

in session



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Promoting human rights during Covid-19: National Assembly debates the issues

The National Assembly (NA) hosted a debate to mark Human Rights Day on “Promoting Human Rights in the Age of Covid-19”, reports Sakhile Mokoena.



In opening the debate on human rights in the National Assembly, the Minister of Agriculture, Land Reform and Rural Development, Ms Thoko Didiza, paid tribute to healthcare workers for their role in fighting the Covid-19 pandemic, as well as farmers and farm workers for ensuring that the country's food security was not compromised during the crisis.

“There was no greater threat to human rights than the threat presented by Covid-19, which impacted negatively on development and increased the burden of care,” the Minister said. “Covid-19 further exposed the existing challenges of poverty, inequality and unemployment, and contributed to the corrosion of social capital.”

Ms Didiza also spoke about the importance of society working together to help people stand on their own feet and prevent the collapse of Vukuzenzele, a community upliftment aimed at eradicating poverty. She urged Members of Parliament (MPs) to follow the teachings of struggle stalwart and human

rights activist, Ms Charlotte Maxeke. Ms Didiza reminded MPs that “serving the people is not about ourselves, but those who elected us into the corridors of power. Covid-19 has reminded us that this work is not for ourselves, we need to kill the spirit of self and not live above the people, but live with them”.

Democratic Alliance (DA) Member, Ms Nazley Sharif, said the year of Covid-19-related lockdowns disrupted lives and livelihoods. It also took away many rights and freedoms from the people. She accused the governing party of failing to protect human rights and citizens' safety.

Ms Sharif also raised the DA's concern about the inadequate resourcing of Thuthuzela Care Centres for supporting victims of gender-based violence (GBV) and abuse. The DA is also concerned about delays at DNA labs, which impacts on the prosecution of GBV cases. “The ANC is complacent in the perpetration of violence against women and children,” she said.

Ms Ntombovuyo Mente of the

Economic Freedom Fighters (EFF) spoke strongly against police violence. She labelled the government “repressive” and guilty of “black exploitation”. “We are faced with the remnants of the apartheid regime represented by a former liberation movement in government,” she argued. The EFF MP also spoke against plans for “austerity and retrenchments by government when more than 12 million South Africans were unemployed”.

The Inkatha Freedom Party's Mr Siphosethu Ngcobo reminded the House that human rights in South Africa came at a great cost. He urged his colleagues not to take constitutional rights and equality for granted. “The pandemic has shown us how easy it is for government to abuse power. The pandemic cannot be used to undermine that which we fought for. The response to the pandemic must be based on human rights. The rollout of the vaccine must be cemented on human rights. Let us ensure that we communicate to communities and consult all stakeholders on the vaccine

rollout process,” Mr Ngcobo said.

Mr Adriaan van Staden of the Freedom Front Plus said the biggest human rights violations during Covid-19 were the government's failure to provide personal protective equipment (PPE) to healthcare workers, the collapse of the economy and job losses.

According to Rev Kenneth Meshoe, of the African Christian Democratic Party, “human rights have been severely limited, particularly for the churches”. Rev Meshoe also condemned what he called “abuse of power”, where some pastors were arrested for conducting church services during the lockdown.

The National Freedom Party (NFP) also participated in the debate, represented by Mr Mzwakhe Sibisi. The NFP believes that human rights in South Africa are compromised daily. “The failure to ensure vaccine and the corruption around PPE funds is a direct violation of human rights. The protection of humans must go beyond Covid-19,” he said.

Mr Willie Madisha of the

Congress of the People accused the government of failing to create jobs – and doing nothing to stop poverty. He appealed to the governing party to stop stealing. “When people rise and march, they are shot and killed,” he proclaimed. 🇷🇵



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Deputy President answers questions in the NCOP

The Deputy President, Mr David Mabuza, appeared before the National Council of Provinces (NCOP) as prescribed by the Constitution to answer questions from NCOP delegates on a variety of issues, reports Abel Mputing.



Mr David Mabuza, Deputy President

Asked about the efficacy of land reform, the Deputy President stated that despite its challenges, land reform has restored the dignity of many black people who were dispossessed and more people have access to land today than ever before. Also, land has been acquired for industrial zones and various policies have been incepted to advance land reform and rural development. Government has released millions of hectares of land for agricultural production, which has benefited thousands of people. The government will release state-owned land for productive purposes. Training, financial and technical support will ensure that all allocated land to beneficiaries is productive. We are also mindful that land reform programmes have not been successful.

However, the slow pace of land reform causes frustration and the cost of it is unsustainable. Expropriation for restorative justice is therefore necessary, but this should be undertaken within the rule of law and within the constitutional precepts of this policy.

Mr Stephanus du Toit asked if there is legislation that holds accountable those who acquired productive farm land, but who later rendered it unproductive.

Mr Mabuza replied that there is not such legislation at present. This is an oversight on the part of government, but we should also concede that many of them when they were granted these pieces of land, were not given the necessary support to ensure that they remain productive. Now, we are trying to anchor our support from the district level. Emerging farmers must be taught how to farm. We will put mechanisms in place to ensure that people get support, to ensure that the pieces of lands given to them remain productive.

Mr Andrew Arnold noted that land ownership is still concentrated in the hands of a few and land reform has done little to address this problem. He suggested that this indicates a lack of political will on the side of government.

The Deputy President admitted that there have been problems and the process

has been slow. However, he believes that the government is now finding ways to get land back to the people. The proposed amendment of section 25 of the Constitution will, if passed, make it lawful to expropriate land without compensation, and will be one such mechanism. The government has also requested mining companies to donate land.

Mr China Dodovu asked if there are any measures to prevent acts of corruption in the rollout of vaccines.

Mr Mabuza said the government has developed a risks mitigation plan as an oversight mechanism for the vaccine rollout programme. Procurement risks will be eliminated when there is uniformity in how procurement is conducted. The centralised procurement of the vaccine rollout will ensure that there is effectively no room to inflate prices, for bribes and kickbacks. The government will develop an open and transparent procurement system to prevent any acts of fraud and corruption.

Mr Du Toit asked if Mr Mabuza

has spoken to his counterpart in China to stop illegal export of vaccines.

The Deputy President replied that law enforcement agencies are working with Interpol on this. Some people have already been arrested. Consignments from India have been confiscated, but their owners have disappeared. The government is aware of fake vaccines. The task team meets on a weekly basis to detect them and to evaluate strategies. People should only take vaccines from vaccine sites announced by the government.

Ms Seneanye Lehahi asked why there have been no arrests in connection with corruption in the procurement of personal protective equipment.

