

THURSDAY, 17 OCTOBER 2019

PROCEEDINGS IN THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:02.

The House Chairperson (Mr A J Nyambi) took the Chair and requested members to observe a moment of silence for prayers or meditation.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

NO NOTICES OF MOTION OR MORTIONS WITHOUT NOTICE

(Announcement)

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order, hon members. In accordance with Rule 247(1) there will be no Notices of Motion or Motions without Notice except the motions on the Order Paper.

**CONSIDERATION OF MOTIONS WITHOUT NOTICE AND REPORT OF SELECT
COMMITTEE, NOTWITHSTANDING RULE 247(1)**

(Draft Resolution)

The ACTING CHIEF WHIP OF THE NCOP (Mr A B Goyiya): Hon House
Chairperson, I move without notice:

That, notwithstanding Rule 247(1) which provides that the sitting
of the Council will be dedicated for oral questions, the Council
considers the motions below and the Report of the Select Committee
on Co-operative Governance and Traditional Affairs, Water and
Sanitation and Human Settlements.

Question put: That the motion be agreed to.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,
Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Motion agreed to in accordance with section 65 of the Constitution.

REVIVAL OF BILLS NOT FINALISED DURING FIFTH TERM OF NCOP

(Draft Resolution)

The ACTING CHIEF WHIP OF THE NCOP (Mr A B Goyiya): Hon House
Chairperson, I move without notice:

That the Council-

- (1) revives the following Bills which were not finalised when the term of the fifth NCOP ended:
 - (a) Border Management Authority Bill;
 - (b) National Forests Amendment Bill;
 - (c) Traditional Courts Bill;
 - (d) Cybercrimes Bill;
 - (e) National Environmental Management Laws Amendment Bill;
 - (f) Customary Initiation Bill;
 - (g) IKamva Digital Skills Institute Bill;
 - (h) Civil Union Amendment Bill;
 - (i) Hydrographic Bill;
 - (j) Local Government: Municipal Structures Amendment Bill;
 - (k) Independent Police Investigative Directorate Amendment Bill;
 - (l) National Gambling Amendment Bill;
 - (m) Child Justice Amendment Bill;
 - (n) National Minimum Wage Amendment Bill; and
 - (o) Customary Initiation Bill;
- (2) further instructs that the proceedings on these Bills should resume at the stage at which they were at the end of the term; and

- (3) also directs that, where Committees have commenced with the processing of the Bills, that work be accepted as having been done by the Committees.

Question put: That the motion be agreed to.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Motion agreed to in accordance with section 65 of the Constitution.

**SECRETARY TO PARLIAMENT, Mr G M E MGIDLANA DISMISSED DUE TO
FINANCIAL MISCONDUCT**

(Draft Resolution)

The ACTING CHIEF WHIP OF THE NCOP (Mr A B Goyiya): Hon House Chairperson, I move without notice:

That the Council, with the concurrence of the National Assembly-

(1) notes that-

- (a) during 2016 and 2017, the executive authority received a number of allegations, including allegations of financial

misconduct, levelled against the Secretary to Parliament, Mr G M E Mgidlana, who is also the Accounting Officer;

- (b) the executive authority requested the Audit Committee to promptly investigate the allegations, including the allegations of financial misconduct as they are obliged to do by section 67(2)(a) of the Financial Management of Parliament and Provincial Legislatures Act (Act No 10 of 2009) (FMPPLA);
- (c) the executive authority requested the Audit Committee to undertake an investigation into these allegations on 25 May 2017;
- (d) on 9 June 2017, the Secretary to Parliament was put on paid leave in order to allow the investigation of the matter by the Audit Committee;
- (e) on 27 October 2017, the Audit Committee recommended that a disciplinary action be considered against the Secretary to Parliament;
- (f) the executive authority instituted disciplinary proceedings in accordance with the applicable procedures and as required by section 67(2)(b) of the FMPPLA;

- (g) disciplinary charges were served on the Secretary to Parliament on 01 February 2018 and the hearing was scheduled to commence on 12 February 2018;
 - (h) the Secretary to Parliament was found guilty on seven out of 13 charges;
- (2) further notes that in light of the seriousness of the misconduct, the Chairperson of the disciplinary hearing, on 30 August 2019, recommended summary dismissal of the Secretary to Parliament;
 - (3) accepts the findings of the disciplinary hearing and the recommendations of the chairperson of the disciplinary hearing; and
 - (4) resolves that the Secretary to Parliament be dismissed summarily and his contract of employment be terminated with immediate effect.

Question put: That the motion be agreed to.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Motion agreed to in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS, WATER, SANITATION AND HUMAN
SETTLEMENTS - NOTICE OF INTERVENTION ISSUED IN TERMS OF SECTION
139(1)(C) OF THE CONSTITUTION, 1996 IN MAMUSA LOCAL MUNICIPALITY,
DATED 16 OCTOBER 2019**

Mr T S C DODOVU: Hon Chairperson of the session, Ministers and Deputy Ministers present this afternoon, ladies and gentlemen, yesterday on 16 October 2019, the Select Committee on Co-operative Governance and Traditional Affairs, Water, Sanitation and Human Settlements, was comprehensively briefed by the MEC of Co-operative Governance and Traditional Affairs in the North West, the hon Gordon Kegakilwe on the constitutional, procedural and substantive matters related to the invocation of section 139(1)(c) of the Constitution in the Mamusa Local Municipality.

The select committee also received a legal opinion and advice from the parliamentary legal services on the consideration of the notice of intervention in terms of Mamusa Local Municipality in respect of section 139(1)(c) of the Constitution, as well as the litigation in terms of the same clause instituted by some municipalities in the North West province.

It should also be noted that on 27 August 2019, our select committee here conducted an in-loco inspection in the Mamusa Local Municipality.

The main issues identified by the provincial executive council, PEC, to dissolve the Municipal Council of Mamusa, related to the following: The absence of leadership within the municipality with two mayors within a short space of time which indicated the divisions within council.

Lack of professional ethics amongst councillors - the way they conducted themselves - which does not ensure that they are in control of the municipality.

Deep divisions amongst councillors, which affect the administration, especially on the suspension of the municipal manager, the chief financial officer, CFO, as well as the acceptance of administrators in the municipality.

Administration positions are occupied by officials holding political influence in the ruling party especially, or they were former councillors within the same municipality. Administration taking advantage of the confusion that played itself within the council.

Forensic investigations needed to be conducted in the municipality, as there were allegations of rampant looting of municipal resources by councillors who connived with some municipal officials.

It should also be noted that the above challenges, led the North West Provincial Executive Council to resolve that exceptional

circumstances do exist to dissolve the municipality in terms of section 139(1)(c) of the Constitution and that would happen with immediate effect.

In terms of section 139(1)(c) of the Constitution, when a municipality cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the relevant provincial executive may intervene by taking any appropriate steps to ensure the fulfilment of such an obligation, including dissolving the municipal council and appointing an administrator until a newly elected municipal council has been declared, if exceptional circumstances warrant such a step.

