

in session



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Statement of Parliament's Presiding Officers on the Passing of Dr Frene Ginwala



DEMOCRACY IN ACTION: President Mandela and Speaker in the first democratic Parliament Dr Ginwala enter the National Assembly Chamber.



Dr Frene Ginwala

South Africa has lost one of the foremost iconic leaders of our struggle for liberation, one of the pre-eminent midwives to our constitutional democracy and founding Speaker in our democratic Parliament, Dr Frene Ginwala.

Dr Ginwala was amongst revered, courageous and selfless revolutionaries

who dedicated their entire life to the attainment of the free society we live in today. As a torchbearer of our post-apartheid Parliament, Dr Ginwala was exceptional and instrumental in the formation of one of the most acclaimed democracies and one of the best constitutions in the world.

Born on April 25, 1932, in Johannesburg, in what was then Transvaal, her pursuit for social justice and equality began at a very early age. Even as a child, Dr Ginwala was conscious of the policies of colonial oppression and racial discrimination, which denied children of her colour from attending certain racially exclusive schools. This did not sit well with her, and with the innocence of a child and boldness, confronted a principal of a white-only school, demanding to know why she couldn't be admitted into his school. That was the beginning of years of a courageous and fearless activism against the apartheid rule, which saw her rising to prominence in the ANC at a young age despite significant gender barriers women activists faced.

She defied all the odds and the limitations society imposed on young girls. Knowing well that the struggle for freedom and against injustice also

required pursuit and advancement of knowledge, she left the country to pursue her studies in Bachelor of Laws at the University of London. She would later complete her Doctorate in Philosophy at the University of Oxford before returning to South Africa in the 1950s to carry on with the liberation struggle programmes and activities.

Her educated mind, talent, fearlessness and courage made her one of the assets in the liberation movement, engaging in various strategic anti-apartheid struggle programmes both domestically and internationally. An internationalist par excellence; Dr Ginwala exposed to the international community the crimes of the oppressive regime in South Africa through her sharp journalistic pen and as an ambassador of the liberation movement in various countries.

She was one of the powerful and influential revolutionary voices in exile, and was key in mobilising international resistance through multinational cooperation, including the imposition of sanctions against the apartheid regime.

Through her links in the Southern African Development Community region and East Africa, she was

instrumental in arranging safe passage for Oliver Tambo and other key freedom fighters who left the country to establish the liberation struggle programmes in exile. A skilled journalist, editor and broadcaster, Dr Ginwala played a role in setting up and developing the Tanzanian communications system, under the tutelage of then-President Julius Nyerere, at the time when most ANC top leaders were exiled in neighbouring Lusaka during the apartheid era.

Between 1994 and 2004, Dr Ginwala served South Africa as the first Speaker of the National Assembly as the country ushered in a democratic dispensation. It was during her tenure that saw Parliament adopting a new democratic Constitution, pass a raft of progressive and transformative pieces of legislation to shape the future of the young democracy.

With her deep political experience, global perspective, razor-sharp mind and intellectual rigour, she was instrumental in the democratic transformation of Parliament consistent with the new constitutional order, which included new systems and rules of the National Assembly. Together with the first generation of presiding officers of Parliament and Members, and under her astute leadership, she transformed Parliament from a bastion of colonial and apartheid oppression to a truly democratic and people-centred Parliament.

She laid a firm foundation for a democratic legislative sector and fostered the principles of non-sexism, non-racialism and equality. With her firm, erudite and no-nonsense leadership of the first democratic National Assembly, Dr Ginwala established solid and enduring oversight, law-making and participatory systems, which Parliament is still pursuing today.

She is undoubtedly counted amongst the best activists and respected stalwarts of our struggle for freedom, a selfless combatant and a lifelong advocate for social justice, equality and freedom.

In 2005, Dr Ginwala was awarded the Order of Luthuli in Silver for her "excellent contribution to the struggle against gender oppression and her tireless contribution to the struggle for a non-sexist, non-racial, just and democratic society." 🏆

Committee enquiry into Public Protector's fitness to hold office makes good progress



MANDATE TO SERVE: The Section 194 Inquiry is investigating the Public Protector's fitness to hold office.

The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane's fitness to hold office has made great process in finalising its mandate since starting hearings in July 2022, writes Rajaa Azzakani.

To date, the committee has heard evidence from more than 20 witnesses, the majority of whom were called by evidence leaders to assist the committee to assess the validity of the charges in the motion before the committee.

The committee was established by the National Assembly on 16 March 2021 to conduct a constitutional inquiry into the PP's fitness to hold office. The charges in the motion includes two of misconduct, one relating to the Vrede Dairy case and another relating to the South African Reserve Bank/

CIEX matter. Other charges include incompetence due to an alleged lack of knowledge and skill to execute the duties of office and a further charge of misconduct/incompetence relating to intimidation, harassment and/or victimisation of staff at the Office of the PP.

Although the committee was established in 2021, Adv Mkhwebane made several failed attempts to stop the committee from proceeding with its work and the committee was forced to stop working for months at a time to await the outcome of those court proceedings. The committee finally got underway with its work in February 2022, after a break of close to seven months whilst awaiting a Constitutional Court ruling on whether it can continue with the enquiry into the fitness of a Chapter 9 institution head to hold office. It then adopted its terms of reference (ToR) as well as its draft programme.

Committee Chairperson Mr Qubudile Dyantyi then made it clear that

the committee will continue with its aim of an inquisitorial process rather than an adversarial one. The committee resolved to appoint two evidence leaders to assist Members of Parliament serving on the committee.

Since hearings began on 11 July 2022, several applications have been brought before it. One of these called for the recusal of the Chairperson and of DA Member Mr Kevin Mileham. Another application was brought for the recusal of one of the evidence leaders, Adv Nazreen Bawa, SC. All have been unsuccessful.

