

No 8 – 2021] THIRD SESSION, SIXTH PARLIAMENT

REPUBLIC OF SOUTH AFRICA

MINUTES OF PROCEEDINGS

OF

NATIONAL ASSEMBLY

TUESDAY, 16 MARCH 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. [14:03] The Chief Whip of the Majority Party moved: That the House extends the deadline by which the *Ad Hoc Committee to initiate and introduce legislation amending section 25 of the Constitution* has to complete its task to 31 May 2021.

Motion agreed to.

4. [14:04] The Chief Whip of the Majority Party moved: That the House, notwithstanding Rule 27 on the election of temporary presiding officer, elects Mr Q R Dyantyi and Ms R M M Lesoma to act as temporary presiding officers in the chamber during hybrid sittings of the National Assembly, as and when necessary, for the duration of the 2021 annual session.

Motion agreed to.

5. [14:05] Members' statements.
6. FIRST ORDER [14:48]

Consideration of **Local Government: Municipal Structures Amendment Bill** [B 19D - 2018] (National Assembly – sec 76) and of Report of Portfolio Committee on Cooperative Governance and

Traditional Affairs thereon (Announcements, Tablings and Committee Reports, 23 February 2021, p 37).

Ms A F Muthambi, as Chairperson of the Committee, introduced the Report.

There was no debate.

The Chief Whip of the Majority Party moved: That the Bill, as amended, be passed.

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, Al' Jama-ah and African National Congress.

Motion agreed to.

Bill, as amended, passed.

7. SECOND ORDER [15:20]

Consideration of **Customary Initiation Bill** [B 7D - 2018] (National Assembly – sec 76) and of Report of Portfolio Committee on Cooperative Governance and Traditional Affairs thereon (Announcements, Tablings and Committee Reports, 23 February 2021, p 45).

Ms A F Muthambi, as Chairperson of the Committee, introduced the Report.

There was no debate.

The Chief Whip of the Majority Party moved: That the Bill, as amended, be passed.

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

Motion agreed to.

Bill, as amended, passed.

8. THIRD ORDER [15:46]

Consideration of **First Report of National Assembly Rules Committee, 2021** (Announcement, Tablings and Committee Reports, 11 March 2021, p 4).

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, Al' Jama-ah and African National Congress.

Motion agreed to (Economic Freedom Fighters and Democratic Alliance dissenting).

Report accordingly adopted.

9. FOURTH ORDER [16:24]

Consideration of Recommendations of Independent Panel established in terms of Rule 129U to conduct a preliminary assessment on **A motion from Ms N W A Mazzone to initiate an enquiry in terms of s194(1) of Constitution, 1996 for removal of Adv Mkhwebane from Office of the Public Protector on grounds of misconduct and/or incompetence** (Announcements, Tablings and Committee Reports, 1 March 2021, p 2).

There was no debate.

Question put: That the Report of the independent panel which recommends that the Assembly proceed to conduct an enquiry into the Public Protector on the specified grounds be agreed to.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, Freedom Front Plus, African Christian Democratic Party, United Democratic Movement, African Transformation Movement, National Freedom Party, Congress of the People, Al' Jama-ah and African National Congress.

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 – 275: (ANC – 168; DA - 83; IFP – 10; FF Plus - 10; ACDP - 2; Good – 2).

NOES – 40: (EFF - 37; ATM - 2; Al' Jama-ah - 1).

ABSTAIN - 1: (Cope - 1).

Question agreed to.

Motion agreed to.

Report accordingly adopted.

10. [17:37] Ms N T Mkhathshwa moved without notice: That the House -

- (1) notes with sadness the tragic passing of Mr Mthokozisi Ntumba, who was shot and killed during the Wits University protests on Wednesday, 10 March 2021;
- (2) recognises that the 35-year old Ntumba was shot returning from a doctor's consultation in Braamfontein when the police fired bullets to disperse protesting students;
- (3) welcomes the arrest of four police officers from the Public Order Policing Unit last week, in connection with the killing of Mr Ntumba;
- (4) understands that they will appear in Court on Wednesday, 17 March, facing charges of murder, attempted murder and defeating the ends of justice;
- (5) calls for the investigation of the shooting of a Commerce Faculty woman student from the University of Johannesburg during the student protests in Braamfontein on 15 March 2021;
- (6) further calls for further training on protest management in a democratic South Africa for police by the Safety and Security Sector Education and Training Authority; and
- (7) extends its sympathies to the family and friends of Mr Ntumba, as well as the university community and the country at large.

Agreed to.

