

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 7 DECEMBER 2021

1. The House met at 14:02.
2. The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayer or meditation.
3. The Deputy Speaker announced that the vacancies which occurred in the National Assembly owing to the resignation of Ms P Faku, Ms G T Mukwevho and Mr T D Khalipha had been filled by the nomination of Mr M Basopu, Ms M R M Mothapho and Ms S T Maneli with effect from 24 November 2021, respectively.

The members had made and subscribed the oath in the Speaker's office.

4. FIRST ORDER [14:05]

Consideration of **Report of Ad Hoc Committee to initiate and introduce legislation amending section 25 of the Constitution** (Announcements, Tablings and Committee Reports, 9 September 2021, p 22).

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

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

Report accordingly adopted.

5. SECOND ORDER [14:08]

Second Reading debate – **Constitution Eighteenth Amendment Bill** [B 18 – 2021] (National Assembly – sec 74(2)) – (*Ad Hoc* Committee to initiate and introduce legislation amending section 25 of the Constitution of the National Assembly).

Debate concluded.

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

Division demanded.

The House divided.

House Chairperson Mr C T Frolick announced that, the Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used and that the whips would conduct a headcount of members in the chamber and on the virtual platform for the purpose of ascertaining quorum and voting.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES – 206: (ANC – 203; NFP – 2; Al' Jama-ah - 1).

NOES – 145: (DA - 79; EFF – 40; IFP – 10; FF Plus – 10; ACDP – 3; Good – 2; PAC - 1).

Question not agreed to in accordance with section 74(2) of the Constitution.

Bill accordingly not read a second time.

6. THIRD ORDER [16:28]

Consideration of Report of Portfolio Committee on Higher Education, Science and Technology on **National Student Financial Aid Scheme (NSFAS) 2019/20 financial and service delivery performance** (Announcements, Tablings and Committee Reports, 18 March 2021, p 27).

Mr W T Letsie, as a member of the Committee, introduced the Report.

There was no debate.

Ms J Hermans moved: That the Report be adopted.

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

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

7. FOURTH ORDER [17:00]

Consideration of Report of Portfolio Committee on Higher Education, Science and Technology on **Oversight visit to Vaal University of Technology (VUT)** (Announcements, Tablings and Committee Reports, 18 March 2021, p 12).

Ms N T Mkhathshwa, as Chairperson of the Committee, introduced the Report.

There was no debate.

Ms J Hermans moved: That the Report be adopted.

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

Motion agreed to.

Report accordingly adopted.

8. FIFTH ORDER [17:28]

Consideration of Report of Powers and Privileges Committee on **Allegations of conduct constituting contempt of Parliament by members of National Assembly during mini-plenary on Budget Vote 9: Public Enterprises on 11 July 2019 at E 249** (Announcements, Tablings and Committee Reports, 17 May 2021, p 79).

Ms E D Peters, as a member of the Committee, introduced the Report.

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

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

Question put: That the motion moved by the Chief Whip of the Majority Party be agreed to.

Division demanded.

The House divided.

The Speaker announced that, she had determined that, in accordance with the Rules, a manual voting procedure would be used and that the whips would conduct a headcount of members in the chamber and on the virtual platform for the purpose of ascertaining quorum and voting.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES – 274: (ANC – 192; DA - 63; IFP – 8; FF Plus – 8; NFP - 1; ACDP – 1; Good -1).

NOES – 35: (EFF - 33; ATM - 2).

Motion agreed to.

Report accordingly adopted.

9. SIXTH ORDER [18:29]

Consideration of Report of Powers and Privileges Committee on **Allegations of conduct constituting contempt of Parliament by members of Economic Freedom Fighters during State-of-the-Nation Address on 13 February 2020** (Announcements, Tablings and Committee Reports, 11 December 2020, p 7).

Ms V Siwela, as a member of the Committee, introduced the Report.

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

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

Motion agreed to.

Report accordingly adopted.

10. SEVENTH AND EIGHTH ORDERS [19:03]

Consideration of Report of Joint Committee on Ethics and Members' Interests on **2019 Register of Members' Interests: Late and non-disclosures, contravention of Code of Ethical Conduct and disclosure of Members' Interests** (Announcements, Tablings and Committee Reports, 7 June 2021, p 4).

Consideration of Report of Joint Committee on Ethics and Members' Interests on **2020 Register of Members' Interests** (Announcements, Tablings and Committee Reports, 24 November 2021, p 11).

There was no debate.

The Chief Whip of the Majority Party moved: That the Reports be adopted.

Motion agreed to.

Report on **2019 Register of Members' Interests: Late and non-disclosures, contravention of Code of Ethical Conduct and disclosure of Members' Interests** accordingly adopted.