Thus far, the committee has heard from 21 witness. Many of them are either former Public Protector employees or still in the employ of the institution. Other witnesses had information relating to the SARB/CIEX matter.

The committee late last year concluded with witnesses called by evidence leaders Adv Bawa and Adv Ncumisa



Mr Qubudile Dyantyi – Committee on Section 194 Chairperson

Mayosi. Early this year, the committee began its work with hearings on the evidence of a witnesses called by the PP. The PP's legal team headed by Adv Dali Mpofu last week requested the committee to summon a list of five witness as they were unwilling to voluntarily testify or ignored requests for assistance. The committee, however, only agreed to call two witnesses, one being former PP Adv Thuli Madonsela.

According to the latest draft programme, the committee is expected to hear from further witnesses for the PP from 13 February

to 3 March 2023. Closing arguments are expected to commence three days later, from 6 to 10 March. The committee support staff will then be given 10 days to finalise drafting the report, after which the committee will deliberate on it. The PP will be afforded an opportunity to comment on the report from 27 March to 14 April. The committee will then consider the proposals by the PP and is expected to adopt its final report on 21 April 2023, effectively finalising its work. The report will then be sent to the National Assembly for consideration. 🗳️

NCOP Debates Rising Number of Killings of Local Government Councillors



The National Council of Provinces (NCOP) held a debate recently on the rising number of local government councillors who have been murdered for political ends. Participating in the debate, the Minister of Cooperative Governance and Traditional Affairs, Dr Nkosazana Dlamini-Zuma, remarked that the frequency and intensity of these callous attacks cannot go unpunished, as they are a sign that South Africa's democracy is under attack.

Speaking about the findings of the Moerane Report on political killings in KwaZulu-Natal, the Minister mentioned that there is a perception that election to local government is a ticket to social upward mobility and access to resources. Her argument was that if the socio-economic conditions of black people in general do not improve, such contestations for resources are bound to continue.

One permanent delegate to the NCOP, Mr Dennis Ryder, mentioned allegations that the police are involved in the murders in a manner reminiscent of how the apartheid police abetted the political violence that took place in KwaZulu-Natal before the first democratic general

elections in the early 1990s. The only difference now, he said, is that the battle is not about ideology, but access to resources. "It's a contestation for positions, tenders, money and power, not ideology," he added.

Making the situation worse, Mr Ryder reported claims made by the National Prosecution Authority to the effect that 40 per cent of political murder cases have not been prosecuted due to police interference. He also mentioned that the qualifications necessary to become a councillor are very low, as it requires no academic qualifications or competencies. This makes local government a fertile ground for vicious contestations for resources.

Another NCOP permanent delegate, Mr China Dodovu, urged the police to pursue these cases without fear or favour. He pointed a finger at high-ranking politicians and businessmen who have interests in tenders and local government supply chains.

NCOP permanent delegate Ms S'lindile Luthuli called for a concerted effort to educate people involved in local government about political tolerance and the nature of democratic political contestation. She further added that the ruling party must deal with the intra-political contestations that lead to political killings. She also pointed out that the findings of the Moerane Commission have not been implemented.

In his response to this remark, the Chairperson of the South African Local Government Association, Mr Bheki Stofile, said one of the Moerane Commission's recommendations was to professionalise the ranks of local government. But, he asked, who would want to serve as a local government councillor, given the risk? He was more interested in addressing all the unresolved cases and the police's slow response to threats of violence and death.

The Deputy Minister of Police, Mr Cassel Mathale, responded that police have put in place safety and preventative mechanisms to ensure councillors' safety. These mechanisms include, among others, an inter-ministerial committee established in 2018 and a task team comprising security and justice agencies. He recounted that 302 dockets related to these crimes have been opened and 329 arrest have been made. Currently, police detection rates for these crimes stands at 57 per cent and conviction rates at 85 per cent.

He went further to state that some 40 police officers have been arrested for their alleged involvement in these crimes. "It is these successes that inspire us," he said. He reiterated that those involved in these crimes undermine the rule of law and he assured NCOP members: "It doesn't matter who is involved in these crimes, we will arrest both those who plot them and those who pull the trigger." 🗳️



The Adjustments Appropriation Bill provides for increases to allocations set out in the main Appropriation Act of 2022

Act requires the Minister of Finance to table a national adjustments budget as envisaged in section 30 of the Public Finance Management Act. Section 12(2) of the Money Bills and Related Matters Act requires that “an adjustments appropriation Bill must be tabled with a national adjustments budget”.

The Adjustments Appropriation Bill provides for increases to allocations set out in the main Appropriation Act of 2022. Total in-year spending adjustments amount to R13 billion, inclusive of the total adjusted appropriations per vote and adjusted estimates of direct charges against the National Revenue Fund (NRF). Of the total in-year adjustments of R13 billion, R7.24 billion is with respect to direct charges against the NRF.

These include, amongst other things, a proposed additional allocation of R5.93 billion towards debt service costs; a proposed additional allocation of R48.5 million as unforeseeable and unavoidable expenditure through the Provincial Equitable Share for provincial Social Development departments for the continuation of care and protection of flood victims who were placed in shelters in KwaZulu-Natal; a proposed additional allocation of R306.26 million for state-owned companies (SOCs): Denel R204.7 million and the Land and Agricultural Development Bank R101.56 million; and a proposed additional allocation of R618.82 million for the skills levy and sector education and training authorities.