In this case, the effect of invoking section 139(1)(c) of the Constitution will therefore be that, the dissolution takes effect 14 days from the date of the receipt of the notice by the NCOP, unless it is set aside by the Cabinet Minister responsible for local government or the NCOP before the expiry of the 14 days.

We must bear in mind, hon Chair, that the dissolution is the final step in a process of intervention consisting of more than one attempt to resolve the problem that may exist in a municipality. Dissolution is clearly designed as a corrective measure to ensure that appropriate steps are taken that would resolve the problems that may be experienced in a particular municipality. The existence

therefore of special circumstances is a prerequisite to the exercise of the power to dissolve a municipal council.

The dissolution should be an appropriate step to remedy the situation, if exceptional circumstances exist, and such intervention was due to the unwillingness of the municipal council to resolve the problems concerned. Exceptional circumstances may lie in the nature of the problem that may be experienced in a municipality and the fact that any form of intervention would not be appropriate.

During the proceedings of its meeting on 16 October, no issue escaped scrutiny. In its recommended decision to the NCOP on Mamusa Local Municipality, the select committee took into account all relevant factors including those challenges that were prevalent during the oversight visit to the municipality and decided that the seriousness, extent and cause of the municipality's failure to fulfil the obligation, taken together, constitute exceptional circumstances warranting dissolution of the municipal council and the appointment of the administrator in order to fulfil that obligation.

The select committee has observed that the PEC, at its meeting on 25 September 2019, resolved to dissolve with immediate effect the Municipal Council of Mamusa by intervening through section 139 of the Constitution. According to the PEC, the deteriorating situation

and nonco-operation of councillors in the municipality have compelled such measures by the PEC.

The select committee has also noted that the PEC will appoint administrators who will implement the intervention on its behalf, with immediate effect.

The select committee has further noted that since the invocation of section 139(1)(b) of the Constitution, on 02 May 2019, the situation in the Mamusa Local Municipality has become worse than before and hence the invocation of section 139(1)(c).

The situation referred to above include absence of leadership, presence of two mayors within a short period of time, deep divisions, and lack of professional ethics, amongst others.

The select committee has noted that section 152 of the Constitution provides that a municipality must ensure the provision of services to communities and this is not happening at all in Mamusa Local Municipality.

In the opinion of the select committee, the service delivery failures, instability related to good governance, financial stress in the municipality which includes its inability to submit annual financial statements and align its budget with the integrated

development plan, IDP, has to a large extent, triggered the rationale and motivation for the invocation of these measures.

The select committee has noted in its deliberations on the matter that the majority of political parties in this Council, such as the ANC, EFF, IFP, and the FF Plus support the intervention on the basis of the substantive, procedural and constitutional matters that are obtained in the municipality. It is only the DA in this Council, which has requested that its rejection of the interventions be recorded.

We must point out that based on the above assertion, one of the municipalities, namely Kagisano-Molopo took the provincial government to court challenging its authority to invoke section 139 and the appeal is going to be heard by the North West High Court on 06 December 2019. Based on the advice that we received, nothing deters this Council from proceeding and dealing with this particular matter.

Based on the above situation, the select committee recommends measures taking into account the legal opinion provided by the parliamentary legal services as follows: Firstly, that the NCOP approves the intervention in Mamusa Local Municipality in terms of sections 139(1)(c) of the Constitution.

Secondly, that the North West Provincial Executive Council must appoint qualified and competent administrators who are screened and vetted in order to implement the decisions on the dissolution of the Mamusa Local Council.

Thirdly, that the North West MEC for Co-operative Governance, Human Settlements and Traditional Affairs institutes a forensic audit in terms of section 106 of the Municipal Systems Act, to investigate all allegations of rampant corruption and looting of municipal resources by councillors and officials.

Fourthly, that the North West MEC of Local Government and Human Settlements provides the NCOP and the North West provincial legislature with quarterly reports on the progress made in respect of the implementation of the intervention in the Mamusa Local Municipality.

Lastly, that this Select Committee on Co-operative Governance and Traditional Affairs must in co-operation with the relevant portfolio in the North West provincial legislature, after the termination of the intervention, conduct a follow-up oversight visit to the municipality in order to evaluate the impact of the dissolution of the municipality in terms of section 139(1)(c) of the Constitution. Thank you very much, hon Chair. [Applause.]

Debate concluded.

Declaration of vote:

Ms C LABUSCHAGNE: Hon Chairperson, the intervention into the Mamusa Local Municipality was plagued by irregular procedures. The administrator appointed to lead the intervention was not properly qualified and the failure of the intervention was a direct consequence of cadre deployment.

During the committee proceedings, the DA indicated that dissolving the municipality would not solve the problem or service delivery and that would merely lead to further political instability taking into account that the by-election would have to be held in the coming months and then followed again by a local government election in 2021.

The MEC of Co-operative Governance and Traditional Affairs had send a request to dissolve the municipality in terms of section 139(1)(c) to the council on 09 October 2019. This was while the process of approving the intervention in terms of section 139(1)(b) had not even been fully considered by the NCOP.

However, during the committee meeting the DA had proposed an administrator who was properly qualified to assist the municipality to be appointed. Alternatively, the DA further proposed that the NCOP vetoes the decision of the MEC pending a report that shows that exceptional circumstances do indeed exist and then the provincial

government can apply for approval to dissolve the municipality again.

It is evident that the real motivation behind this is that the dissolution of the municipality is for the ANC to solve its internal factional battles. It can never be allowed that internal party issues of the ANC be solved by misusing the Constitution, at the taxpayers' expense which would lead to more political instability as opposed to better service delivery.

We have a duty to act in the best interest of the people of Mamusa, where their best interest will be served by the appointment of properly qualified persons for the jobs, whether it is an administrator or any other management position in that municipality.

We agree that intervention is necessary, but has to be done properly and that section 139(1)(c) would be unconstitutional and premature if everything possible was not done to ensure that section 139(1)(b) succeeds. It is with this in mind that the Western Cape cannot support this report.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West.

ABSTAIN: Free State.

AGAINST: Western Cape.

Report agreed to in accordance with section 65 of the Constitution.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, order. Before we proceed to questions, I would like to take this opportunity to welcome the Minister, Deputy Ministers, officials from different departments, special delegates to this Question session of the Governance Cluster.

Further, I would like to make the following remarks: The time for a reply by a Minister to a question is five minutes. Only four supplementary questions are allowed per question. A member who has asked the initial question will be the first to be afforded the opportunity to ask a supplementary question. The time for asking the supplementary question is strictly two minutes. The time for reply to a supplementary question is four minutes. The supplementary question must emanate from the initial question. I hope we are on the same page. I now call upon the Deputy Minister of Co-operative Governance and Traditional Affairs to respond to Question 112, asked by the hon Mkiva. The hon Deputy Minister.

