this year was a medical doctor, Thato Mosehle from Klerksdorp in the North West, while Natasha Joubert, a BCom degree graduate from Pretoria, took the third spot;
- (4) understands that all three ladies will go on to represent the country at international pageants- the Miss Universe pageant, Miss World, and Miss Supranational; and

- (5) congratulates Shudufhadzo Musida, Thato Mosehle and Natasha Joubert on their outstanding performance and wishes them well as they go on to fly the South African flag at the international pageants.

Agreed to.

17. Mr A M Shaik Emam moved without notice: That the House -

- (1) notes that the Hindu community in South Africa and globally will be celebrating Diwali (Festival of lights) on Saturday, 14 November 2020;
- (2) further notes that the Diwali celebration in October 2019 which was attended by many members of the Hindu community and other nationalities, was disrupted by some residents of a residential complex in Sunnyside Pretoria, despite permission being granted to host the said celebration;
- (3) recalls that the disruption turned violent with certain members of the white community hurling racial remarks, insulting members of the Hindu community including damaging some of the fireworks and other belongings;
- (4) recalls that despite a complaint being lodged at Sunnyside Police station (Case no: 875/10/2019), no arrests have been made, neither has the matter received appropriate attention;
- (5) condemns the interference levelled against the Hindu community;
- (6) calls on the South African Police Service to expedite the investigation into the disruption in October 2019 and ensure those responsible face the full might of the law; and
- (7) extends its best wishes to the Hindu community;

Agreed to.

18. Mr E R K Maphotsoe moved without notice: That the House -

- (1) notes with great shock the senseless murder of eight people in a shooting that occurred in NY 78 in Gugulethu, Cape Town on Monday, 2 November 2020;
- (2) further notes that seven people died on the scene and the eighth person, one of two who were wounded in the shooting, died in hospital the following day;
- (3) understands that police are still investigating what led to the shooting;

- (4) recalls that the senseless killing in Gugulethu comes just more than a month after six people were shot dead in Site C, Khayelitsha, in what is believed to be a gang war over the control of extortion rackets;
- (5) calls on the police to leave no stone unturned when investigating the murders and urges anyone with information relating to the incident to report it at their local police station; and
- (6) conveys its condolences to the families of the deceased and wishes the survivors a speedy recovery.

Agreed to.

19. Ms B N Dlulane moved without notice: That the House -

- (1) supports South Africa's two-time Olympic track champion Caster Semenya who lost an appeal to the Swiss Supreme Court on Wednesday, 9 September 2020 against the World Athletics regulations which restrict testosterone levels in female athletes;
- (2) notes that Semenya is currently not allowed to compete in any events between 400m and a mile without taking testosterone-suppressing drugs;
- (3) recalls that in 2019, the Swiss-based Court of Arbitration for Sport ruled in favour of the restrictions placed on athletes in some female track events, then Semenya appealed to the Swiss Supreme Court;
- (4) acknowledges that Semenya has faced intense scrutiny in her sport for more than a decade;
- (5) recognises that the World Medical Association has supported Semenya and requested that doctors not implement the World Athletics regulations that are not based on medical need;
- (6) further recognises that the Office of the United Nations High Commissioner for Human Rights has also called for the regulations to be revoked; and
- (7) resolves to do everything in its power to fight this injustice and violation of human rights.

Agreed to.

20. The Chief Whip of the Opposition moved without notice: That the House -

- (1) notes that Mr John Steenhuisen was duly elected to the position of Leader of the Democratic Alliance (DA) by a majority of delegates that participated in the party's virtual federal congress on Sunday, 1 November 2020;

- (2) further notes that Mr Steenhuisen's career in the public service began as a public representative for the party in 1999, when he was elected to serve as one of the youngest elected councillors in the then Durban City Council at the age of 22;
- (3) acknowledges that Mr Steenhuisen was elected to the position of the Leader of the DA Caucus in the KZN Provincial Legislature, after representing Durban North for ten years, in 2009;
- (4) recalls that Mr Steenhuisen became a Member of Parliament for the DA's National Assembly Caucus in 2010, where he served on the Portfolio Committee on Cooperative Governance and Traditional Affairs;
- (5) further recalls that Mr Steenhuisen served as the Chief Whip of the Opposition in the National Assembly from May 2014 until October 2019;
- (6) recognises that Mr Steenhuisen is passionate about South Africa and the prosperity of her people, and remains optimistic about its future despite the large number of new and old challenges it faces; and
- (7) congratulates Mr Steenhuisen on his election to the position of the Leader of the Democratic Alliance, and consequentially to the position of Leader of the Official Opposition in the National Assembly, and wishes him well in his endeavours.

Agreed to.

21. Mr M G E Hendricks moved without notice: That the House -

- (1) notes that a revolutionary figure of the community, Dr Anwah Nagia, died on 28 September 2020 after a month-long battle with Covid-19 and following heart surgery;
- (2) acknowledges that Dr Nagia was a prominent human rights activist and his death will leave a huge void not only within the Muslim community, but throughout Cape Town and the rest of the country;
- (3) remembers him as a strong campaigner and activist for the liberation of Palestine;
- (4) recognises his contribution against occupation, oppression and apartheid in South Africa; and
- (5) further recognises Dr Nagia as a revolutionary figure in our community who continuously fought for justice since he was a young schoolboy.

Agreed to.

22. Mr G Magwanishe moved without notice: That the House -

- (1) congratulates Advocate Tembeka Ngcukaitobi on attaining the legal status of Senior Counsel which was conferred by President Ramaphosa, following a recommendation by the Johannesburg Bar in 2019;
- (2) notes that the Cala-born lawyer is the son of a domestic worker mother who became a teacher at a school for the disabled, and later a nurse;
- (3) further notes that his father was a mineworker who later became a clerk at the Magistrate's Court and was pursuing legal studies;
- (4) acknowledges that Adv Ngcukaitobi holds the degrees BProc, LLB from the University of Transkei (now known as Walter Sisulu University); LLM from Rhodes University and LLM at the London School of Economics and Political Science;
- (5) remembers that he has served at the Legal Aid South Africa and the Legal Resources Centre before he was appointed as a clerk under the then Chief Justice Arthur Chaskalson, and later joined the Johannesburg Bar as an advocate;
- (6) recalls that he is a published author of the book *"The Land Is Ours: South Africa's First Black Lawyers and the Birth of Constitutionalism"*;
- (7) further recalls that in the opinion of his peers, it was befitting that he be honoured with the status of Senior Counsel because of his excellent work 8 years after having joined the Bar - something which is rare in the legal profession;
- (8) congratulates Adv. Tembeka Ngcukaitobi SC on this befitting honour; and
- (9) thanks him for being an example to young black children that every dream is valid and that nothing is impossible.

Agreed to.

23. [16:16] Notices of motion.

24. The House adjourned at 16:27.

P N TYAWA
Acting Secretary to Parliament