The Deputy President replied that the government has limited distribution channels for the rollout of vaccines. External capacity for distribution of vaccines will be reduced and internal distribution mechanisms will be used instead.

Mr Willem Aucamp pointed



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out that South Africans are sick of anti-corruption talks. He wanted to know when the government is going to report on the outcomes of the personal protective equipment corruption scandals.

The Deputy President

replied that he would answer the question in the context of the vaccine rollout. The government now has a risks mitigation plan and multi-disciplinary agencies that report to the government weekly. They report any act of corruption. The government has resolved that only the national government will purchase vaccines, which will then be distributed to provinces. This will make it difficult for anyone to defraud the state.

Mr Elphus Mathebula asked for an update on the Eskom retrenchment process.

Mr Mabuza replied that a plan for this process has been presented to government and the President. Early retirement, natural attrition and severance packages will reduce the workforce from 44 000 to 40 000. It is hoped that this will balance the business case and skills requirements with financial efficiency at Eskom.

Mr Stephanus du Toit

asked if the government has held discussions with the South African Local Government Association to hold local government officials accountable for wasteful expenditure and financial mismanagement.

The Deputy President

blamed the collapse of service delivery on the way the government works as different spheres of government. This means that one sphere of government is unaware of what is going on in other spheres. The government's new district delivery model seeks to get all spheres of government together to share service delivery plans. District delivery plans will be properly funded and their spending and implementation

will be monitored. The government will also have district champions that will monitor service delivery in every district. If there is collapse of services in any given municipality, all spheres of government will be in a position to respond timeously.

Mr Itumeleng Ntsube asked about Integrated Resources Plan (IRP) strategies towards energy security.

The Deputy President

replied that the government has approved IRP to procure additional energy supply, mostly from renewable energy. The Department of Energy has started work on implementing the 2019 IRP strategy, which includes 2 000 megawatts of energy. The government will announce successful bidders in due course. The government is

also working on a request for the procurement of more than 11 000 megawatts from renewable energy, gas, coal, and 2 600 of renewable energy will be issued to the market soon.

Mr Moletsane asked about the government's industrialisation plans and the IRP's role in this regard.

Mr Mabuza replied that IRP will be a game changer, as it will open up South Africa's energy procurement options and move away from a reliance on coal. Other resources, such as wind and solar, are cleaner and less costly. IRP will end Eskom's energy monopoly, because it will open up the energy space to independent power producers. That will have a good impact on our economic growth. 🇷🇷



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Multi-Party Women's Caucus holds inaugural Charlotte Maxeke Memorial Lecture

The Office of the Deputy Chairperson of the National Council of Provinces (NCOP) hosted the inaugural Charlotte Maxeke Memorial Lecture in honour of the legendary gender rights activist and freedom fighter, Charlotte Maxeke, recently, reports Sakhile Mokoena.



Ms Sylvia Lucas, NCOP Deputy Chairperson

The theme of the virtual lecture was #Choose to Challenge, derived from the International Women's Day theme and is aimed at challenging gender inequality in all sectors of society. The lecture was also used to launch the Charlotte Makgomo Maxeke Legacy Year 2021.

Delivering the lecture, NCOP

Deputy Chairperson, Ms Sylvia Lucas, described Ms Maxeke as an iconic leader of the oppressed and dispossessed people of South Africa, a woman of great courage, great fortitude and a true daughter of the soil. "Mme Charlotte Makgomo Mannye Maxeke has left an indelible mark in the history of our country's painful past. She has blazed an uncommon trail through

courage, servanthood and a dedication to advance the liberation of our people," she said.

Ms Lucas announced that Parliament will continue honouring Ms Maxeke throughout the year. In the coming months, the national legislature will engage district and local municipalities across all provinces to advance the revolutionary morality embodied by Ms Maxeke.

"Throughout this year, we will seek to write a women activist's history and in that history there will be scores of names not so familiar, and those who ordinarily would never be mentioned. Throughout this legacy year, we must also take a moment and pay tribute to all other heroines like Lilian Ngoyi, Helen Joseph, Sophia Williams-De Bruyn, Rahima Moosa, Madi Hall-Xuma, Dorothy Nyembe, Adelaide Tambo, Albertina Sisulu and Winnie Madikizela-Mandela, to mention a few," Ms Lucas said.

The NCOP Deputy Chairperson also urged South Africans to take inspiration from Ms Maxeke and her teachings, especially in tackling the challenge of gender-based violence and discrimination against women. Ms Charlotte Maxeke is celebrated as a freedom fighter and gender rights activist who challenged the status quo during a time when the social, political and legislative landscape was defined by discriminatory norms and traditions.

Ms Lucas said: "During that time, patriarchy was rife and deeply entrenched. The brute force of colonialism and land dispossessions created an acrimonious atmosphere where the identity and voice of Africans was forcefully undermined and diminished. Additionally, African norms of patriarchy also denied women the right to speak and be heard.

"The stark reality was that women had no place in spaces of leadership and activism. Despite these limiting beliefs, Mme Maxeke made a formidable contribution towards shifting entrenched levels of patriarchy and racial segregation. She showed fortitude and courage by daring to challenge the socio-political system that she was born into. In most of her undertakings, Mme Maxeke played an important role in profiling the struggles of women," Ms Lucas said.

She added that in commemorating Ms Charlotte Maxeke, it is important to authentically tell her story in order to give true expression to the contribution that she made in the liberation movement, because women's contribution in the liberation movement is often downplayed or minimised.

"Patriarchy often paints a distorted picture of a 'male liberator', who marched unaided and uninspired by the hand, voice, wisdom and courage of women," the NCOP Deputy Chairperson

said. "Today, we must commit ourselves to tell our daughters and granddaughters these stories of heroism, of women in battle, in order to ignite another generation of gallant leaders to respond to the challenges of this epoch."

Ms Maxeke co-founded the Bantu Women's League of the SANNC in 1918, which later became known as the ANC Women's League, to ensure that women's participation in the liberation movement was not stifled or undermined by patriarchal norms and traditions. She also wrote about women's social and political situation in a bold effort to begin to advance the cause of gender equality and the status of women in South Africa.

Among other contributions to the struggle for human rights and equality, Ms Maxeke was involved in protests on the Witwatersrand against low wages. She also participated in the formation of the Industrial and Commercial Workers' Union in 1920. 🇿🇦

Higher Education Committee commends Wits University on moves to address student financial aid challenges

The Portfolio Committee on Higher Education, Science and Technology held a follow-up meeting with the Minister of Higher Education, Science and Technology, Dr Blade Nzimande, Universities South Africa (USAf), the management of the University of the Witwatersrand (Wits) and the Student Representative Council (SRC), the South African Union of Students (SAUS) and the National Student Financial Aid Scheme (NSFAS) on the national shutdown of public higher education institutions, writes Faith Ndenze.