The Special Appropriations Bill, on the other hand, proposes to Parliament to appropriate additional funds in the 2022/23 financial year for the requirements of the Vote 10 Public Enterprises and Vote 40 Transport and to provide for matters connected therewith. This proposed additional funding is allocated to three SOCs located across the Public Enterprises and Transport votes, namely, Transnet, Denel; and South African National Roads Agency. The Bill proposes that R6, 278 billion and R23, 736 billion be appropriated from the NRF and be allocated to the Departments of Public Enterprises and Transport, respectively, for the 2022/2023 financial year.

The NCOP received the two Bills on 1 December 2022 after they were passed by the National Assembly. Following deliberations in the House, the House agreed to adopt them without amendments. 🇿🇦

The National Council of Provinces Passed Five Money Bills

The National Council of Provinces (NCOP) passed five Bills at the beginning of December. The Bills included the Rates and Monetary Amounts and Amendment of Revenue Laws Bill, the Taxation Laws Amendment Bill, the Tax Administration Laws Amendment Bill, the Adjustments Appropriation Bill and the Special Appropriation Bill.

The Minister of Finance, Mr Enoch Godongwana, formally tabled the 2022 Rates and Monetary Amounts and Amendment of Revenue Laws Bill (Rates Bill) on 26 November 2022. The objectives of the Rates and Monetary Amounts and Amendment of Revenue Laws Bill and the Taxation Laws Amendment Bill are largely aimed at fixing the rates of normal tax; to amend the Income Tax Act (ITA), of 1962, to amend rates of tax and monetary amounts; to amend the Customs and Excise Act, of 1964, to

amend rates of duty in Schedule 1 to that Act; to insert new tariff items; to delete tariff items; to delete rebate items; to insert rebate items; to amend the Carbon Tax Act (CTA), of 2019, to amend a rate of tax and to amend the Rates and Monetary Amounts and Amendment of Revenue Laws Act, of 2020, amongst the key other related matters.

The key proposals in the Tax Administration Laws Amendment Bill include the imposition of understatement penalty for

employment tax incentives improperly claimed, advance rulings under the Customs and Excise Act, and addressing tax compliance status system abuse.

The Adjustments Appropriation Bill and the Special Appropriations Bill, on the other hand, were tabled in Parliament in terms of section 12(1) and (2) of the Money Bills and Related Matters Act as amended by the Money Bills Amendment Procedure and Related Matters Amendment Act. Section 12(1) of the Money Bills and Related Matters

Additional budget allocations for the year are tabled in Parliament by the Finance Minister

NCOP passes the Anti-Money Laundering and Combating Terrorism Financing & the Protection of Constitutional Democracy Against Terrorist and Related Activities Amendment Bills



PUBLIC PARTICIPATION: residents express their views on the Bill



The National Council of Provinces (NCOP) passed two bills during its last plenary sitting for the year in 2022: the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill and the Protection of Constitutional Democracy Against Terrorist and Related Activities Amendment Bill. The two Bills were passed by the National Assembly in

November and were sent to the NCOP for concurrence.

General Laws (Anti-Money Laundering) Amendment Bill is an omnibus Bill aimed at amending various pieces of legislation to address deficiencies related to combatting money laundering and terrorism financing and bring South Africa into compliance with the global standards set by the Financial Action Task Force (FATF), the global regulator of anti-money laundering and counter-terrorism financing.

The Bill amends five pieces of legislation: the Companies Act,

Financial Intelligence Centre Act, the Financial Sector Regulation Act, the Non-Profit Organisations Act, and the Trust Property Control Act. It proposes amending four of the abovementioned acts (not the NPO Act) to include a definition of "beneficial owner".

It gives the executive arm of government unfettered powers to make regulations on access to information

that is mainly private, particularly in respect of trusts. One of the main aims of the bill is to provide for the disclosure of the beneficial owners and the ultimate controllers of trusts, companies and non-profit organisations (NPOs). It addresses 20 technical deficiencies identified by the FATF in its Mutual Evaluation Report.

The Protection of Constitutional Democracy Against Terrorist and Related Activities Amendment Bill seeks to provide for the alignment with international instruments adopted upon the implementation of the Act; offences related to terrorist training; the joining and establishment of

terrorist organisations; the possession and distribution of publications with unlawful terrorism related content; the removal of or making inaccessible publications with unlawful terrorism-related content; and offences related to foreign travel and attempts to leave the republic under certain circumstances.

It further seeks to provide for matters related to the Director of Public Prosecutions, in respect of the investigation and prosecution of certain offences; the issuing of warrants for the search and cordoning off of vehicles, persons and premises; and provide a direction requiring the disclosure of a decryption key and the effect of a direction to disclose a decryption key.

When enacted into law, it will improve South Africa's adherence to international best practices in combating financial crimes and corruption and stand as the strongest possible evidence of the country's commitment to fighting financial crime.

The Bills will now be sent to the President for assent as required by the Constitution and has been sent to the President for assent as required by the Constitution. 🇿🇦

National Assembly and NCOP passes the Protection of Constitutional Democracy Against Terrorist and Related Activities Bill



PASSING LEGISLATION: The two Houses of Parliament passed various Bills in its last sittings of 2022.

The National Assembly (NA) and the National Council of Provinces (NCOP) passed the Protection of Constitutional Democracy against Terrorist and Related Activities Bill during its last sittings in 2022.

The Bill, which was introduced to Parliament on 19 July 2022, seeks to amend certain definitions in the principal Act, insert some new offences related to maritime and aviation security, address the problem of foreign terrorist fighters, and shift the responsibility for the publication of United Nations Security Council Resolutions in a notice in the Gazette.