QUESTIONS FOR ORAL REPLY

CLUSTER 3 - GOVERNANCE

MINISTERS:

Concerns of traditional leaders

112. Mr Z Mkiva (Eastern Cape: ANC) asked the Minister of Cooperative Governance and Traditional Affairs:

Whether the Government is making any progress in addressing concerns of traditional leaders regarding the tools of trade such as transport, security and support staff; if not, why not; if so, (a) what progress and (b) what are the further relevant details?

CO257E

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson and hon members ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Ho members, if you don't come to the House for training, you will be lost about what is happening here. [Interjections.] You are in order, hon Deputy Minister. You may continue.

An HON MEMBER: No, he must go there!

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, there's nothing wrong if the Deputy Minister is there or that side. Even if he is on that side ... Do you prefer that side? You can go there; there's no problem. [Interjections.] Order, members!

... now that I'm visible, I should start by saying yes, government is making progress in addressing the concerns raised by traditional leaders regarding the provision of tools of trade. The department has undertaken the following activities in this regard: Firstly, the development of a framework for the provisioning of enabling resources for traditional leaders which was approved by the Ministers of Co-Operative Governance and Traditional Affairs and members of executive council's meeting, Minmec, in 2013. Various provinces are currently providing some of the tools of trade provided for in the aforementioned framework, but at varying levels leading to inconsistencies across provinces.

Secondly, to address the inconsistencies on the provision of tools of trade across provinces, the department is currently reviewing the 2013 framework and has developed a draft handbook for traditional leaders. Consultation processes on the draft handbook with the Independent Commission for the Remuneration of Public Office Bearers, provinces and other relevant departments are currently underway. The department has planned to finalise those consultation processes before the end of 2019-20 financial year. Thank you very much.

Mr Z MKIVA: House Chair, as the Deputy Minister has mentioned the framework, I want to check whether the framework for the promotion of enabling resources for traditional leaders has been successful in creating an enabling framework, addressing the concerns of unequal treatment by traditional leaders, and providing norms and standards, and uniformity in resource provision for traditional leaders.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Chairperson and hon member, I should indicate that the reason that there is an introduction of the handbook for traditional leadership is in response to the concerns that have been raised about the unequal implementation of the framework that was developed in 2013, in terms of how the respective provinces are implementing and responding to the provision of tools of trade. In essence, I'm acknowledging that, in fact, implementation has not been uniform throughout the provinces and through the handbook, we believe that we can facilitate equity in the provision of tools of trade for traditional leaders. Thank you very much.

Mr M S MOLETSANE: Chairperson, I just want to find out from the Deputy Minister whether it is all well and good to give the traditional leaders tools of trade. However, is the government working with the traditional leaders to prepare them so that they play a role to ensure good governance, and the deepening of democracy when we have finalised the amendment of the section 25 of

the Constitution to expropriate land without compensation? Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I will leave it to the Deputy Minister.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I'm not sure if it's related to the original question.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes, that is why I leave it to you if you ... the supplementary question must be linked to the original question. That is a new question. Hon Nchabeleng!

Mr M E NCHABELENG: Hon Chair, I just want to check the Deputy Minister for my own clarity. I'm happy that there is something on paper which suggests how traditional leaders should be remunerated. I just want to check ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Closer to your microphone. Closer to your microphone for the voice.

Mr M E NCHABELENG: Okay. I just want to check for myself. What informed this? Is it informed by the Independent Commission for the Remuneration of Public Office Bearers, or is it taken from ...

[Inaudible.] Where is that document based on - the handbook? I just want to ... [Inaudible.]

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson and hon Nchabeleng, the remuneration of traditional leaders is governed by the Commission on Remuneration of Public Office Bearers. The matter of tools of trade, however, has been dealt with separately and the intention is to create a uniform mechanism in consultation with the commission so that we can create a standardised provision of tools of trade which would be governed by the handbook.

Ms C VISSER: Hon Deputy Minister, should traditional leaders be treated the same way as any state-owned entities which also receive governmental funding, specifically in the required submission of financial statements? If not, why not? If so, how do you intend on regulating this? Thank you.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, my understanding of the issue and the question is that there are two parts to the question. The first relates to the provision of a budget to traditional leaders which necessarily is not covered within the current question. The issue is in relation to the second part of the question which I think relates to the

provision of tools of trade which would be governed by the aforementioned framework that was agreed to, and subsequent to this, the provision would be governed by the draft handbook that would be in place. As regards the handbook, it is anticipated that it would include mechanisms for accountability.

Back-to-Basics approach

125. Ms C Visser (North West: DA) asked the Minister of Cooperative Governance and Traditional Affairs:

- (1) (a) What initiatives are currently undertaken and managed by her department to continuously ensure the institutional functionality, capability and sustainability of the 257 municipalities in the medium and long-term (details furnished), (b) how will her department ensure the implementation of the five pillars of the back-to-basics approach to assist the number of failing municipalities and those under administration and (c) what is the content of the five pillars of the back-to-basics approach (details furnished);
- (2) whether the five pillars of the back-to-basics approach initiatives are functionally implemented in the municipalities; if not, (a) why not and (b) what consequences will the Accounting Officers who fail to

comply with the approach face; if so, what are the relevant details?

CO270E

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson and hon members, government has recently adopted and is rolling out the District Development Model underpinned by the Back to Basics programme which will enhance and strengthen support provided to municipalities by all of government over the short to medium and indeed the long term. The department continues to support municipalities in collaboration with the provincial Co-operative Governance and Traditional Affairs departments, the National Treasury and other relevant stakeholders with the implementation of the pillars of the Back to Basics programme.

The primary objective of the Back to Basics Local Government Improvement programme is to create well-functioning municipalities that serve their communities better. It encompasses the following five pillars: firstly, put people and their concerns first and ensure constant contact with communities through effective public participation platforms. Secondly, create conditions for decent living by consistently delivering municipal services of the right quality and standards. Thirdly, be well-governed and demonstrate good governance and administration. Fourthly, ensure sound financial management and accounting, and prudently manage resources so as to sustainably deliver services and to bring development to

communities, and lastly, build and maintain sound institutional and administrative capabilities, administered and managed by dedicated and skilled personnel at all levels.

The Back to Basics approach has been implemented in municipalities with various successes in relation to the key elements underpinning the five pillars of Back to Basics. Nonperformance of municipalities is managed by the local government performance regulations for municipal managers and managers directly accountable to municipal managers of 2006. Thank you very much, Chair.

Ms C VISSER: Deputy Minister, over the next Medium-Term Framework period, all municipalities and governmental departments are required to cut their budgets with 5% in the first year, 6% in the second year and 7% in the third year, according to the Treasury. Hon Deputy Minister, you are required to cut R14,5 billion. How do you intend to cut this budget? Will you communicate the how part of the commitment and would you commit not to cut infrastructure?

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, we are awaiting final confirmation from Treasury as to the projected budget cuts on which basis we will be able to make decisions. We would advise accordingly. Thank you very much.

Mr A B CLOETE: Hon Deputy Minister, on the subject of sustainability, our tax and levy morale is based on the principle that one pays tax for services received and some of our taxes are used to provide services to those who cannot afford such services. One can thus argue that this is called a responsible state. Overtaxed South Africans are increasingly feeling marginalised from services and there is a growing but concerning idea of a tax revolt. Minister, these are overtaxed residents asking why they should continue paying taxes and levies if they do not show any return in the form of services they are paying for, which have been looted by politicians and officials.