Mr Philly Mapulane, Chairperson PC on Higher Education



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"THE STARK REALITY WAS THAT WOMEN HAD NO PLACE IN SPACES OF LEADERSHIP AND ACTIVISM."

- Ms Sylvia Lucas

The committee welcomed the work of the Wits SRC in raising R3.6 million towards assisting the 3% of students who could not register due to owing the outstanding university fees. The Chairperson of the committee, Mr Philly Mapulane, said: "This is a patriotic act by the SRC to ensure that no student is left behind."

The committee further welcomed the commitment by the Wits University management to extend its registration period to allow students to register. It also welcomed the university's commitment to raise funds during its centenary celebrations to address the questions of the "missing middle" and students' historic debt, which is always a source of contention at the beginning of the academic year.

Mr Mapulane said: "We note and applaud the change in posture of the Wits University management to learn from the disagreements that led to the protracted student protests at the university and to find a better way of resolving conflict and mediation. This is welcomed as it will go a long way in ensuring that students' grievances are speedily addressed and compromises are reached without resorting to protests that delay the commencement of the academic programmes."

On student debt, the committee welcomed the announcement by Minister Nzimande that the government has started a process of profiling student debt in order to understand who owes money, how much is owed, which universities are owed money and how much of it is recoverable. This will assist the government to develop an appropriate policy intervention to deal with student debt.

Mr Mapulane said: "Historic debt is an albatross on the neck of the universities. Current student debt is estimated at R14 billion and

it is growing. This should concern everyone and the society in general has to come to the party to ensure that the debt is resolved, given the current economic constraints."

The committee noted with appreciation that the government has honoured its announcement that it will fund students from poor and working-class families with a combined income of R350 000 per annum. However, there is a policy vacuum to address the funding needs of students who fall outside of the R350 000 threshold and there is a need for a national plan to fund the "missing middle", particularly those falling in the category of the lower middle class.

In this regard, the committee has welcomed Cabinet's decision to request the Minister to present a comprehensive proposal on, among other things, the funding of the "missing middle" by June 2021. The committee further noted that the Minister will soon be appointing a Ministerial Task Team (MTT) to commence with this work. "We wish the MTT success in advance and look forward to engaging with its work once it is concluded and presented to Cabinet," said Mr Mapulane.

The committee welcomed the additional funding to cater for the NSFAS shortfall, while it noted with concern that the National Treasury did not allocate new funding. In order to deal with the shortfall, funding for universities and TVET (Technical and Vocational Education and Training) colleges infrastructure, including the levies paid to the National Skills Fund to support skills development for unemployed youth, small, medium and macro enterprises and cooperatives, has been reprioritised.

"Post-school education and training is already financially stressed due to the underfunding levels experienced over the years. It is concerning that the

infrastructure and the skills needed to address youth unemployment will take a back seat, while funding is taken to address student funding at universities. This is not sustainable. Therefore, the country needs to prioritise funding higher education so as to secure the future of our nation," added Mr Mapulane.

On the use of excessive force during student protests, the committee supports the student leadership's call to the police to stop using excessive force, including the use of rubber bullets and live ammunition during student protests. The committee will engage with the Portfolio Committee on Police on this matter. The committee also calls on the Minister and USAF to look into the issue of the security and militarisation at institutions of higher learning. 🇿🇦



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Job allocation in Extended Public Works Programme needs rethink, says Public Works Committee

The Portfolio Committee on Public Works and Infrastructure was briefed recently by a Member of the National Assembly (NA), Mr Shaun August, and the Department of Public Works and Infrastructure, on progress regarding a petition submitted to the Speaker of the National Assembly (NA) in November 2020. The petition called for the department to initiate a policy review that will look into developing a consistent system across municipalities, provincial governments and national government on how the Expanded Public Works Programme (EPWP) employs job seekers, writes Abel Mputing.



Mr Shaun August

The lack of fairness and transparency in how the EPWP participants are recruited was a key concern in the petition brought by Mr August. He told the committee that the EPWP has consistently benefitted those loyal to councillors, who have turned the programme into an electioneering tool.

People are often told by these councillors to vote for them or starve.

Mr August told the committee that one of the remedial actions that the petition proposes is a review of the EPWP policy to ensure that it complies with principles of

fairness and transparency. It should be positioned as a poverty alleviation programme, rather than a political tool.

In its presentation to the committee, the department noted that Mr August's petition aligns with the challenges that it has identified with the EPWP, which include poorly defined criteria for employment and a lack of transparency when it comes to appointments.

A standardised policy is in place governing the employment of the EPWP beneficiaries at national, provincial, and municipal government levels. However, the department stated that it unfortunately does not have the necessary enforcement mandate to ensure uniform implementation across the three levels of government. Furthermore, the department is doing everything in its power to ensure that the policy is properly implemented.

The committee is encouraged by the Deputy Minister of Public Works and Infrastructure, Ms Noxolo Kiviet's agreement with the moral value of Mr August's petition, agreeing that the programme is often manipulated for political ends. The department committed itself to addressing this problem that undermines the programme's objective of alleviating poverty.

The Chairperson of the committee, Ms Nolitha Ntobongwana, said: "As long as there is no Public Works Bill in place, it won't be easy for the EPWP to enforce fairness, transparency, accountability and ethical conduct."

The committee instructed the department to develop a draft Public Works Bill that will clearly state powers of coordination and mandate. The Bill should include clauses for enforcement of uniform implementation of a

standardised policy across all spheres of government.

"This needs to be addressed because this programme is meant to alleviate the plight of the vulnerable people in our society. As a committee, we are keen to get quarterly reports on progress by the department in addressing all the factors this programme is faced with, and that should be done with urgency as this programme is one of the vehicles meant to create jobs for many South Africans who are currently unemployed," the Chairperson said. 🗣️



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Public Works Committee hears petition on EPWP

The lack of fairness and transparency in how the participants of the Extended Public Works Programme (EPWP) are recruited was a subject of a petition brought by Mr Shaun August, a member of the Good Party, before the Portfolio Committee on Public Works recently, reports Abel Mputing.



Ms Nolitha Ntobongwana, Chairperson PC on Public Works

Front and centre to the petition Mr August submitted to the Speaker of the National Assembly on 11 December 2020 is the lack of mechanisms to enforce the Code of Good Practice that seeks to ensure that this programme is not turned into a vehicle for political patronage.