The need to make provision in respect of foreign terrorist fighters in the principal Act was expressed by the United Nations Counter-Terrorism Executive Directorate (UNCTED) during its compliance visit to South Africa in 2018. This included the disparity between the sentencing regime in terms of which a more severe penalty may be imposed in respect of money laundering as opposed to terrorist financing; lack of any reference to administrative sanctions for violating asset-freezing orders issued pursuant

to section 23; and clarification of the applicability of the *aut dedere aut judicare* principle with respect to all terrorism-related offences, particularly those contained in the principal Act.

Particular provisions have been inserted into the Bill to deal with foreign terrorist fighters, to address the sentencing of the financing of terrorism, and the extension of the Extradition Act, 1962 (Act No. 67 of 1962), as required by the UNCTED's report.

In addition, the Bill addresses the findings made by the 2019 mutual evaluation conducted by the Financial Action Task Force (FATF) of its Anti-Money Laundering and Combating of the Financing of Terrorism system. South Africa rated poorly in the Mutual Evaluation Report published in October 2021 in that it failed in 20 of the 40 FATF core standards/recommendations (technical compliance) and also failed in all 11 effectiveness measures (immediate outcomes), scoring moderate and low effectiveness.

To address the technical compliance deficiencies, this Bill and the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill 2022 (B18- 2022) were submitted to Parliament for processing.

The first Bill is a fundamental component to avoid being grey listed and it is critical to address technical compliance deficiencies (updating of legislation) and the effectiveness of the system to address the risk of money laundering. The deficiencies relate largely to terrorist financing (TF), sanctions related to terrorism and TF, freezing orders and the publication of notices by the United Nations Security Council.

During the processing of the Bill, the Portfolio Committee on Police called for extensive public participation engagements including public hearings and written submissions. The public submissions were opened from 5 to 19 August 2022 and later extended to

18 October 2022. In total, the Bill was open for public comment for 10 full weeks. The call for submissions were published in national and regional newspapers in all 11 South African languages.

The Portfolio Committee received seven public submissions on the Bill, from among other stakeholders, Afriforum (Hurter Spies Attorneys made the submission on behalf of Afriforum); the Banking Association South Africa; International Committee of the Red Cross; Sussex Terrorism and Extremism Research Network; the Fish Hoek Valley Ratepayers and Residents Association; Freedom of Religion SA NPC; and Dear South Africa. The campaign from Dear South Africa gathered 25 652 comments.

The Bill will now be sent to the President for assent as required by the Constitution.🇿🇦

To address the technical compliance deficiencies, this Bill and the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Bill 2022 (B18- 2022) were submitted to Parliament for processing.



Limpopo residents support Railway Safety Bill



MAKE YOUR VOICE HEARD: Public participation in the drafting of legislation is a key pillar of democratic law-making.



Most Limpopo residents attending Parliament's public hearings on the Railway Safety Bill expressed their support for the draft legislation, in the hope that it will help resuscitate the railway sector, writes Sakhile Mokoena. The Portfolio Committee on Transport held public hearings in Musina, Makhado

and Polokwane local municipalities, where hundreds of residents had an opportunity to make inputs on the draft legislation.

Residents speaking during public hearings on the Bill told the portfolio committee that a safe and effective railway service will benefit small business in the area and also boost the planned new city for the Musina-Makhado special economic zone. One such resident, Mr Madzinga

which will be repealed through this Bill, did not prioritise black people to participate in the rail industry, forcing most to rely on moving their goods by road, which is very costly.

While there is a general support for the Bill, especially for its objectives of improving railway safety, ensuring that rail becomes a preferred mode of transport and contributes to economic development, there was also a concern about the Bill's intent to give the Minister of Transport the powers to appoint the board and the chief executive officer of the Rail Safety Regulator. Residents feel that the responsibility to appoint the board and the CEO should be given to an independent panel and that the process for such appointments should be conducted in public similar to the appointment of heads of chapter nine institutions and judges. "Don't give the Minister powers to appoint the board. Instead, elect a panel to choose the board and the minister play an oversight role," said Mr Thabo Machidi from Makhado Local Municipality.

There were also concerns about the threat of load shedding to the operations of the railway system, as well as theft of cables and other railway line equipment.

The Railway Safety Bill, which is currently subjected to a national public consultation process by the Portfolio Committee aims to amend the National Railway Safety Regulator Act 16 of 2002 by facilitating an improvement in general safety within the railway environment, and ensure that rail becomes an attractive mode of transport and contributes towards economic growth.

It also seeks to promote the harmonisation of the railway safety regime with the same objectives and requirements for safe railway operations as the Southern Africa Development Community (SADC) region.

Committee Chairperson Mr Lisa Mangcu assured the communities that all their inputs will be considered when the committee sits down for deliberations after concluding public consultations in all nine provinces. "Nothing is going to fall through the cracks. Every input will be considered, everybody has a right to participate to the formulation of legislation. We want to hear from the citizens about what amendments to add or remove from the Bill," said Mr Mangcu.

Netshisaulu from Musina, said an effective railway system will contribute to the growth of the local economy. "Small-scale farmers and traders currently transport their produce by road, which is very expensive. I believe railway will provide a safe and cheap mode of transportation for the small business sector," he said.

There were also suggestions for the extension of the country's railway network to areas where there has never been any railway, to link small towns and rural areas to the big cities through the rail system.

Some participants in the public hearings warned against the privatisation of the railway system and argued that the sector should be fully under the control of government. "Rail must be controlled by the state and not privatised. I will support the Bill provided there is no privatisation of our rail," said Mr Reuben Makhoma.

The Bill's objective of ensuring that rail becomes a preferred mode of transport and contributes to economic development has been especially welcomed by residents of Musina Local Municipality in Limpopo.

Other people said they welcomed the Bill because the old legislation,

Committee on Higher Education impressed with state of readiness in Kwazulu-Natal and Limpopo Provinces



COMMITTEE OVERSIGHT: The Higher Education portfolio committee must check to see if tertiary institutions are ready for the new year to begin.