These are questions by the working class people because they pay their taxes and levies but they are affectively overtaxed and now even more so with new levies and fees suggested by the Financial and Fiscal Commission. Minister, considering that paying South Africans are increasingly being alienated from basic services, what is your department doing to ensure that the tax fountain in municipalities maintained by those South Africans do not run dry?

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think it is important to indicate that, in terms of the local government system, there are different revenue streams, starting with Property Tax which is governed by the Municipal Property Rates Act which indicates that all property shall be valued

and rated, and that ratings should be done in an equitable way, in terms of the categories that people pay for, for Property Tax and that this should be used for purposes of providing services.

The other services, however, are in many ways trading services. The provision of water is on the basis of water supplied, utilised and therefore billing happens in line with consumption. The same applies to electricity. In essence when we deal with traded services in particular, we need to acknowledge that this has to do with the municipalities' ability to procure the water from the water board and to be able to sell such to the consumer. Therefore, we need to look at it as a trading service and we cannot therefore contend that it constitutes overtaxation because it is essence a trading service provided by the municipality. Notwithstanding that, it is important to indicate that the department is currently working with various municipalities in terms of the simplified revenue plan to ensure that we are able to collect revenue so that there is equity in relation to payment but also in relation to expenditure by the municipality. Thank you very much.

Mr S ZANDAMELA: Hon Deputy Minister, the Back to Basics failed based on wrong assumptions. The assumption that is wrong is that fixing the administration in municipalities would make local government work. That is a wrong assumption and the reality is that municipalities are funded along racial lines and apartheid spatial

planning with the assumption that they have the ability to collect the revenue.

The 9% that is allocated to municipalities is not sufficient for those municipalities. To make the Back to Basics work is to go and do an assessment on the Back to Basics and come up with a different initiative. I cannot understand why in the local municipalities we still outsource cleaners and securities. Why are all of the above services not insourced in the municipalities? We need to start there to fix the Back to Basics.

Make sure that all these senior managers who were implicated are in jail and we stop corruption. So, why are we not doing that as local government to fix those municipalities and go to the Back to Basics? Thank you. [Time expired.]

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, as indicated in my original reply, the Back to Basics is being implemented in all the provinces in our country to ensure that we meet the objectives. I think it is important to state here that, in fact, Back to Basics programme is premised on the White Paper on Local Government. It says that we must put people first and it cannot be wrong that we continue initiating efforts that ensure that people are put first; that we deliver services; we have good governance and sound financial management and that we have sound

institutional and administrative capability. In that regard, I think that it would be remiss to suggest that, in fact, Back to Basics is not supporting local governments to do the things that I have just raised with regard to what it seeks to achieve.

As to the mechanisms of implementation and organisational design, that ultimately remains the prerogative of the individual municipalities as to the institutional mechanisms that they adopt in the implementation of the various services that they provide. Thank you very much.

Mr T S C DODOVU: Hon Deputy Minister, I think I like what you say about the Back to Basics especially one of its pillars of institutional development. Is there any programme of government which focuses specifically on rural municipalities to ensure that we strengthen them and therefore the skills and expertise which are there at municipal level are retained especially for the rural local municipalities?

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Dodovu, I prefaced the reply to the question by talking to the District Development Model, particularly because it is intended that through the District Development Model, we would do two primary things. The first one is to create the mechanism of integrated government planning, budgeting and execution of programmes. So, we are looking

at it within the context of it being delivered within the geographic space, which is the district.

The second one relates to the support being provided to the local government, which is what hon Dodovu is raising. We have identified that many of the municipalities, particularly the rural municipalities, do not have the institutional capacity or resources to recruit appropriately and to ensure that they are able to execute the executive obligations.

So, through the District Development Model we would also be building the capacity that would be needed to support the local governments to ensure that they are able to implement their work. Depending on the capacity that exists in the districts we would create almost a shared service for the respective districts that can be accessed by the local governments and the district municipalities in terms of their ability to implement projects. That capacity would range from financial management, project management, town planning engineering services and other services that are so needed in particular in our poorer district municipal areas. Thank you very much.

Blacklisted underperforming municipal office-bearers

118. Mr S F du Toit (North West: FF Plus) asked the Minister of Cooperative Governance and Traditional Affairs:

How many (a) Municipal Managers, Chief Financial Officers and Mayors have been prosecuted for underperformance, (b) distressed municipalities were served by them and (c) such leaders have been blacklisted to prevent them from being redeployed to other municipalities?

CO263E

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon House Chairperson and hon members, section 173 of the Municipal Finance Management Act provides that the accounting officer of a municipality is guilty of an offence if he or she deliberately or in a grossly negligent way fails to, amongst other things, take reasonable steps to implement the municipality's supply management chain management policy; take all reasonable steps to prevent unauthorised irregular or fruitless and wasteful expenditure; and take reasonable steps to prevent corruptive practices.

Section 57(a) of the Municipal Systems Act, as amended in 2011, empowered the Minister of Co-operative Governance and Traditional Affairs, Cogta, to establish a record of staff dismissed with serious misconducts such as fraud, corruption, financial misconduct and breach of the code of conduct for municipal staff. As of 9 March 2019 this database had 290 municipal employees dismissed for financial misconduct, fraud and corruption.

Since 9 March 2019, the Municipal Systems Amendment Act of 2011 together with the provisions of section 57(a) have been declared invalid by the Constitutional Court resulting in, *inter alia*, legal uncertainty regarding the enforcement of the latter provisions.

In order to provide guidance and ensure that municipalities continue to comply with the Municipal Systems Act and all amendments made prior to the Municipal Systems Amendment Act of 2011, the department will be issuing a circular to all provinces and municipalities outlining the provisions of the Municipal Systems Act that are not affected by the invalidity of the Municipal Systems Amendment Act of 2011.

The performance of senior managers is dealt with in terms of the performance management regulations of 2006. The objective of these regulations is to ensure that all senior managers of a municipality participate in the overall performance management of the municipality in order to maximise the ability of the municipality as a whole to achieve its objectives and improve the quality of life to its communities.

Chapter 3 of the disciplinary regulations for senior managers provides procedures for dealing with substandard or poor performance by senior managers that may lead to dismissals by the municipality.

Thank you very much.

Mr S F DU TOIT: Hon Deputy Minister, I want to know when will the database with the blacklisted managers who have been dishonourably discharged be available and where can we view it. If you can supply us with more information with regard to that, it would be appreciated. Thank you.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon House Chairperson, as indicated, we will be issuing a circular to indicate how the database would be implemented going forward and that should indicate how such should be accessible, in particular to the municipalities that will be employing these individuals. The database is being withheld and there is an impasse that has been created by the court and the rulings of the court. Thank you very much.