Report on **2020 Register of Members' Interests** accordingly adopted.

The Speaker administered a reprimand to all, in the following terms:

Hon members, the charge of breach of the Code of Ethical Conduct and Disclosure of Members' Interest for Assembly and Permanent Council Members ('Code of Conduct') which you have been found guilty of by this House is very serious. Members who have been found in breach of the Code and are present in the Chamber are to stand while the reprimand is issued, while members on the virtual platform, who have formally informed me of their specific challenges with physical presence, including those who did not have the courtesy to inform me, will be required to switch their cameras on for the reprimand. Any member not present will be formally written to by myself and that letter will be published in full in the Announcements, Tablings and Committee Reports document, which is part of the official public record.

Hon Members, the House has now adopted these reports and I hereby issue the reprimand to the following members:

Hon N T Mkhathshwa;
Hon L F Shabalala;
Hon T T Mboweni;
Hon M D Mahlobo;
Hon M M Ntuli;
Hon K B Manamela;
Hon M Gungubele;
Hon Z Majozi;
Hon N F Shivambu;
Hon M Nyhontso;

Hon C H M Sibisi;
Hon S Patrien;
Hon N G Tolashe;
Hon V Pambo;
Hon M Nontsele;
Hon B P Mabe;
Hon M M Tlou;
Hon B S Yabo; and
Hon M Zwane.

As members of this House you undertook to uphold the Constitution and to act according to its principles when you took your oath of office. You also undertook to perform your functions as members of the National Assembly to the best of your ability.

Parliament has created, among others, Rules and a Code of Conduct, which are intended to provide terms of reference for members when discharging their duties and responsibilities.

The Code of Conduct sets out the minimum ethical standards of behaviour that South Africans expect of public representatives, including upholding propriety, integrity and ethical values in their conduct. The purpose of the Code of Conduct is to create public trust and confidence in public representatives and to protect the integrity of Parliament.

In terms of the Code of Conduct members are expected to adhere to certain principles, two of which are 'openness' and 'honesty'. 'Openness' requires that members should be as open as possible about all decisions and actions, bearing in mind the constitutional obligation for openness and transparency. 'Honesty' requires that members must declare private interests relating to public duties and resolve any conflict arising in a way that protects public interest.

As stated by the Joint Committee on Ethics and Members' Interest in its report (see ATC of 7 June 2021), the disclosure of financial and other registrable interests is the foundation upon which the public is able to hold Members of Parliament to account and it is through this process that the public gain insight into the integrity and ethical standard of the Members of Parliament and the institution of Parliament.

Thus, as members, we have a duty to ensure transparency in the manner in which we perform our functions and to guarantee that we remain accountable as public representatives.

By your breach of the Code of Conduct you have gravely undermined the principles of trust and transparency and further hinder Parliament's efforts to build and maintain public trust in democratic institutions.

As Speaker of this House and in terms of the sanction imposed on you, I must inform you that failure to observe the letter and spirit of the Code of Conduct is totally unacceptable and I therefore, in this public forum, issue this reprimand for your failure.

With regard to the hon N G Tolashe, B P Mabe, M M Tlou, B S Yabo and M Zwane, I will ensure that the fine of 2 days' salary for not initially submitting the disclosure form for 2019 or 2020, that was agreed to by the House, is imposed.

11. NINTH ORDER [19:12]

Consideration of Report of Joint Committee on Ethics and Members' Interests on **Complaint against Honourable Faiez Jacobs, MP** (Announcements, Tablings and Committee Reports, 25 November 2021, p 4).

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

12. TENTH ORDER [19:13]

Consideration of Report of Joint Committee on Ethics and Members' Interests on **Complaint against Honourable J S Malema, MP** (Announcements, Tablings and Committee Reports, 1 December 2021, p 4).

There was no debate.

The Chief Whip of the Majority Party moved: That the Report be adopted.

Question put: That the motion moved by the Chief Whip of the Majority Party be agreed to.

Division demanded.

The House divided.

The Speaker announced that, she had determined that, in accordance with the Rules, a manual voting procedure would be used and that the whips would conduct a headcount of members in the chamber and on the virtual platform for the purpose of ascertaining quorum and voting.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES – 193: (ANC – 174; IFP – 7; FF Plus – 8; NFP - 1; ACDP – 1; Good -2).

NOES – 34: (EFF – 33; ATM - 1).

ABSTAIN – 64: (DA – 64).

Motion agreed to.

Report accordingly adopted.

[19:36] Ms E N Ntlangwini having disregarded the authority of the Chair was ordered by the Speaker to withdraw from the virtual platform for the remainder of the day's sitting.

The member was thereupon withdrawn from the sitting.

13. The House adjourned at 19:38.

P N TYAWA
Acting Secretary to Parliament