The Portfolio Committee on Higher Education, Science and Innovation conducted oversight visits to KwaZulu-Natal and Limpopo provinces to assess the readiness of universities, technical, vocational and education and training (TVET) colleges and community education centres (CETs). Jabulani Majozi reports.

The committee began its first round of visits in KwaZulu-Natal to engage with post-school education and training institutions in the province as well the Department of Science and Innovation's science, technology and innovation initiatives. During the oversight, the committee met with institutional stakeholders such as councils, management, student representative councils (SRCs), institutional forums and labour unions. These interactions enabled the committee to assess the state of affairs at the identified institutions

with respect to governance, administration, teaching and learning.

The committee also inspected progress on infrastructure development and maintenance projects, as most institutions visited were recipients of capital infrastructure development grants.

The committee was of the view that establishing synergies between councils, management, SRCs and forums are the key to a successful start of the 2023 academic year. Committee Chairperson Ms Nompandolo Mkhathshwa said: "The SRC is a recognised governance structure of the institution and such we welcome the initiatives and programmes of the SRC that contribute to a successful start of the academic year."

The committee noted that the University of Zululand had committed itself to pay students who have been confirmed as eligible by the National Students Financial Aid Scheme (NSFAS) for funding and living allowances while waiting for NSFAS to pay the university the upfront payment. "We are of the view that this is a progressive step to

ensure that students can be able to pay residence fees to private providers, have meals and transport fare to come to the institution," added Ms Mkhathshwa.

The committee further commended the university's efforts to extend the registration period and if necessary also allow walk-in registrations as students from rural communities have challenges with online registration.

During its walk-about, the committee observed that the university is in the process of building a new engineering facility. The committee asked the university to provide the committee with its infrastructure maintenance plan, as most of the infrastructure at the Dlangezwa Campus requires refurbishment. The committee was briefed on the construction of the new two student residences that will accommodate 1 500 students at the campus. It also heard that three older residences have been decommissioned for refurbishment. All these projects will be handed over to the university in October and November 2023.

The committee further applauded the

university for developing a safety and security app for students to report their safety concerns. The SRC reported that the app had assisted many students to receive prompt attention and deal with criminal elements.

The committee also interacted with the Umfolozi TVET College where it visited two of its campuses, Esikhawini and the Richards Bay. The committee was interested to hear about the course in maritime studies offered by the college.

During the visit at Esikhawini, the committee welcomed the news that the campus has partnered with local businesses to strengthen students' teaching and learning experiences. The committee was also impressed by the way in which the college's Richards Bay campus is equipped.

The committee implored the council, management, students and labour representatives to have a stakeholder engagement within three weeks and report back to the committee given the lack of stakeholder relations articulated by some in the meeting.

Limpopo Oversight Visits

The PC on Higher Education also visited institutions of higher learning in Limpopo to assess readiness for the 2023 academic year. The committee engaged with stakeholders and was satisfied with preparations for the 2023 academic year at Capricorn Technical and Vocational Education and Training (TVET) College and the University of Limpopo.

The committee began its oversight with a tour of the facilities at Capricorn's Polokwane Campus. The committee inspected the examination centre; the registration area; computer laboratories; hospitality workshops; and the electrical engineering and mechatronics computer laboratories.

The committee noted that the campus was built many years ago for white students. Despite their age, the buildings are in good condition and few of them require maintenance. The committee applauded the college for ensuring that administrative buildings have generators to deal with load shedding and is also busy expanding internet connectivity to cover buildings and lecture rooms that have no coverage.

The campus also has a clinic with counselling services to care for students' mental wellness.

The Chairperson of the Portfolio Committee on Higher Education, Science and Innovation, Ms Nompandolo Mkhathshwa, said: "We are pleased that the college has a clinic that caters for students' physical and psycho-social needs."

The committee further commended the University of Limpopo for the cleanliness of its campuses. However, much maintenance work still needs to be done to upgrade student residences. The committee welcomed both institutions' plans to implement maintenance projects and new infrastructure developments and urged that they be completed on budget and on time.

Access to residences for disabled students remains a concern. However, the committee is aware of the challenges across the country in this regard and would like to see this trend addressed. Other institutions can learn best practice relating to access and care for the disabled from the University of Limpopo. The university's Disability Unit is well equipped with staff and resources to support the learning of students with disabilities. The committee noted that students with severe disabilities are allowed to bring a family member to act as their carers to assist with bathing and cooking. There are also residences that are dedicated to students with disabilities.

The committee further called for the utilisation and repurposing of unused public buildings for education and training. The committee also called on the Department of Higher Education and Training, educational institutions and the Department of Public Works and Infrastructure to find available spaces or buildings that can benefit the college further.

The committee further called upon the Department of Higher Education and Training to assist colleges to ensure that institutions use their budgets effectively and efficiently. Whilst the institutions have established partnerships with industry, the committee is of the view that more should be done, especially by the TVET colleges, to ensure placement and absorption of its graduate for workplace learning and employment.

All the stakeholders spoke with one voice confirming the work done to ensure that all systems are good to go in 2023. "We wish the two institutions well and also implore

them to ensure a capable workforce is created to equip South Africa's economy with the skills it needs to address the challenges of poverty, inequality and unemployment," said Ms Mkhathshwa. "We implore the institutions to continue to engage and resolve any outstanding issues that may be a threat to the successful commencement of the 2023 academic year."

The committee also visited Vhembe TVET College where members were impressed with the maintenance and cleanliness of its Makwerela Campus. The committee also noted that there is room for improvement in certain areas within the campus. The college has a student population of about 23 000 and 98 per cent of critical staff positions are filled.