It is common cause, Mr August pointed out, that the programme has benefited councillors responsible for administering these programmes. Councillors extract loyalty from voters in exchange for EPWP jobs, he alleges. "They have turned the programme into an electioneering tool and people are often told by these unscrupulous councillors: 'vote for us or starve'."

One of the remedial actions that the petition proposes is a review of the EPWP policy to ensure that these programmes comply with principles of fairness and transparency. The programme should be used for poverty alleviation rather than as a political tool. Mr August has received signatories from various concerned citizens about the programme. Their grievances should be addressed speedily.

The Chief Director at the Department of Public Works, Ms Carmen-Joy Abrahams, agreed with Mr August's petition, saying the department has identified many of the same challenges, particularly "political patronage which leads to lack of transparency due to its poorly defined criteria".

In consultation with various stakeholders, the department has now drawn up some recruitment guidelines and these have been approved by the Minister of Labour. The guidelines spell out what is expected of the programme's participants, as well as the principles governing the participants' demographics and geographical location.

The aim of these guidelines was to ensure fairness, transparency, accountability and ethical behaviour in the recruitment of programme participants. In addition, universal principles will be enforced to ensure that the programme is in line with the Labour Relations Act. One such principle is to ensure that "its remuneration is in line with the Minimum Wage Act because there's been an outcry regarding that and we are

bound by law to observe that". Members of the committee decried the programme's rotational system for employment. Ms Abrahams answered: "We are in a process of incepting a database to monitor this anomaly and to avoid it from recurring. We are also aware about it because we monitor media and we are actively present on social media platforms where such a matter is often raised."

Ms Samantha-Graham Mare asked if the programme includes an exit strategy. Ms Abrahams replied: "That is a dilemma. We often ask ourselves: where do people exit to when the economy is not growing? In reality, we intended to have people coming in and out of the programme, but because of the high unemployment rate, its pipeline is now blocked."

According to the Chairperson of the committee, Ms Nolitha Ntobongwana, as long as there is no Public Works Bill in place, the programme will face challenges with enforcing fairness, transparency, accountability and ethical conduct. This needs to be addressed, because the programme is meant to alleviate the plight of the vulnerable people in society. "As a committee, we are keen to get quarterly reports on the progress of the department in addressing all the factors this programme is faced with. And that should be done with urgency because this programme is one of the vehicles meant to create jobs for many South Africans who are currently unemployed. We should not dare fail them," she said. 🗣️

Discussion on transformation in banking sector is needed, says Standing Committee

The Standing Committee on Finance says it should find time in its schedule to discuss transformation in the banking sector and the existing monopoly of four banks, reports Justice Molafo.



Committee Chairperson Mr Joe Maswanganyi, made this remark recently during a briefing from the National Treasury in which the committee was briefed on the Financial Sector Laws Amendment Bill. He said: "It is concerning that the National Treasury can appear before a committee of Parliament and say that the four major banks in South Africa are too big to fail and that the state should do whatever it takes to bail them out." Mr Maswanganyi further said this implies that previously disadvantaged individuals who may want to enter the banking sector will be unable to do so.

During his presentation, Mr Ismail Momoniat, who is the Deputy Director-General for Tax and Financial Sector Policy at the National Treasury, said: "Major banks are 'too big to fail'. This is why banks are often compared to nuclear facilities and described as systematically important financial institutions." Mr Momoniat explained further

that the failure of one bank could result in devastating and far-reaching problems for the entire economic system – hence his remark that governments should do whatever they can to avoid this outcome, including bailouts.

The key objectives of the Financial Sector Laws Amendment Bill include, among other things, the provision of a framework for the resolution of banks and non-bank systematically important financial institutions; designation of the Reserve Bank as resolution authority with commensurate powers; introduction of a Deposit Insurance Scheme; and a creation of creditor hierarchy to ensure depositors' protection in liquidation.

The Bill, in its current form, also makes provision for the establishment of a subsidiary company of the Reserve Bank, namely the Corporation for

Deposit Insurance, which will be responsible for administering the Deposit Insurance Scheme. The scheme will be underwritten by the National Treasury.

According to the National Treasury, the Deposit Insurance Scheme will have a number of advantages. These include eliminating the risk of depositors losing funds that deprive them of their livelihood; promoting the competitiveness of smaller banks; improving confidence and reducing the risk of a bank run during a crisis; and enhancing South Africa's market integrity, which in turn ensures investor confidence. (A bank run occurs when many clients withdraw their money from a bank, because they believe the bank may cease to function in the near future.)

The Standing Committee on Finance will now process the Bill. This will include calling on members of the public to submit written comments, holding public hearings, deliberating on the Bill clause-by-clause and adopting a committee report that will be tabled in the National Assembly. 🇿🇦



Scopa calls for comprehensive briefing on Steinhoff

The Standing Committee on Public Accounts (Scopa) recently told the National Prosecuting Authority (NPA) that it wants a comprehensive briefing on the Steinhoff matter, Faith Ndenze reports.



Mr Mkhuleko Hlengwa, SCOPA Chairperson

In calling for the briefing, the Chairperson of Scopa, Mr Mkhuleko Hlengwa, said: "There is a need to develop a reporting mechanism along the lines of monthly reports, even if in writing. I think the matter has been too protracted and has not come into any sort of convincing direction or any conclusion for that matter. We are at pains because it seems as if there is a business-as-usual approach, whereas a lot of things went wrong," he said.

Scopa received a briefing from the National Prosecuting Authority (NPA), the Directorate of Priority Crime Investigation (DPCI) and the Special Investigating Unit (SIU) on Covid-19 procurement investigations, state-owned companies' corruption cases and the Steinhoff investigation.

Scopa was informed by the national head of the DPCI, Gen Godfrey Lebeya, that 220 statements have been filed in the docket. These include affidavits obtained from witnesses, subpoenas in terms of section 205 of the Criminal

Procedure Act (CPA), statements in terms of section 236 of the CPA, and affidavits in terms of section 212 of the CPA.

"Monthly case plan meetings with the prosecutors are ongoing, meetings with multi-disciplinary partners are ongoing, appointed auditors give monthly progress reports to investigators and prosecutors, and the Assets Forfeiture Unit of the NPA is on board," he said.

A Member of Scopa, Mr Alf Lees, said it is encouraging to see what appears to be considerable progress on this case. "However, there is not a word about who we believe to be the main protagonist here. We have stated the importance of this matter being seen to a conclusion, where everyone involved is held accountable," he said.

Another Member of the committee, Mr Sakhumzi Somyo, agreed with Mr Lees that the Steinhoff matter is of national and even international interest. "So it would be one of the encouraging matters that we tighten up and begin to act on

it," he said.