11. Mr J Engelbrecht moved without notice: That the House -

- (1) notes that Mr Temba Bavuma and Mr Dean Elgar were appointed as the new full-time captains of the Proteas Cricket Team on Thursday, 4 March 2021;
- (2) further notes that Mr Bavuma will take over the leadership of the One Day International and T20 sides, which will include the next three T20 World Cups, and that Mr Elgar will lead the team in the next cycle of the ICC World Test Championship as the new test captain;
- (3) recalls that Mr Bavuma spent his career breaking new ground, becoming the first black specialist batsman for the country and the first black batsman from South Africa to score a test century, and

recognises that his historic appointment as the first black captain for the Proteas should come as no surprise;

- (4) acknowledges that Mr Bavuma has said that captaining the Proteas has been his dream for many years and that he is honoured to accept this responsibility and looks forward to this new challenge;
- (5) further acknowledges that Mr Elgar similarly has said that captaining the Proteas, specifically the Test side, which he regards as the pinnacle of cricket, is the biggest highlight of his career and is grateful for the opportunity to represent South Africa in this capacity;
- (6) calls on the federations and administrators of all sport codes in the Republic to shift their focus away from board room disputes and continue to pursue projects and transformation agendas that will benefit the development of sport and ensure equal opportunity for all players who wish to represent their country on the international stage; and
- (7) congratulates Mr Bavuma and Mr Elgar, and wishes them success in their new roles

Agreed to.

12. Mr B S Madlingozi moved without notice: That the House -

- (1) joins the masses of our people in South Africa, the African continent and the diaspora in wishing the President and Commander in Chief of the Economic Freedom Fighters who celebrated his 40th birthday on 3 March;
- (2) recognises that the generation of Economic Freedom Fighters is blessed to be led by President Julius Malema;
- (3) acknowledges that he has lived his life for the humanity, dignity and economic liberation of black people and through his leadership, he has ensured the revival and continuation of the radical black liberation tradition; and
- (4) wishes him a long life of commitment to the attainment of economic freedom in his lifetime.

Agreed to.

13. Mr Z M D Mandela moved without notice: That the House -

- (1) notes with sadness the passing of AmaZulu King, His Majesty King Goodwill Zwelithini ka Bhekuzulu, in the early hours of Friday, 12 March 2021;

- (2) further notes that the 72-year-old King Zwelithini had been in hospital for weeks for what was initially reported to be a problem with his blood glucose levels;
- (3) remembers King Zwelithini as the longest serving monarch of the Zulu Kingdom - with a reign spanning over five decades;
- (4) further remembers that as the constitutional monarch of the kingdom of KwaZulu-Natal, he was head of the Ubukhosi, the state-recognized institution of Traditional Leadership that consists of local chiefs;
- (5) further remembers that his leadership role also entailed chairmanship of the Usuthu Tribal Authority and Nongoma Regional Authority, both established under the provisions of the KwaZulu Amakhosi and Iziphakanyiswa Act; and
- (6) conveys its condolences to the family of the King and the Royal Kingdom.

14. Mr M N Nxumalo moved without notice: That the House -

- (1) notes that World Consumer Rights Day is observed every year on March 15, since 1983, with the aim to raise global awareness about consumer rights and needs;
- (2) further notes that the theme for 2021 is '*Tackle plastic pollution*' in light of the fact that plastic pollution is one of the most pressing issues facing the planet;
- (3) acknowledges that consumer awareness of the plastics crisis is growing around the world and that consumers have a critical role in shaping the marketplace therefore should be aware of their rights;
- (4) welcomes local initiatives like EnviroBuggy, designed to remove plastics and micro-plastics from South African beaches, where South Africans are taking a hands-on, practical approach to the plastic pollution crisis; and
- (5) calls all South Africans to support local supermarkets by recycling their plastic shopping bags as well as on the government and stakeholders to support consumers and to mobilise businesses to ensure sustainable consumption is accessible to all.

Agreed to.

15. Mrs H Denner moved without notice: That the House -

- (1) notes that the South African documentary "*My Octopus Teacher*" – which centres around award winning South African filmmaker

Craig Foster who develops a friendship with a curious octopus while diving in the Atlantic Ocean, has been chosen as one of the five nominees for an Oscar award for best documentary film;

- (2) further notes that its directors, Pippa Erlich and James Reed have both been nominated for a Director's Guild of America (DGA) Award at this year's 73rd DGA Awards;
- (3) acknowledges that "*My Octopus Teacher*", among others, also won two awards at the Critic's Choice Documentary Awards in November 2020, being the only film to win more than one trophy – winning in the categories for Best Science / Nature Documentary and Best Cinematography;
- (4) further acknowledges that the film was nominated for a British Academy of Film and Television Arts (BAFTA) award in the Best Documentary Feature Category, still to be awarded; and
- (5) congratulates the directors, producers and all involved in the making of this film on the awards and nominations it has won and gained thus far and wishes them luck with their Oscar and other nominations.