Meanwhile, the committee was not impressed with the condition of the University of Venda on its final oversight to the campus in Thohoyandou. The committee was concerned that the campus was dirty and that the university could not confidently say it was ready for the 2023 academic year. The committee urged the university management and stakeholders such as organised labour, institutional forums to work together.

According to the Vice Chancellor of the University of Venda, Dr Bernard Nthambeleni, the university has about 3 756 students who are accommodated one campus and has plans to increase accommodation. Furthermore, ongoing infrastructure development, renovation and maintenance is being addresses. Chairperson Mkhathshwa noted that everyone has a role to play their role, especially when dealing with challenging issues such as load shedding.

The committee noted that the campus is in a bad way and does not inspire confidence as an institution of higher learning. This could negatively impact on prospective students. The Student Representative Council alleged that in some instances students are funded by NSFAS, but the university has refused to issue their qualifications. The SRC also highlighted the plight of students who cannot access wifi and noted also the shortage of generators for all residences. The committee recommended that management needs to find a way to maintain and clean residences, but cautioned that ultimately students themselves also need to take personal responsibility for their living conditions. 🙏

Members vote against the adoption of the Section 89 Independent Panel's report



Speaker Nosiviwe Mapisa-Nqakula

Before the debate of the Section 89 Independent Panel report held in Parliament in December, a request for the vote on the report to be held in secret came from Members of the Economic Freedom Fighters (EFF) and the African Transformation Movement. However, the request was denied by the Speaker of the National Assembly (NA), Ms Nosiviwe Mapisa-Nqakula, writes Mava Lukani.

Ms Mapisa-Nqakula declined the request on the basis of a decision taken by the National Assembly Programming Committee (NAPC) in a previous meeting. The Speaker also insisted on a manual roll call. The EFF then proposed a division of the House on the voting procedure to test the feeling of Members of the House. The Speaker ruled that the division could be considered at the end of the debate.

The first speaker in the debate, Chief Whip of the African National Congress, Ms Pemmy Majodina, said the ANC respects the independent panel's report, although the report lacks sufficient evidence. For this reason, the ANC believes there is no need to rush the report's adoption, particularly as eight institutions – the South

African Police Service, the National Prosecuting Authority and the Public Protector are still investigating the matter. Thus, the ANC does not support the report.

Also registering that it did not support the report, the Congress of the People (COPE) highlighted the report's lack of sufficient evidence. Debating on behalf of COPE, Mr Willie Madisha said the panel lacks the tools to establish what really happened. The report "has no legs", he said.

The National Freedom Party (NFP) supported the report's adoption, but argued that further steps, such as the establishment of an impeachment committee, should depend on the results of the Constitutional Court's review of the report. The NFP argued that President Cyril Ramaphosa enjoys the same rights as any other South Africa to interdict the NA from going ahead with the report, as it is under review by the court.

Also participating in the debate, the Minister of Justice and Correctional Services, Mr Ronald Lamola, said the panel has "set the bar too low to impeach the President". Evidence must be presented before the House before the report can be adopted. Nonetheless, this debate is a good exercise in holding the President accountable and investigations on the matter are still under way, he said.

The Al Jamaal party said it noted the report and is waiting for the findings of the investigations in the Phala Phala matter that are still underway. Thus far, the party believes there is currently no evidence that the President violated the Constitution.

Once voting had been complete, it was established that 214 NA Members voted against the adoption of the independent panel's report, while 148 voted for the adoption. The Chief Whip of the EFF, Mr Floyd Shivambu, told the Speaker that the EFF will subject the system to judicial review to safeguard the integrity of the process. 🙏

National Assembly Debates Section

189 Independent Panel Report



VOICE OF THE PEOPLE: Parliament debated the merits of establishing an inquiry into the President's conduct relating to events at his farm Phala Phala.

The National Assembly debated the report of the Independent Panel established to investigate whether there is prima facie evidence to institute an impeachment inquest against President Cyril Ramaphosa, in terms of section 89 of the Constitution, writes Sakhile Mokoena.

The panel's mandate was to consider a preliminary enquiry relating to a motion by African Transformation Movement (ATM) Member of Parliament Mr Vuyo Zungula, proposing a section 89 enquiry, and make a recommendation to the Speaker whether sufficient evidence exists to show that the President committed a serious violation of the Constitution or law; or committed a serious misconduct.

Political parties represented in the National Assembly expressed mixed views on the report's recommendations that the President has a case to answer following the controversial robbery at the President's farm involving large amounts of money in foreign currency.

Supporting the report and the establishment of an impeachment committee, Mr John Steenhuisen, the leader of the official opposition, the Democratic Alliance, said adopting the report was about allowing due

process to take its course. "It is about acknowledging that the large gaps in the story around the hidden and stolen dollars warrant further inquiry, an inquiry that must be undertaken by a committee of this Assembly.

"That is the test before this house today. Have we learnt anything from the past or are we prepared to break Parliament once more in defence of a leader who doesn't want to be held accountable?" he asked.

The Economic Freedom Fighters (EFF) also supported the panel's report and the call for the establishment of an impeachment committee to continue with the investigation on whether the President has violated any laws and the Constitution. EFF leader Mr Julius Malema said the President's reluctance to allow an inquiry into the activities at Phala Phala farm was shocking.

"It has become clear that you have no intention of taking responsibility for the crimes of Phala Phala farm, because at every opportunity you blame vulnerable staff members for the crimes, staff members who operate under your instruction. We declare without fear of contradiction that you are an enemy of the Constitution of South Africa. You should be ashamed that you have become the enemy of what so long defined your legacy," he said.