Scopa Member, Ms Veronica Mente, agreed that an extensive programme is needed to deal with Steinhoff issues. "We cannot keep the issue of Steinhoff on standby . . . It should be at some point finalised. We need to sit down and analyse what are the stumbling blocks, why are we not knowing who are the culprits to this day?" she asked.

The National Director of Public Prosecutions (NDPP), Adv Shamila Batohi, tried to explain the payment of money for the forensic audit into the Steinhoff matter. "Given the fact that all of the previous board, including the executive, are no longer there, the company is in fact cooperating very much and is regarded as a complainant in many of the cases that have been opened up. We don't see any risk that there will be an attempt by the company to in fact prevent persons from being held accountable," she said.

However, Scopa Members had concerns with this approach and stated that it doesn't augur well

for the NPA. Mr Hlengwa said: "It goes on to the issue of funding, because both of these things are from a perception point of view. No matter how noble the intentions may have been and no matter how nuanced the explanation can be, from a perception point of view on its own, it just doesn't augur well and is quite worrisome."

Mr Hlengwa said this matter needs to be looked at holistically from a reporting and financial implications point of view, because the NPA has shortfalls in funding. "We need to look at the state machinery's ability to fund some of these urgent matters . . . All these things combined require a far more concerted outlook of oversight and reporting," he said.

Ms Mente also voiced concerns with regard to Adv Batohi's statement. "I am not comfortable, NDPP, when you say you do not foresee the Steinhoff management blocking you or manipulating you with the outcomes and the investigations that you are driving." 🇷🇺

Ad Hoc Committee on Section 100 Intervention in North West calls for cooperation between role players

The Ad Hoc Committee on Section 100 Intervention in the North West Province visited the province recently to assess progress and the impact of the intervention, reports Malatswa Molepo.



The main purpose of the intervention was to assess if it was making any meaningful impact on service delivery and the lives of the people of the province. According to section 100 of the Constitution, national government interventions in a provincial administration may take place when a province does not fulfil an executive obligation in terms of the Constitution or legislation.

Following the engagement with the Inter-Ministerial Task Team (IMTT), the committee acknowledged that there were compelling reasons to extend the section 100 intervention in the North West Province. One of the issues that still needs attention is the high vacancy rate in senior management, especially when it comes to heads of departments. The slow pace of consequence management is also a serious issue that undermines

citizens' confidence in the intervention.

Another matter of concern was the reported hostility in the intervention team, which impacts on its ability to implement intervention strategies. The committee used the visit to assess if these issues of concern have improved and if the intervention is making an impact on the lives of the people of the North West.

The committee had also raised concerns about the pace of investigations leading to prosecution of wrongdoers. "While we remain cognisant of the fact that investigations must be meticulous and sometimes lengthy in an effort to ensure watertight legal processes, we remain concerned that some cases have dragged on since 2018 with no set time frame for conclusion of the investigation," said Mr China Dodovu, the Chairperson of

the committee.

The committee highlighted its concern about the relationship between the section 100 intervention administrators, the provincial executive and the provincial legislature. Collaboration between these structures is needed to ensure the intervention's success. In its interaction with the North West Legislature's Standing Committee on Public Accounts (Scopa), the committee was perturbed to hear that there is no relationship between the administrators, the provincial executive and Scopa.

"While the committee is cognisant that there is no direct constitutional provision that sets out a framework for an interface between the section 100 intervention and provincial legislature where section 100 has been invoked, it remains of the view that, ideally, an effective working relationship will go a long way in ensuring a successful



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"WE ARE AT PAINS BECAUSE IT SEEMS AS IF THERE IS A BUSINESS-AS-USUAL APPROACH, WHEREAS A LOT OF THINGS WENT WRONG,"

- Mr Mkhuleko Hlengwa

intervention," said the Chairperson of the committee, Mr China Dodovu.

As a result, the committee has urged the IMTT, the provincial executive and the leadership of the North West Provincial Legislature to standardise protocols of engagement between the administrators and the legislature to ensure effective oversight.

The committee reiterated its concern about the lack of criminal prosecutions for mismanagement. The provincial Scopa also lamented the slow pace of conclusion of cases. The committee welcomed Scopa's intention to approach the Independent Police Investigative Directorate (IPID) in this regard.

The committee was also worried about the information that material irregularities identified by the Office of the Auditor-General, various forensic reports, court judgements and Public Service Commission that remedial actions have not been implemented. It also expressed its concern over underperformance by some departments, especially the Department of Human Settlements, which had to return about R100 million to the National Treasury due to non-performance for the 2019/20 and 2021 financial years.

The committee said non-performance impacts directly on service delivery. Regarding the scholar transport, the committee is concerned about allegations that payment was not in line with kilometres travelled.

The provincial Scopa also raised concerns around the cost-benefit analysis of the R70 million spent up to date, on security and accommodation for administrators in the province. In its engagement with the IMTT, the committee reiterated this concern and requested a breakdown of the cost per administrator to

ascertain value for money.

Concluding its oversight visit in the province, the committee re-emphasised the need for law enforcement agencies to speed up the prosecution of wrongdoers. "The confidence of the people of North West in their government can only be regained when they see some headway in prosecutions of wrongdoers. To this effect, the committee welcomes the capacitation of the National Prosecution Authority with skilled prosecutors to ensure effective oversight," said Mr Dodovu.

The committee has also urged the entire criminal justice system to increase investigative capacity in the province as they work to ensure that every act of malfeasance is repaid with harsh sentences. "The committee has requested the case numbers of all cases reported to SAPS (South African Police Service), which the committee will use to ask the agencies and the executive about their progress in completing those investigations," Mr Dodovu emphasised. 🇿🇦



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National Assembly approves special committee to inquire into Public Protector's fitness to hold office

In one of its plenary sittings recently, the National Assembly (NA) gave the go-ahead for the establishment of a special committee to conduct an inquiry into the Public Protector, Adv Busisiwe Mkhwebane's fitness to hold office.



Adv Busisiwe Mkhwebane

This follows the House's adoption of the report of the Independent Panel of Experts, tasked with establishing whether a prima facie case exists for the motion proposing her removal. The motion was proposed by Democratic Alliance Chief Whip, Ms Natasha Mazzone. The panel, comprising Justice Bess Nkabinde (as Chairperson), Adv Dumisa Ntsebeza and Adv Johan de Waal, recommended that the matter be referred to a special section 194 committee of the NA for formal inquiry to investigate (if it so resolves), in terms of section 194 of the Constitution.

NA Rules specify that, once the panel has made its recommendations, the Speaker must schedule these for decision by the House. If the House decides the inquiry should go ahead, it must be referred to a special section 194 committee for formal inquiry.