Agreed to.

16. Ms R C Adams moved without notice: That the House -

- (1) congratulates Mr Patrice Motsepe for his election as President of the Confederation of African Football (CAF) on Friday, 12 March 2021, in Rabat, Morocco;
- (2) notes that he contested the CAF presidency elections unopposed following the withdrawal of his three West African rivals as well as the Court of Arbitrations' ruling on the incumbent, Ahmad Ahmad, who intended to run for re-election;
- (3) remembers that the president of Mamelodi Sundowns Football club launched his action plan a week ago at the Sandton Convention Centre in Johannesburg;
- (4) understands that he is the first President of CAF from the English-speaking countries on the continent since the body was founded in 1957;
- (5) supports his dream to develop African football and make it the best in the world; and

- (6) further congratulates Mr Motsepe on his historic election, and wishes him well in his new position.

Agreed to.

17. Mrs M E Sukers moved without notice: That the House -

- (1) notes with sadness the passing of Faranaaz Mentoor, from Strand, in the Western Cape, who was brutally murdered on 26 February 2021;
- (2) further notes that the 31-year-old mother was assaulted along with two other young women in a wendy house;
- (3) remembers that Faranaaz was a bright spark, a young woman who will now never have the opportunity to develop to her full potential; and
- (4) extends its deepest condolences to the Mentoor family and those close to Faranaaz.

Agreed to.

18. Dr M M Gondwe moved without notice: That the House -

- (1) notes with deep sadness the untimely passing of Mr Urwin Da Silva on Saturday, 6 February 2021, as a result of a tragic car accident;
- (2) further notes that Mr Da Silva, a former Springbok player, was a well-known and revered resident of George who made significant contributions, on so many fronts, to the community of Pacaltsdorp and George as a whole;
- (3) recalls that Mr Da Silva was also a former employee of George Municipality for a considerable number of years and at the time of his passing, at the age of 69 years old, he was an active member of the Pacaltsdorp Community Policing Forum and Pacaltsdorp Neighbourhood Watch;
- (4) recognises that Mr Da Silva will also be remembered for his love and passion for rugby, cricket, farming and rearing animals;
- (5) acknowledges that Mr Da Silva is survived by his wife of 45 years, Ms Ivy Da Silva, his children and his grandchildren; and
- (6) conveys its heartfelt condolences to the family and friends of Mr Da Silva and the communities of George and Pacaltsdorp.

Agreed to.

19. Ms J Tshabalala moved without notice: That the House –

- (1) notes that Mbizana Local Municipality in the Eastern Cape has been officially renamed after the late struggle icon, Winnie Madikizela-Mandela, to honour her for her part in the struggle against the oppressive apartheid regime;
- (2) acknowledges that the Co-operative Governance and Traditional Affairs MEC gazetted the name change on Thursday, 4 March 2021, following consultation processes and approval by the community;
- (3) recalls that Mama Winifred Nomzamo Madikizela-Mandela was born at Mbhongweni Village in Mbizana on 26 September 1936;
- (4) recognises that Mbizana will officially be renamed after Winnie Madikizela-Mandela on 1 April 2021;
- (5) acknowledges that the proposal to rename the municipality after its most famous daughter was first made in 2018; and
- (6) commends the municipality for the gesture to rename itself after the daughter of the soil to keep her legacy alive.

Agreed to.

20. Mr S N August moved without notice: That the House -

- (1) recognises our prison wardens across the country who daily face difficulties putting their lives in danger not only through the nature of their work but also their health as COVID-19 gripped the world;
- (2) notes that they are at high risk of contracting Covid-19 working in confined spaces within our prisons;
- (3) further notes that our prison wardens, have to leave work daily and interact with their families, further putting their households in danger;
- (4) realises that they have been the forgotten ones, earning little reward, many unseen for their commitment to keep us protected; and
- (5) salutes them and honours their bravery towards duty in our country.

Agreed to.

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

- (1) notes that 1 March is a very significant day in the lives of the Khoi and San people;
- (2) further notes that on 1 March 1510, the Khoi defeated the Portuguese sailors when 12 of them attempted to steal cattle belonging to the Khoi-Khoi from one of their villages;
- (3) understands that this resulted in 150 Portuguese men armed with swords, lances and crossbows taking revenge on the Khoi-Khoi with approximately 170 Khoi warriors fighting back with stones, spears, fire-hardened assegais with iron-tips defeating the Portuguese sailors resulting in 64 of their raiders including their leader Francisco De Almeida, the Portuguese Viceroy of India and 11 of his captains being killed;
- (4) further understands that this act of aggression by the Portuguese came to an abrupt halt when they were defeated by the Khoi and San; and
- (5) congratulates and commends the Khoi and San people for successfully defending its property and its people.