Mr Malema also questioned the President's decision to take the report to court for a review, saying this is an attempt to avoid accountability.

Inkatha Freedom Party Member of Parliament Inkosi Mzamo Buthelezi said, "The IFP has considered the report of the independent panel, and we believe that it could not have come to any other conclusion based on the information before it. We therefore support the recommendations it has made. The panel has given its recommendations to Parliament. Thus, Parliament should set in motion the process of an impeachment committee," he said.

Mr Pieter Groenewald of the Freedom Front Plus also supported the report and called on the President to face questions in a parliamentary inquiry about what happened at Phala Phala. "It is common sense that if the President has nothing to hide, he will come forward and give answers. If he respects the Constitution, he will make himself available in the impeachment committee to ensure accountability," said Mr Groenewald.

Another party supporting the report was the African Christian Democratic Party. Party leader Reverend Kenneth Meshoe called on the President to, "Stop being evasive and to be honest because the people of South Africa want answers. The matter will not end here. The President has a case to answer about the millions on his farm and why they were not declared, and why the theft was not reported to police," Rev Meshoe said.

Mr Bantu Holomisa, leader of the United Democratic Movement (UDM), also supported the report

recommending the establishment of an impeachment committee. "The UDM believe all four main players – the President, Mr Benjamin Chauke, Mr Arthur Fraser and Mr Hazim – must be given an opportunity to state their side of the story. The panel found the president has a case to answer. Let there now be a full enquiry by Parliament, the institution that elected him and to which he is accountable," he said.

Mr Zungula said it is a travesty of justice for Parliament to decide that the President should not be given an opportunity to clear his name. "The President is attempting to escape accountability by taking a non-binding report to court. If he is innocent, why is he rejecting a process that will clear his name?" Mr Zungula asked.

Mr Brett Herron of the Good Party also supported the report and the calls for the establishment of an impeachment committee. He said the panel report presented an opportunity to break away from a culture of impunity, which has eroded Parliament for years, and to ensure that Parliament performs its job in holding the executive to account.

"South Africa needs leaders who are morally, ethically and legally unimpeachable. No person is above the law and the rules adopted to give effect to Section 89 must take their course," said Mr Herron.

However, the Good Party also shares the President's reservations that there are various potential legal irregularities in the panel's work and the report. "To impeach a sitting president is an extraordinary constitutional act with significant social, political and economic consequences. It requires a flawless legal process, it will be unfair and unreasonable to hold the President before an impeachment committee while these legal questions remain unanswered," Mr Herron argued.

He said Section 89 process must proceed, but the impeachment must be deferred pending the outcome of the review. 🇿🇦

Scopa Displeased With Lack of Consequences Relating to Prasa's Ghost Employees



SCOPA has requested PRASA to submit a detailed written report on the issue of ghost employees, including a timeline

The Standing Committee on Public Accounts (SCOPA) held a hearing towards the end of December with the Passenger Rail Agency of South Africa (PRASA) on its 2021/22 annual report, financial statements, investigations, as well as fruitless and wasteful expenditure. PRASA has received a disclaimed audit outcome for four consecutive years, writes Faith Ndenze.

Among several issues arising from PRASA's presentation, the committee was concerned about the lack of consequence management for hiring ghost employees at PRASA, after it heard that after launching Operation Ziveze, 1 159 employees suddenly resigned in one month.

SCOPA Member Mr Alf Lees asked for an update on the ghost employees discovered at PRASA. "On the 29 March 2022, we were told there were 3 000 ghost employees. What has been done? Have they been dismissed? Who are they?" he asked. In a similar vein, SCOPA Chairperson Mr Mkhuleko Hlengwa asked PRASA how a ghost resigns and who processes these resignations.

The Chairperson of the PRASA Board, Mr Leonard Ramatlakane, told SCOPA that the agency is saving R20 million a month in salaries since the resignation of those 1 159 employees. "We said its suspect that on one scoop, 1 159 employees resign. We were also not provided with a resignation report or a letter on these 1 159 employees," he said.

Mr Ramatlakane said PRASA referred the matter to the Special Investigating Unit (SIU) to investigate the matter. "The SIU has agreed that they will follow the money and look at who has been paid, who received the money out of this ghost workers saga," he said.

Mr Hlengwa pointed out that SCOPA had requested an update on this matter in March 2022 when it met with PRASA, but this information has not reached the committee. "My expectations on Operation Ziveze is that you would be presenting a progress report on verification. Now it's by chance that you have had resignations."

The Minister of Transport, Mr Fikile Mbalula said he has been engaging with the Board on the issue of vacancies. Minister Mbalula said PRASA doesn't have a human resources executive and this has led to a lot of corruption. Even in procurement there is a vacancy at executive level.

"I said advertise this position because the biggest problem of PRASA is supply chain management. Employ people who are capable, educated, experienced and put them in that post. Clean the place," he said.

SCOPA has requested PRASA to submit a detailed written report on the issue of ghost employees, including a timeline.

The committee has also requested PRASA to submit monthly progress reports on all other matters relating to expenditure, investigations, annual report and financial statements. 🙄

*PRASA
must submit
report
on ghost
employees,
says SCOPA*

**SCOPA CHAIRPERSON:
Mr Mkhuleko Hlengwa**



Scopa Wants Reassessment of National Treasury Note 3

The Standing Committee on Public Accounts (SCOPA) received a briefing recently from National Treasury on the provisions of the National Treasury Supply Chain Management Instruction No. 3 of 2021/22, writes Faith Ndenze.

The Chief Procurement Officer, Ms Mendoe Ntswahlana, told the committee that some of the contributing reasons for replacing instruction note 3 of 2016/17 with the new provision of 2021/22 was to enhance transparency and to accommodate the recommendations of the Zondo Commission of enquiry into state capture.