NA Rules require the section 194 committee to conduct the inquiry, establish whether the charges are genuine and report to the NA. The committee's report must contain findings, recommendations and reasons and be scheduled for consideration and debate with appropriate urgency. If the section 194 committee recommends that the Public Protector should be removed from office, the question must be put to the NA directly for a vote. If the required two-thirds majority of NA Members support the question, the NA must communicate the decision to the President.

The Rules of the NA provide at least four stages of section 194 process in Parliament, namely, initiation; preliminary assessment of evidence (prima facie); an inquiry by a committee; and a decision

by the House. So far, the initiation stage, which includes a substantive motion to the Speaker, was concluded in February 2020.

Stage two was the establishment of the Independent Panel to assess evidence of whether prima facie evidence exists for the NA to proceed with an inquiry. The Rules specify that the panel must comprise three fit and proper South African citizens who collectively possess the necessary legal and other competencies and experience to conduct the preliminary assessment. In accordance with the Rules, the Speaker invited parties to submit nominations for the establishment of an independent panel, which was established on 25 November 2020. The third stage will be the establishment of an inquiry by a committee and finally the last stage will be the committee

tabling its report to the House for its decision.

An NA plenary sitting also passed the Customary Initiation Bill [B7D-2019] and the Local Government: Municipal Structures Amendment Bill [B19D-2018] and these Bills will now go to the President for assent.

The NA had earlier considered both Bills and referred them to the National Council of Provinces (NCOP) for consideration. Further amendments occurred during the NCOP's consideration of the Bills and they were returned to the NA for concurrence.

The Customary Initiation Bill responds to ineffective regulation of initiation schools, including the lack of a national law dealing comprehensively with the customary practice of initiation. The Local Government: Municipal Structures Amendment Bill aims to address challenges experienced in administering and managing local government elections.

Co-Chairperson confirms support for Parliament's move to Pretoria

The Co-Chairperson of the Joint Standing Committee on the Financial Management of Parliament, Ms Dikeledi Mahlangu, has reaffirmed the committee's support in principle for Parliament's move from Cape Town to Pretoria in Gauteng, writes Justice Molafo.



Ms Mahlangu said that although the committee is mindful of certain onerous processes that still need to be followed before a move could take place, the committee is in full support of the idea. "We share the same understanding with those Members of Parliament who hold a view that Parliament should move from Cape Town to Pretoria and we appreciate the fact that a commitment has been made on the side of the institution regarding this matter."

Ms Mahlangu further said there was no need for the committee to debate the matter, saying the Acting Secretary to Parliament,

Ms Baby Tyawa, should rather provide a progress report on a regular basis.

Ms Tyawa, on the other hand, told the committee that as far as she was concerned, the move is being handled by the executive authority of Parliament. "We can reassure you, Honourable Members, that we will bring this matter to the attention of the executive authority so that they can provide us with an update," said Ms Tyawa.

The Speaker of the fifth Parliament, Ms Baleka Mbete, announced in May 2018 during her budget speech that Parliament had appointed Phamoja to conduct a six-month socio-economic and impact study on the proposed

move from Cape Town to Pretoria, commencing from that month. Ms Mbete stated at the time that the process was expected to be onerous and that some work would have to be handed over to the sixth Parliament.

The matter was raised again at a committee meeting during a briefing on Parliament's third-quarter performance in the 2020/21 financial year. It became apparent during the presentation, that Parliament continues to be impacted by significant budget cuts

and Covid-19. The institution met seven of its indicator targets in the quarter under review, which amounted to 87.5% achievement. It spent R510.3 million of its appropriated budget of R583.7 million, amounting to 87% performance.

Ms Tyawa brought to the attention of the committee the fact that Parliament was projected to underspend by R120.5 million or 6% of its R2.1 billion budget at the end of the 2020/21 financial year.

COGTA Committee Chair calls for implementation of audit recommendations

The Chairperson of the Portfolio Committee on Cooperative and Traditional Affairs, Ms Faith Muthambi, has noted the general report for the 2019-20 financial year for national and provincial governments and their entities, which was released by the Auditor-General, Ms Tsakani Maluleke, recently. Mava Lukani reports.

Ms Muthambi calls for further improvement on expenditure of the public's financial resources. "It is discouraging to hear that audit recommendations that were made in the previous audit report were not implemented. There is no hope for improvement if such recommendations are ignored. It is also discouraging to hear that some of the state-owned entities didn't submit their financial statements," said Ms Muthambi.

She added: "It is our firm belief that various portfolio committees to which these departments and entities

account will demand accountability for these expenditures as part of their oversight responsibility."

The report was Ms Maluleke's first one since she took over as Auditor-General in December 2020. Ms Maluleke reported "signs of improvement" in the national and provincial government audits, and strongly urged government leaders to ensure "progressive and sustainable improvements" in their outcomes. She also reiterated the theme of the 2018-19 report, "act now on accountability", out of concern that little progress was made



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in addressing concerns raised in the previous year.

Ms Maluleke said that her office's message for the 2019-20 report was tabled with the theme "a continued call to act on accountability", which is consistent with the previous year. It says: although the improvements in audit outcomes are encouraging, the sustainable solutions required to prevent accountability failures are not yet in place, and will require investments from all levels of government.

She said executive authorities and coordinating departments should pay specific attention to state-owned entities, struggling public entities and the key service delivery departments such as health and education. She said the inability of these auditees to sustain their operations and continue to deliver services has a significant impact on government finances and the lives of citizens.

Ms Maluleke said the importance of financial management discipline at this time cannot be overemphasised. Every official must do their part to ensure public money is protected and there is transparency and accountability for the way it is managed. She said the prevention of leakages and the recovering money lost must be a key priority for all accounting officers and authorities, at a time when much must be done with very limited and continually decreasing financial resources.

If consequences for accountability failures are required, they must be effected swiftly, bravely and consistently. "We believe that if sufficient attention is directed at these, we will realise the improvements required and will contribute to the success of our auditees," added Ms Maluleke.

On the impact of the Covid-19 pandemic in the 2019-20 audit process, she said this affected the reporting and audit

processes for the 2019-20 financial year, resulting in the delayed release of the report. The national audit office has had to adapt to working remotely and technology has been of great value. "We found new ways of working in partnership with our auditees. In this time, we conducted both 2019-20 audits with real time audits of the Covid-19 initiatives conducted from March 2020. We also tabled two special reports on the financial management of government's Covid-19 initiatives."

Ms Maluleke said irregular expenditure decreased to R54,34 billion from the R66,90 billion in the previous year. This includes the irregular expenditure (R7,71 billion) made by auditees with audits that were completed after the cut-off date for this report (30 November), as well as the unaudited amounts disclosed in the financial statements of the auditees whose audits were still outstanding by the date of this report.