Agreed to.

22. Mr X Nqola moved without notice: That the House -

- (1) congratulates the Pan-African Bar Association of South Africa (PABASA) on the election of a new National Executive Committee (NEC), with Adv Nasreen Rajab-Budlender as its Chairperson;
- (2) notes that PABASA held a successful second Annual General Meeting (AGM) on 11 October 2020;
- (3) welcomes with appreciation the election of a capable woman to the senior position of chairperson and acknowledges this as a progressive move which contributes to transformation of the legal profession in South Africa;
- (4) congratulates the entire newly-elected NEC and appreciates the balanced gender representation;
- (5) expresses appreciation to the inaugural chairperson, Adv Muzi Sikhakhane SC and the rest of his team, for the sterling work done in PABASA's first year of existence and for the successful pupillage program conducted by the Pius Langa School of Advocacy; and

- (6) wishes Adv Rajab-Budlender and the NEC of PABASA a successful term of office.

Agreed to.

23. Ms W S Newhoudt-Druchen moved without notice: That the House -

- (1) notes that Human Rights Day is a national day that is commemorated annually on 21 March to remind South Africans about the sacrifices that accompanied the struggle for the attainment of democracy in South Africa;
- (2) further notes that on this day, in 1960, police opened fire and killed 69 people at a peaceful anti-pass laws demonstration in Sharpeville;
- (3) recalls that the democratic government declared March 21 as Human Rights Day to commemorate and honour those who fought for our liberation and the rights we enjoy today;
- (4) believes that the commemoration provides the country with an opportunity to reflect on progress made in the promotion and protection of human rights; and
- (5) calls upon all South Africans to take responsibility to ensure that our human rights record and history are preserved and strengthened for future generations.

Agreed to.

24. Ms V van Dyk moved without notice: That the House -

- (1) notes that the Kharkams High School in the Namakwa District of the Northern Cape achieved a 90% National Senior Certificate pass rate in the 2020 academic year;
- (2) acknowledges that the Kharkams High School received the accolade of being the best academic school in the Northern Cape's Quintile 1-3 schools for the 2020 academic year;
- (3) further notes that the learners and educators of the Kharkams High School achieved the excellent pass rate and accolade despite the numerous challenges the school and community faces;
- (4) understands that Kharkams High School starts the 2021 academic year without a Physical Sciences educator, since there are too few learners to qualify for a permanent departmental educator position and since the community, plagued by poverty and high levels of unemployment, are unable to sponsor the position; and

- (5) congratulates the educators and Class of 2020 on this achievement and wishes the Headmaster, Mr van Niekerk, and his team continued success.

Agreed to.

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

- (1) notes the sudden passing of Professor Ebrahiem Arnold of the Bo-Kaap;
- (2) recognises him as an esteemed chartered accountant for more than 40 years;
- (3) further recognises that he held an Honour's degree in Accounting Science and a Master's degree in Education focussed on Higher Education;
- (4) acknowledges that he completed various executive management courses including Strategies for Successful Management and served as Chief Executive Officer at the International Peace College South Africa (IPSA);
- (5) further acknowledges that he was a vice dean of Prince Sultan College for Business in Jeddah, Saudi Arabia;
- (6) understands that he practiced good governance with financial affairs in many Muslim organisations by setting high standards to avoid corruption and looting of public funds;
- (7) recalls that he was a founder member of the Muslim Students Association (MSA) of whose graduates are now rooted in most of the Muslim community organisations serving good causes; and
- (8) extends its condolences to his family, friends and the Muslim community.

Agreed to.

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

- (1) notes that Ms Nontu Mgabhi, a long distance runner, helped raise more than R1,5 million to refurbish a badly dilapidated school and to provide hundreds of learners with school uniforms;
- (2) further notes that she first came to prominence last year when she ran seven marathons in seven days on all seven continents in the World Marathon Challenge to raise funds for the Khiphinkunzi Primary School in Dududuku Reserve in Mtubatuba;

- (3) understands that Ms Mgabhi, who hails from Mseleni, first became aware of the situation at Khipinkhunzi when she was approached by a feeding scheme, the Southern Lodestar Foundation, to assist;
- (4) further understands that she is a registered psychologist and a Human Resources Manager at Richards Bay Coal Terminal;
- (5) acknowledges that she intends running the Marathon de Sables in October 2021 where she will undertake a 251 km ultramarathon in the Sahara Desert to raise funds to provide flush toilets for Khipinkunzi Primary School; and
- (6) extends its gratitude to Ms Mgabhi for her generosity and unwavering compassion and wishes her well in her future endeavours.

Agreed to.

27. [18:06] Notices of motion.
28. The House adjourned at 18:13.

P N TYAWA
Acting Secretary to Parliament