Kkz. D G MAHLANGU: Sihlalo Wendlu, ngithoma ngokuthokoza ipendulo ehle. Umbuzo wami wamarherho uphendulekile ekutheni sesikuphi kwanje. Engifuna ukukwazi ... ngibuza ngombana ... *(Translation of isiNdebele paragraph follows.)*

[Ms D G MAHLANGU: House Chairperson, first of all let me start by giving thanks for the good answer. My question about our plans and what we're doing is answered and as to where we are now. What I want to know ... I am asking because ...]

... two days ago, as a Committee on Appropriations, we had a presentation by Treasury on the state of municipalities. Most of the municipalities are in distress and are deteriorating.

Engifuna ukukwazi kukuthi: Njengombana nani nimbuso niyabona bonyana kunomraro oenjenga lo, likhona irherho nanyana iplani yokuthi sizowukhupha njani umbuso ebujameni okibo lo? Silila khulu ngabaphathi babomasipala, ngibo abasenzela phasi kwangathi siphethjhukelwe kwanje. Ngiyathokoza. (*Translation of isiNdebele paragraph follows.*)

[What I want to know is: As government, do you see that there is a problem, and is there a way or a plan that we can use to take out the government from this situation? We are complaining too much about municipal managers and CFOs; they're the ones who are letting us down as if we are failures. Thank you.]

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson and hon members, I think it is important to indicate that there is a minimum competency requirement for senior managers in local government. The minimum competency requirements dictate that they should have particular skills and capabilities so that they are recruited as senior managers in local government.

The second is as indicated in my earlier reply. It is important that when such are not performing in line with performance requirements, the municipality is able to apply the regulations that indicate how performance management should be executed. The performance management regulations of 2006 indicate what steps the municipalities should take to ensure performance management and hold those managers to account.

I am therefore responding to the question in two ways; the first one is about recruiting people appropriately skilled and the second one is ensuring that the performance management system is applied through the regulations if there is underperformance. What is important is that we need to continuously monitor how the municipalities are implementing these regulations, which we would continue improving on, in line with the Back to Basics approach. Thank you very much.

Manana B T MATHEVULA: Xandla xa Holobye, timasipala hinkwato ta le Limpopo ti na swivandla swo pfuleka eka swiyimo swa nkoka. Leswi swi tsandzisa timasipala ku tirha hi ku hetiseka. Ndzi lava ku tiva leswaku xana i yini xi mi tsandzisaka ku siva swivandla leswi? Ndza khensa. (*Translation of Xitsonga paragraph follows.*)

[Ms B T MATHEVULA: Deputy Minister, all municipalities in Limpopo have vacancies in respect of key positions. This results in

municipalities not functioning efficiently. I would like to know what is stopping you from filling those positions. Thank you.]

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I might be lost in translation, I got about 50% of the question.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I can assist you: A lot of municipalities in Limpopo have acting people in key positions. What is it that you are doing to address that?

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, thank you for the assistance ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Mm ... vacant and acting. [Interjections.] You don't even know your language. Hon Deputy Minister ...

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think I should indicate that we are also concerned about the levels of vacancies in local government. In line with Back to Basics, we continue to ensure that we work with provinces and the Back to Basics teams to ensure that municipalities are able to

recruit appropriate people. We do keep a database and record of those municipalities that have not recruited senior people at the appropriate level and ensure that we work with them to facilitate appropriate recruitment.

I want to make a point of emphasis: Ultimately, the responsibility to recruit is that of the municipality. Our responsibility is to ensure that we exercise adequate oversight and in the process advise the relevant authority, including the provinces, that the municipality should take the necessary steps to recruit the senior managers who are required.

At the second level I think it is partly in acknowledgement of this reality that we are also implementing the District Development Model that should supplement the capacity that is there in our local authorities. Thank you very much.

The HOUSE CHAIRPERSON (Mr A J Nyambi): The last supplementary question will be from hon Boshoff, but before that, hon Ministers and Deputy Ministers that will be going to the podium, there is that facility there in case ... Afrikaans is on channel one; English two, Xitsonga three, isiNdebele four, isiXhosa five, isiZulu six, Sesotho seven, Sepedi eight, Setswana nine, siSwati 10 and Tshivenda 11.

So, as we know that we do not have any problem, we promote all the languages. In case they use a language that you might not be comfortable with, then you have that.

Ms H S BOSHOFF: Good afternoon to you, Deputy Minister. Not so long ago the President stated that all officials who are found to be corrupt must be held to account. What I would like to know from you, Deputy Minister, is whether you are going to take this call by the President seriously and whether you, today, will undertake to table a full comprehensive report to this select committee and the extent of the maladministration. I would also like to know how you are going to hold people accountable or charge them according to or before Chapter 9 and 10 institutions. Thank you very much.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon House Chairperson, as indicated, we, as a department, hold the database of those who are acting in a manner that is contravention of the Supply Chain Management Regulations, act in a manner that is corrupt or are guilty of financial misconduct so that appropriate action is taken against them and that those are not recruited into other municipalities. This database has been kept and has worked to a great deal in assisting municipalities to identify those individuals and intervene appropriately.

In line with the legal opinion that we have sought with regard to the application of the database, we should be able to indicate to the select committee the process going forward as soon as we have provided clarity in the circular project as to how the database would be managed, controlled and how this information would be shared with relevant stakeholders. Thank you very much.

Concerns by Auditor-General

113. Mr T S C Dodovu (North West: ANC) asked the Minister of Cooperative Governance and Traditional Affairs:

Whether her department has developed any plans to address concerns that were raised by the Auditor-General regarding the persistent poor performance of municipalities (details furnished); if not, why not; if so, (a) what plans and (b) what are the further relevant details?

CO258E

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, the department has, through the Municipal Infrastructure Support Agent, Misa, deployed resources to 87 municipalities to enhance municipal capacity assessment, improved municipal infrastructure planning, and operation and maintenance. The resources are in the form of nine chief civil engineers, 34 civil engineers and technologies, 14 town and regional planners and

nine provincial managers. These teams are supported by a back office of sector specialists in water, sanitation, energy, operation and maintenance, and solid waste management. Eighteen water service authorities in the district municipalities are supported through Misa's infrastructure inspectorate to assess the functionality of water and sanitation infrastructure.

The OR Tambo, Sekhukhune and Amathole District Municipalities are supported through the implementation of the Regional Management Support Programme. Thirty municipalities are supported with the development and implementation of the Spatial Planning and Land Use Management Act, Act 16 of 2013, compliant plans and the department is supporting selected municipalities to address gaps within revenue management through the development of simplified revenue plans to improve the quality of data, reduce municipal-consumer debt and increase collection of revenue. Thirty municipalities were assisted in the prior year and 35 municipalities are currently being assisted.

The department has developed prototype staff establishment to assist municipalities with the administrative and financial capacity to establish and organise the administrations such that they are responsive to the needs of communities. The objective of these prototypes is to establish uniform standards for review of municipal staff establishment while ensuring efficiency and effectiveness in municipalities.