The Auditor-General's report reveals widespread weaknesses in the basic internal controls at a number of auditees. She called on the accounting officers to proactively address the root causes of audit findings from the previous year. She also expressed concern that state-owned entities are in serious financial difficulty and did not submit financial statements for auditing. This includes South African Airways, LMT Products (a subsidiary of Denel), which are under business rescue, and SA Express which is under provisional liquidation. The Auditor-General has not seen financial statements for most of the South African Airways group for three years.

In addition, Ms Maluleke said many state-owned entities disclosed uncertainty in their financial statements about whether they will be able to continue as a going concern. These include Petroleum Oil and Gas Corporation, South African Broadcasting

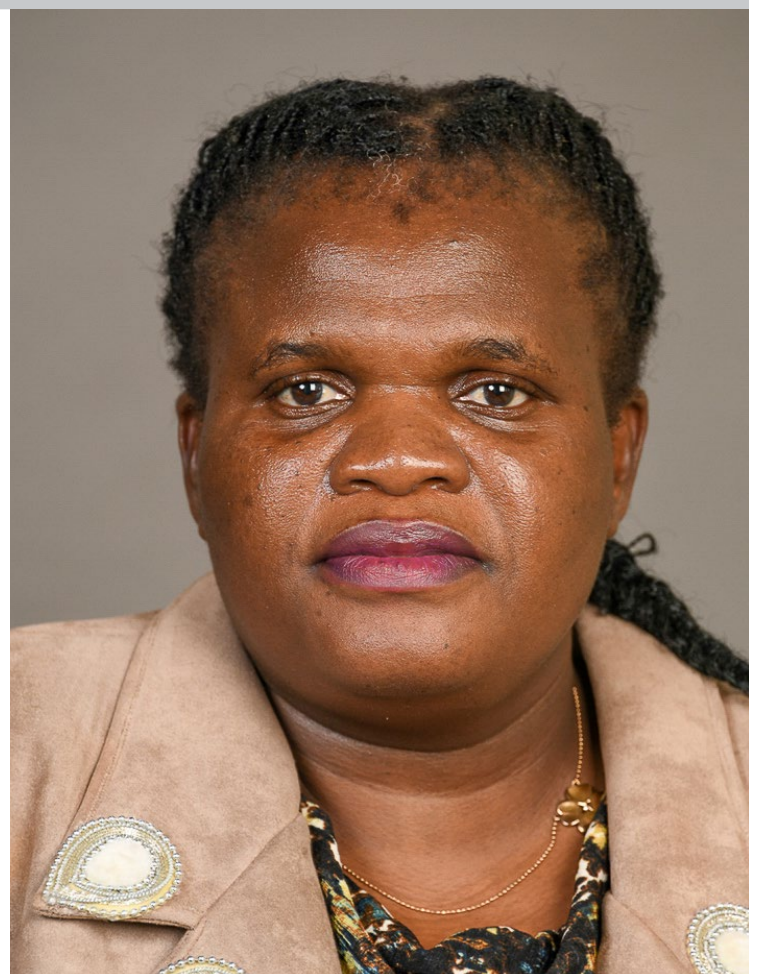
Corporation, Denel and three subsidiaries (Densure, Denel Aerostructures and Denel Vehicle Systems), Independent Development Trust, Land and Agricultural Bank of South Africa, Pelchem, South African Nuclear Energy Corporation and Eskom.

On material irregularities identified, Ms Maluleke said: "By 28 February 2021, we had notified the accounting officers and authorities of the selected auditees of 75 material irregularities. They all related to non-compliance with legislation that resulted in a material financial loss. The estimated financial loss associated with these material irregularities is R6,9 billion."

The financial health of a number of departments continue to be alarming, especially provincial departments of health and education. She called on accounting officers and executive leadership to pay serious attention in this area.

Unauthorised expenditure as a result of overspending of the budget increased from R1,65 billion to R18,12 billion, of which R15,13 billion was as a result of the early payment of the April 2020 social grants in response to the Covid-19 lockdown measures.

Over 60% of government departments had insufficient funds to settle all liabilities that at year-end if unpaid expenses (totalling R22,78 billion) were also taken into account. 27 departments will have to use more than 10% of their 2020-21 operational budgets. At year-end, 87% of departments had claims against them, totalling R147,12 billion. Claims are made against departments through litigation for compensation as a result of a loss caused by the department. The most common claims are medical negligence claims against provincial health departments totalling R105,8 billion. 🇿🇦



Ms Faith Muthambi, Chairperson PC on COGTA



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The Auditor-General is a servant of the people



Ms Tsakani Maluleke, Auditor-General

Insession writer Shirley Montsho talked to the Auditor-General (AG) on a range of issues.

Who is Tsakani Maluleke?

I am the daughter of George Maluleke and Morongwe Maluleke. I am a sister to awesome siblings, who are my best friends in the world. I am a mother to two beautiful girls aged 17 and 3, and I am a professional. I am a South African. I am a patriot and I am a servant.

Q: Your job is one demanding job, and people always say that people in finances, in auditing, are lonely people. What encouraged you into choosing this profession, and loving it so much, and coming even to this level?

The profession chose me. I wanted to be a lawyer. My father was a lawyer for many years and I wanted to be like him, that was my wish. While I was at university preparing to become a lawyer, I came across the profession of CAs (chartered accountants), and the profession of auditing and I decided to do it because

someone suggested that it was difficult for black people to qualify as CAs, and I thought ok I'll do it. And in that course, I drew inspiration from the few black people that were qualified as CAs in the country, I drew inspiration from other professionals that dared to enter territories that had been hitherto closed to them.

My professional qualification is to do two things. One is to make a difference in the lives of the people and the other is to open up the profession and create opportunities for younger black people, black women and men, who want to enter to profession and to find ways to support them in that quest.

I think that's what attracts me to the office here. I have served in the office of the AG for a period of eight years, because it speaks to those two things that are important to me. One is making a difference to the lives of other people through the

work we do, which I really do believe that we are making a significant contribution to our democracy and bettering the lives of our citizens. And also it gives me a time to participate in creating opportunities for the young to enter the profession and to realise their own ambitions. So it is an opportunity that split into two key passions of mine. I consider myself pretty lucky to be able to do what I do, because I walk in my purpose and it makes it easier to take on the challenges, whatever they may be.

Q: What does the job of AG entail, for an ordinary person who does not know what an AG does? How would you, in your tenure, want people to perceive the AG's office and the work thereof?