“The commission recommends that set standards of transparency consistent with the OECD Principles for integrity in public procurement be formulated by National Treasury for compulsory inclusion in every procurement system adopted by a public procurement entity,” she said.

The new instruction also deals with the introduction of procurement plans, advertising on the e-tender portal, developing an instruction to provide further elaboration on Treasury Regulation 16A6.6, which deals, amongst other things, with the participation on contracts arranged by other organs of state and publishing of all deviations and contract modifications (variations and expansions) submitted to National Treasury.

The Minister of Finance, Mr Enoch Gdongwana, informed SCOPA that four things impact on how National Treasury deals with this matter. “The first one is the Constitution. The Constitution refers to organs of state having their own procurement services and we develop a framework within which that will happen. Basically, the

responsibility to procure goods and services is that of the organ of the state. The Preferential Procurement Policy Framework Act says the same thing. The Constitutional Court has also reminded us in February that we are probably encroaching on that capacity via regulations. The fourth element is the Zondo Commission of Inquiry,” he said.

On the issue of accountability agreements, SCOPA member Mr Sakhumzi Somyo wanted to know how accountable National Treasury and all public sector departments and entities are in terms of the new instruction note. “I accept the scrutiny of plans, because if you have the plans there is no way of going out of those plans. The matters of wanting to deviate and expand would be accounted for in terms of the plans you would have at hand,” he said.

Minister Godongwana said to enhance transparency, since 2 November 2022 he now tables in Cabinet all the Public Finance Management Act Section 32 reports from the various departments; this has been effective. “This is another strategy we might have to follow that shows trends of deviations,” he said.

SCOPA requested mandatory monthly publications, noting all those who have made expansions and deviations. The reasons for the change and the value of the transaction must also be included. The Chairperson of SCOPA, Mr Mkhuleko Hlengwa, noted that expansions and deviations have been a headache for the committee. “It is one action step in a broader supply chain management reality, but its consequences and ripple effects are far-reaching,” he said.

“We are calling for a re-assessment of this Treasury Instruction No. 3 and to build into it strengthened mechanisms for its effectiveness and efficiency,” he said. 🙏

**INSPECTOR-GENERAL OF INTELLIGENCE:
Mr Imtiaz Fazel is sworn in.**



Mr Imtiaz Fazel sworn in as Inspector-General of Intelligence

Mr Imtiaz Ahmed Fazel was sworn in as the new Inspector-General of Intelligence in Parliament by Deputy Judge President Patricia Goliath of the Western Cape High Court at end of November 2022.

Mr Fazel’s swearing in was the culmination of a thorough appointment process undertaken by the Joint Standing Committee on Intelligence (JSCI), as stipulated in Section 7 (1) of the Intelligence Services Oversight Act, No. 40 of 1994. The Act states that the President shall appoint an Inspector-General of Intelligence (a) nominated by the committee; and (b) approved by the National Assembly (NA) by a resolution supported by at least two-thirds of its members.

The appointment process included the publishing of an advertisement in national and local newspapers in all official languages on 2 June 2021 with a deadline of 30 July 2021 for applications, which was extended to 30 September 2021 to allow for maximum public consultation and participation in Parliament’s work due to the importance of the position.

In accordance with the Act, the JSCI interviewed Mr Fazel as one of the 10 candidates shortlisted for the position on 8 and 9 February 2022. On 30 August 2022, the JSCI nominated Mr Fazel for approval by the NA, which was approved at its plenary sitting on 13 September 2022, followed by a recommendation for appointment by the President. President Cyril Ramaphosa appointed Mr Imtiaz Fazel as the Inspector-General of Intelligence for a period of five years with effect from 1 November 2022.

The committee is looking forward to working with Mr Fazel as he accounts and reports to the committee on the overall functioning of his office. The JSCI expects Mr Fazel to perform his duties and functions impartially and independently, in good faith and without fear, favour, bias or prejudice.

As a foot soldier of the JSCI, the Inspector-General of Intelligence plays a crucial role in deepening oversight since he is able to monitor compliance by the services, review their activities, receive and investigates complaints and perform all other functions as contained in the Act. The Chairperson of the JSCI, Mr Jerome Maake, wishes Mr Fazel well as he officially undertakes his duties as the Inspector-General of Intelligence for the next five years. 🙏

Mineral Resources and Energy Committee Welcomes Increased Security at Power Stations



PROTECT WHAT WE HAVE: Mineral Resources and Energy committee welcomed the steps taken to improve security at several Eskom power stations during a recent oversight visit.

The Chairperson of the Portfolio Committee on Mineral Resources and Energy, Mr Sahlulele Luzipo, has welcomed the increased security at four Eskom power stations: Majuba, Camden, Grootvlei and Tutuka.

Mr Luzipo understands that the South African National Defence Force has deployed at least 10 members to each of these power stations. He also understands that this move comes hot on the heels of a successful raid of an illegal coal yard by multi-disciplinary law enforcement agencies in Emalahleni, in Mpumalanga. According to media reports, more than 16

people were arrested and trucks and documents were seized in the raid.

In welcoming these developments Mr Luzipo said: "The committee has always held a firm view that the country's electricity crisis is caused by Eskom's inability to deal with maintenance of ageing power stations and internal sabotage, as opposed to a policy failure. We now feel exonerated," said Mr Luzipo.

Lastly, he said that talks about stabilising the country's electricity should be about coming up with technological mechanisms to detect early signs of criminality and sabotage, considering that the deployment of the army alone is not a sustainable solution. 🇿🇦

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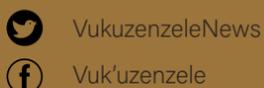
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