The department will also promulgate regulations, setting out uniform standards for staff members below the management echelon. These regulations will provide a governance framework for the appointment of municipal employees with a necessary technical and professional skills and capabilities. It could also incorporate a competency framework in occupational classes in local government that regulates minimum standards for recruitment, selection and appointment. And will create a career public service and foster all municipal employees to participate in the performance management system of a municipality in order to maximise the ability of the municipality as a whole to achieve its objectives.

We will also ensure that municipal employees who are not performing optimally are held accountable. Strengthening checks and balances by ensuring that municipalities comply with the minimum competency requirements and providing for consequences of appointments made in contradiction of the procedures and criteria as set out in the Amendment Act.

Furthermore, the support is provided through the assessment of audit action plans for adequacy on the implementation of audit action plans through participation in intergovernmental forums. In addition, the sector departments within the local government space convene and engage on core areas which include monitoring compliance with the Municipal Finance Management Act, MFMA, and its supporting regulations.

On the issues raised by the Auditor-General, AG, and financial recovery plans, the attendance of Municipal Audit Committees and audit committee meetings where root causes of issues raised by the AG are discussed and the review of annual financial statements are largely done at a provincial level.

The department, in collaboration with National Treasury and SA Local Government Association, Salga, developed a guideline on municipal public audit committees to assist the Municipal Public Accounts Committees, Mpacs to perform their oversight and other related responsibilities which include reviewing and recommending to council, actions or otherwise relating to the expenditure and conclusion of unauthorised irregular and fruitless expenditure, UIFE and ... [Inaudible]. The implementation of the district delivery model, underpinned by Back to Basics programme offers a ready platform to address the systemic challenges including concerns raised by the AG in relation to municipal performance. Thank you very much.

Mr T S C DODOVU: Hon Deputy Minister, despite all these concerns by the Auditor-General, AG, there seems to be a problem because these "UIFEs" - as you call them - are skyrocketing all the time - unauthorised expenditure, fruitless expenditure, irregular expenditure and so on and so forth. It would seem that officials act with impunity because there is no action that is taken against those who are responsible. As I said, they have styled it now. I only knew

UIF as the Unemployment Insurance Fund, but now it is called "unauthorised irregular and fruitless expenditure".

What are the practical actions that the department is taking to ameliorate the situation?

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think in the first instance it is important to indicate the approach that says we need to enhance the support that we provide to municipalities particularly in relation to those that do not have the requisite capability and capacity to recruit people who have the necessary skills. And that is why we are implementing the District Development Model. So, as a means of intervention, I think, in the first instance, we have a duty - both as provincial and national government - to undertake our constitutional obligation in terms of section 154 to provide the requisite support through appropriate institutional mechanisms.

The second one is about ensuring that, through the performance management regulations but also the database that I referred to earlier, we are able to identify areas and instances where such ... are acting with impunity in a manner that undermines the control environment in the municipality and accountability and supply chain management.

In essence, what we are saying, hon Dodovu, is that, it is important that through the database that we generate, we are able to identify those and we ensure that appropriate action takes place to ensure that those officials who are in contravention are held to account.

In instances where municipalities do not take the appropriate action on time, it is also important that we work with our provincial counterparts so that appropriate action is taken in reference to, amongst others, the earlier decision that was taken by this Council to ensure that we are able to intervene timeously to facilitate that local government does not act in a manner that is in contravention of the regulations. Thank you very much.

Ms C VISSER: Hon Deputy Minister, despite the recent changes in law the Auditor-General, AG, still does not have enough teeth to hold municipalities accountable. Are you going to change the legislation to make municipalities accountable to the provincial legislatures?

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think it is important to restate that the new Act that applies to the powers of the AG is also applicable to local government. So, in instances where the AG needs to facilitate appropriate action the new Act would be out in place. I know that there are certain departments in the national government that have been identified as test sites for the implementation of the Act, but

it is also the intention of the AG to identify municipalities where such action will be taking place. Thank you very much.

Mr A B CLOETE: Hon Deputy Minister, there is something we are actually not considering, and that is political interference and instability owing to infighting in councils, as well as the lack of political leadership where issues of concern which were raised by the Auditor-General, AG, in the previous financial year have contributed to the dire states of municipalities. Failures by municipalities have become so bad that South Africa was forced to give the Auditor-General more authority to take steps against officials who are found guilty of irregularities even though the Municipal Finance Management Act, MFMA, allows councils to take similar actions.

Deputy Minister, considering that the AG found "political infighting at council levels and interference in the administration weakened oversight and did not enable the effecting of consequences and if the municipalities' leaders are unethical, it will filter through to the lower levels of municipalities".

Considering that the AG can compile investigative reports on request, would your department be willing to request the AG to fully investigate the impact of political infighting and interference in such municipalities?

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think, in the first instance, it is important to indicate that the conduct of political office bearers in local government is governed by the code of conduct of councillors. It is very important to ensure that this code of conduct is being adhered to, to the extent that public office bearers at the local level are held to account in line with it. And I think that we haven't always done enough to always oversee that, in fact, local government implements the code of conduct and the guidelines that provide for holding people to account.

Our ultimate responsibility, as both national and provincial governments, is to ensure that, when such conduct impacts negatively on local government, we take appropriate action in terms of section 139 of the Constitution. That would start with issuing directives to the council to ensure that they are able to remedy that. Failure to do that would then include invoking section 139(1)(b) or section 139(1)(c). Thank you very much.

Mr A B GOYIYA: Hon Deputy Minister, has the Rapid Response technical support Team been able to assist the financially distressed municipalities to develop their financial recovery plans? To what extent does that include those municipalities that were involved in the VBS Mutual Bank scandal which was, of course, used as an orchestrated plan to fund some politicians and political parties?

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think it is important to state that Rapid Response technical support Team has been working with municipalities and assisted many of those to recover in line with the necessary requirements of the rapid response interventions that have been identified. This would include, amongst others, interventions with regard to improved revenue plans but also areas of improved performance with regard to the infrastructure interventions that we are utilising, Misa, as a means through which we are able to intervene in this regard.

We are working with the various provincial governments to identify those municipalities that are impacted by the VBS saga to ensure that we are able to assist them to recover. One of the things we need to mitigate against this is that, whilst there could be public office bearers and officials who have acted in a manner that impacts on the viability of the municipality, in the long terms, this should not be at the expense of and to the detriment of communities. So, we have a collective responsibility to assist those municipalities to recover and to ensure that, whilst people are held accountable, we can support them to provide the services that are required by the communities. Thank you very much.

Commencement/finalisation of audits

126. Ms C Visser (North West: DA) asked the Minister of Cooperative Governance and Traditional Affairs:

- (1) (a) Why has the Auditor-General been unable to commence and finalise the audit for her department as prescribed by the Public Finance Management Act, (PFMA), Act No. 1 of 1999, by the legislated date of 31 August for the past three Regulatory Audits and (b) why was her department unable to compile and submit the (i) 2015/16, (ii) 2016/17, (iii) 2017/18 and (iv) 2018/19 Annual Financial Statements (details furnished);

- (2) (a) why is her department dysfunctional concerning its institutional compliance and (b) what mechanisms are in place to ensure that the National Treasury and her department are fit for purpose to continue to function as the governance custodians over the local government?