The office of the AG is essentially the nation's auditor. We are there to check whether the books of the government are being maintained appropriately and whether the funds that are collected by the government are being used for the purpose that the government has set. If you think about it, the taxpayers pay their taxes to the government and they entrust the government to use those funds towards improving the lives of the citizens through different investments right across society. Our job is to check whether or not the funds are being deployed in a way that is consistent with the promise made to the citizens.

In simple terms, if the Minister of Finance confirms in his budget speech at the beginning of February that particular monies will be allocated to a particular project, eventually you can see that will trickle down, that there is going to be a road that is going to be built to make improvements in a particular

community.

Our job is to check whether or not the course of implementing the project has gone well, whether that money that was set aside has gone to that purpose, whether the process of actually getting the road built is one where citizens have gotten value for money, and that we have paid the right price, and whether the books of accounting demonstrate that that money has been allocated to that particular purpose.

Once we have done that, we share the reports with the government officials that are charged with managing taxpayers' funds or public funds. We also share the reports with Members of the executive, Ministers and MECs, as well as municipality councils (mayors and councillors). Then we also share those reports with Parliament and Parliament would use those reports to hold public officials to account. If somebody has spent money and they have not done so in a way that is consistent with expectations, Parliament can hold them to account based on our reports. We also tell citizens how their monies or public funds have been spent. All this is important because the money that is being deployed by the government towards particular purposes is there to serve the interests of the citizens. Our job is to make sure that happens, and to tell the citizens whether that has happened, so that the citizens can have some trust in the notion that public funds are being spent for their benefit. So it's really about building trust between citizens on the one hand, and public officials on the other hand, and with Parliament as a key player in that value chain.

Q: Under the late Auditor-General (AG) Mr Kimi Makwetu, particularly regarding the Covid-19 funding, you did something called "real-time auditing". Will you continue with this so that the spending of the public purse, which is the

government's money, can be improved?

A: We are so proud of the work that we were able to do under the leadership of AG Makwetu. It is my intention to build on that, because it was an innovation that responded to a particular need at that moment and has added value in terms of giving citizens a sense of what has happened with taxpayers' funds, funds that were allocated to respond to a critical emergency.

Following the launch of that first report, there was a sense amongst South Africans broadly of what the facts were, outside of suspicion, outside of conjecture. There was a sense of "ok", we now know what has happened with the R500 billion that had been allocated to deal with the social relief, the economic relief, as well as the health response that needed to be implemented across different institutions of government in response to a real emergency.

My intention is to build on those things, so that at the end of the day you have the benefit of key relevant insights that build confidence, that build trust, that also give the government a sense of clarity about what needs to be done, so that ultimately we get better value for what we spend. The government will then get credit for the things it does well and the government is clear about the things that need to be fixed, so that we get better value going forward. So, that piece of work is one that I intend building on. We're so excited that we could do it. It is the benefit of having built capacity in the office over many years.

Following that report, not only were citizens clear about what had happened, but also we gave accounting officers a chance to fix things. The next tranche of disbursement or procurement was then done in a way that was better than the first time around.

Q: Is there a possibility of the AG's office doing

workshops for those responsible for the public purse so that they can change the current trend of poor financial administration in municipalities, in departments and South Africa at large? South Africa would then have a chance to improve financial administration for the betterment of the people and funds would go where they are supposed to.

A: That's the space that we will certainly continue to play in, so that ours is not only to come at the end of the period and point out problems, ours is also to use what we know to support the building of capability within the state. We would certainly welcome any opportunity to workshop our reports, to share our insights, to clarify our recommendations with accounting officers, with public representatives, with anybody who's got responsibilities over the public purse. We are very happy to collaborate, because at the end of the day we are all in this thing together. We want to make sure that we protect our country's resources and that we get the very best out of the resource that we have, such that they benefit citizens, and they respond to the pressing needs and wants of citizens.

Q: You are a role model to all these girls and boys. How can you encourage them, especially our young ones who are challenged and discouraged by their situations? How can you encourage each and every person to say "live your purpose"?

A: There are two things I would say. The first one is that in the midst of despair, in the midst of uncertainty, as what we have now, wherein many young people are unemployed, the prospects of finding work seem to diminish all the time, it seems hard to see a future that is brighter than where people are at the moment. It is incumbent on each of us to remain hopeful and to be of good

courage. We've got to keep finding ways to push back on the gloom that can easily overshadow the opportunities that are available to us. I would say, try hard not to be in despair. Try hard to hold on to hope and try hard to remain courageous in the midst of it all. It takes a lot of effort to do that.

The second thing I would say is, I've learnt that achieving anything in life takes time, it takes effort, it takes hard work, it takes resilience. There's absolutely nothing that comes easy, nothing! I wish that was not true, but that's the fact. The things people have achieved can only happen through resilience and sustained effort, especially when times are hard. The two things would be: remain of good courage and understand that you've got to work for what you want, and it takes time.

Q: Over the seven years of your term of office, what goals have you set yourself to achieve in this time?

A: I have some ideas of the things I would want to achieve. What I'm clear about is that I need to build on the legacy and the very strong foundation that others have left for me. I've got to do this through collective leadership with other people within the institution. My eight previous years here have taught me that there are talented people here who are dedicated to doing this work. Mine is to work with them and to lead with them, and to keep building the institutional capacity that is here.

At the end of the seven years I would love my term to be associated with these things. Firstly, the office has remained relevant, in that the work we do has been relevant to the lived experiences of South Africans. The second one is that our office remains a professional outfit, one that's run well and run by people who operate with technical competence, with strong leadership abilities,

with integrity and show up as professionals with admirable levels of quality in what they do. The third thing is that the office has maintained its track record of innovating, being efficient and delivering on the expectations of our citizens.

If I can achieve those three things: the professional outfit that is stable, that remains associated with quality work that's conducted with integrity. If we can end up with South Africans seeing a clear link between the work we do and their lived experiences, and indeed if we can emerge with an office that

is ever-more efficient, that's demonstrating greater levels of innovation, then I would look back on my seven years with immense pride.

Q: Your last word?

A: I want to end off by thanking South Africans for giving me this opportunity to lead this office at this time, by thanking the broad range of South Africans for the confidence they have expressed in my candidacy and in my appointment. It is a singular hour for me to play this role and lead this institution. I take

this responsibility with a solid understanding of its significance and with a clear appreciation of the notion that I do not work alone. I have the backing of a very strong team that's going to continue to deliver in the way that our stakeholders are used to.

I look forward to the next seven years. I think that they are going to be challenging, but I know for sure that if we remain united as an audit office and remain focused as South Africans more broadly, we'll come out better than where we began. 🇿🇦