CO271E

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think it is important to state, in the first instance, that the Minister of Co-operative Governance and Traditional Affairs, Dr Nkosazana Dlamini-Zuma, has expressed concern at the Department of Co-Operative Governance and Traditional

Affairs for its failure to submit its annual financial statement to the Auditor-General within the required timeframe.

To this effect, the Minister called on the leadership in the department to always ensure that they comply with the relevant prescripts relating to the submission of annual financial statements. The department, however, was unable to submit the 2018-19 annual financial statements to the Auditor-General within the legislative timeframe which was the end of May 2019, due to outstanding information relating to the disclosure of Community Work Programme assets. However, we submitted the 2018-19 annual financial statements at the end of June 2019. Therefore, this impacted on the ability of the Auditor-General to complete their audit of the department within the prescribed timeframe.

I think it is also important to state, in response to the question, that for 2015-16 and 2016-17, the annual financial statements were provided on time. With regard to 2017-18, the annual financial statements were submitted at the end of July instead of May and the main reason remains the Community Work Programme and the large number of assets and consumables administered by the implementing agents that could not be confirmed and verified for the adjustment of the annual financial statements.

The department was also unable to submit the 2018-19 annual financial statements within the legislative timeframes which is the

end of May, and again, due to the outstanding information and disclosure of Community Work Programme, CWP, assets, and those, as indicated earlier, were submitted at the end of June 2019. Due to the reasons given above, the department delayed the submission of the 2017-18 and 2018-19 annual financial statements and that had an impact on the Auditor-General's ability to start and complete the audit processes within the prescribed time period.

The department is working hand in hand with National Treasury on the following: A review and monitoring of the implementation of audit action plan's technical visit; training and engagement with municipal officials; internal audit units, promoting Interpretation of Generally Recognised Accounting Practices, Igrap learning; attendance at audit steering committees and audit committees to assist in addressing the root causes of the audit findings; training of the municipal disciplinary board members; councillors serving on municipal finance committees and on Municipal Public Accounts Committees, Mpacs. The department, together with Treasury, also developed a toolkit I referred to earlier, to ensure that councillors are able to undertake their responsibilities in Mpacs.

Furthermore, the department assists the municipalities by institutionalising B2B Programme, post-audit action plans, and revenue enhancement. And with the introduction of the District Development Model, we envisage further improvement in this regard. To a large extent, I think it is important to state the point that

the impact of the Community Work Programme on the department is something that is receiving our collective attention in both the Ministry and the department, but it would be somewhat extreme to suggest that the department is dysfunctional as a result of late submission of financial statements, particularly in relation to the Community Work Programmes. Thank you very much.

Ms C VISSER: Hon Deputy Minister, what is the content of the institutional initiatives and implementation plan to re-engineer, enhance and strengthen institutional governance, financial and management functionality, capability and sustainability of the national Department of Co-operative Governance to function as an effective institutional and governance custodian on the Local Government Municipal Systems Act, the Local Municipality Structures Act and the Municipal Property Rates Act over 257 municipalities with local government in South Africa that is collapsing? Thanks.

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think I should state that the revised strategic plan of the department and the Annual Performance Plan would indicate what the department's plans are with regard to improving its performance. Thank you very much.

Ms M O MOKAUSE: Deputy Minister, part of the reasons why the Department of Co-operative Governance and Traditional Affairs,

Cogta, failed in the past is the use of consultants by Minister Des Van Rooyen and Mr Jamnadas. Some of the consultants were appointed irregularly and others were even appointed to benefit those in power. Since your term started as the Deputy Minister, have you found the department competent enough to do the work or are you still using consultants?

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Well, the government does continue to use consultants where they are required to assist in relation to particular areas of skills and expertise that we might not have at that particular point in time. But with regard to the Community Work Programme in particular, I think it is important to indicate that we are talking about implementing agencies that work on behalf of the department as an extension of the department to oversee the implementation of more than 4 000 sites at which the Community Work Programme is being implemented.

So, we do need some degree of external capacity that we source to implement such a massive programme with a number of sites that the programme is responsible for. Our view is that the utilisation of consultants and external expertise should be done in a judicious manner, cognisant of the need to continuously build the necessary skills and capability in the department. Thank you very much.

Moh T C MODISE: Motlatsatona wa lefapha la Pusoselegae le Merero Ya Magosi, jaaka o setse o tlhalositse gore mo nakong e e fetileng, lo neetse baruni dikwalo tsa lona thari, ke batla go itse fa lefapha la gago le nale le badiri ba ba nang le bokgoni kgotsa dithutego tse di maleba tsa go ka kgontsha gore boruni ba fitlhe ka nako ko go Morunikakaretso? Ba bo ba tsaya dikgato morago ga go boruni ba ga Morunikakaretso. Ka gore bontsi ba nako ga ba tseye dikgato, go nna fela jalo le fa Morunikakaretso a dirile dikatlanegiso, galo tseye dikgato. Jaanong ke kopa go itse gore a bana le dithutego tse di maleba motlotlegi. Ke a leboga. *(Translation of Setswana paragraphs follows.)*

[Ms T C MODISE: As you have explained, Deputy Minister of Co-operative Governance and Traditional Affairs, in the past you submitted your documents late to the auditors. I want to know if your department has competent officials who can ensure that documents reach the Auditor-General in time?

Furthermore, are they able to take action after the audit? That is as a result of you not doing anything about the recommendations from the Auditor-General. I need to know, do they have the relevant qualification, hon Minister? I thank you.]

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think with regard to the question of capacity, one

should respond to the question in two ways. The first relates to the capacity in CWP, particularly when the programme was relocated to the department. A lot of this capacity was built through the engagement of the non-profit organizations, NPOs, that are responsible for the implementation of the programme and our responsibility is to hold them to account to their performance.

One of the things that we raised with the department is that they need to ensure that we hold the NPOs to account in a much more stringent way and I can report that many of the NPOs have, in fact, found instances where we have either delayed payment or imposed sanctions as a result of noncompliance. We think that it is important that we impose the necessary sanctions when there is noncompliance.

The second part of my response relates to the internal capacity from an audit point of view, and that internal capacity relates to the capacity that we have in the office of the Chief Financial Officer of the department. Now, when the CWP was relocated to Co-Operative Governance and Traditional Affairs, the department did not necessarily expand the capacity of the office of the Chief Financial Officer at the same time. So, we are still utilising the same personnel to manage what is now a much larger programme than was initially there and that is an issue that is receiving our attention to ensure that we can now deal with the limitations in what would

have been a much smaller programme having grown significantly in terms of size as a result of the inclusion of CWP.

With regard to corrective action, we do believe, as I indicated earlier, that corrective action has been taken against the NPOs that are responsible for the implementation of the programme to the extent that they were not complying with our requirements and internally we do hold officials to account against the performance requirements of the officials in the department. Thank you very much.

Ms M N GILLION: Chairperson, when we talk about fit for purpose, we can never be selective. In this Western Cape, under the leadership of the then MEC of Agriculture and now the Premier Alan Winde, failed to comply with the request from the Auditor-General to report according to standard format about transfer payment to Casidra Limited, which is an agency of the department. Accountability and good governance must apply to everybody across the border.

Deputy Minister, I really need to ask you this question, what is the level of improvement that the department has made in ensuring that it improves its financial viability and internal control measures particularly in addressing previous recommendations that were made by the Auditor-General? Thank you.

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I think it is important to indicate that the matter of improvement in performance has been dealt with at two levels. The first one is in line with the new tender that was issued to appoint non-profit organizations. Additional requirements were placed, including the imposition of penalties in instances of noncompliance and that has enabled the department to then take the corrective action that I referred to earlier.

At the second level, there is an issue about the improvement within the department to the extent that we ensure that our own officials are held to account but also that we review the audit action plan. We are currently working with the Office of the Auditor-General to review the audit action plan that was provided by the department and are exercising oversight directly from the Ministry to ensure that the gaps identified by the Office of the Auditor-General are resolved and the audit action plan responds to the issues that are necessary to ensure that we overcome the challenges that we currently have in the department. Thank you very much.

Vredefort Local Municipality office

135. Mr M S Moletsane (Free State: EFF) asked the Minister of Cooperative Governance and Traditional Affairs:

Whether she will intervene in the Vredefort Local Municipality office that is located in the township which does not render any services to the community (details furnished); if not, why not; if so, (a) how and (b) what are the further relevant details?

CO281E

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, the Ngwathe Local Municipality has a satellite office in Mokwallo Township, situated in the town of Vredefort, which was established to bring services closer to the community residing in the area. It has been established that the satellite office was unable to render services as intended because it was utilising an old database system which could not handle the increased demand as the community grew.

The Ngwathe Local Municipality then phased out this system and has been using a new system for at least the past two months. The new system has enabled the municipality to provide the following services in the Mokwallo office: The selling of graves; the selling of electricity; the rental of halls and payment of other municipal services.

Given the recent developments, we will monitor the impact on service delivery to the community using Cogta's Back to Basics monitoring tools and the municipality will be duly engaged through the process to ensure that where gaps are identified, they are promptly

addressed and additional support is provided as and when required in order to effectively provide basic services to the community of Mokwallo. Thank you very much.

Mong M S MOLETSANE: Motlatsa Letona, bothata bono boo batho ba Vredefort ba nang le bona, ba hore ebe ba ne ba sokola ho lefa ditshebeletso ofising ya masepala lokeisheneng, bo atile haholo metseng ya rona ya batho ba batsho. Mme ke nahana hore tsela eo ke ho ntshetsa pele leano le neng le sebediswa ke mmuso wa pele wa kगतello. E se e ka le makeisheneng a mang ho ka ba jwalo - ditshebeletso di iswe bathong - hore batho ba bo rona ba batsho ba tle ba tsebe ho lefa ditshebeletso tsa bona. Ke a leboha.

(Translation of Sesotho paragraph follows.)

[Mr M S MOLETSANE: Deputy Minister, the same problem that the community of Vredefort had, of struggling to pay for their services at the municipal office in the township, is still very prevalent in our black townships. I think that this is just a continuation of the same system that was used by the apartheid government. I wish this could also be done in other townships - that services be taken to the people - so that our black people are able to pay for their services. I thank you.]

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, I agree with hon Moletsane that we need to ensure

equitable delivery of services throughout our communities, in as much as we have a collective responsibility to ensure the financial viability of our municipalities through payment of services.

We also need to be working with our communities to ensure that these are able to contribute to the services for which the municipality provides, including - of course - rates, so that communities are able to contribute to the financial sustainability and viability of municipalities.

What we have observed with regard to Ngwathe Local Municipality in particular is that since the introduction of a new system, we are beginning to see progress, but we'll have to continuously monitor this progress. Thank you very much.

Mr W A S AUCAMP: Hon Deputy Minister, it is admirable that the EFF cares about this particular community, but we in the DA care about all communities. We care about Vredefort. We care about Thabazimbi. We care about Kuruman. We care about all the communities in this country. [Interjections.] Our question is: Do you plan on intervening in every other municipality which is not rendering services to their community and sitting in the same situation as Vredefort? Thank you very much.

The HOUSE CHAIRPERSON (Mr A J Nyambi): It's a comment, hon Deputy Minister!

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, indeed, as public representatives and government, we have a responsibility to serve all the people of this country. The programmes that we have developed are intended to support all of local government to be able to provide services to all the people of this country. The District Development Model, indeed, will be supporting all the local authorities in the Republic. So, we are not going to select one municipality against the other. It is applicable to everybody. Thank you very much. [Interjections.]

Nk L C BEBEE: Sihlalo weNdlu, ngicela ukubuza Sekela Ngqongqoshe womnyango ohloniphekile, ukuba ngabe umnyango ukwazile yini ukubona omasipala abahlulekayo ukuhambisa izidingonqangi kubantu? Uma kunjalo, kungani pho kuqhubeka izinkinga kulabo masipala abayisishiyagalolunye? Uma kungenjalo, yisiphi isisombululo umnyango oze naso ukuqinisekisa ukuthi uyakwazi ukubona omasipala abadinga usizo kusanekhathi. Ngiyabonga Sihlalo. (*Translation of isiZulu paragraph follows.*)

[Ms L C BEBEE: House Chairperson, I would like to find out from the Deputy Minister if the department has been able to identify the municipalities that are unable to deliver the basic services to people. If the answer is yes, why do the nine municipalities continue to experience these challenges? If it's not so, what are

the solutions your department have introduced to ensure that municipalities in distress are identified and assisted timeously?
Thank you, Chairperson.]

The DEPUTY MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR LOCAL GOVERNMENT (Mr M F P Tau): Hon Chairperson, yes, the department has, working together with National Treasury, identified municipalities that are unable to meet their executive obligations, in particular with regard to the provision of services and their financial sustainability. Part of our intervention through the District Development Model is intended to provide support to the local governments to ensure that they are able to meet their executive obligations.

Also, I think it is important to indicate that the Municipal Infrastructure Support Agent, Misa, has been utilised by the department as its agent to support municipalities that do not have engineers, town planners and so on, so that there is necessary skills and capability to enable those municipalities to exercise their responsibilities.

In many of those, where we have intervened, we have seen remarkable progress with regard to the implementation, amongst others, of the Municipal Infrastructure Grant. In terms of other interventions that we are looking at, this would include the simplified revenue plans that are being implemented in some of the other municipalities,

where we are beginning to see that, as a result of the implementation of these simplified revenue plans, revenue performance is improving in those municipalities.

Lastly, through the District Development Model, we seek to enhance this work and ensure that the work that we do throughout the country makes a direct impact on all the local authorities in the country. Thank you very much.

The HOUSE CHAIRPERSON: Thank you, hon members. Allow me to take this opportunity to thank the Deputy Minister of Cooperative Governance and Traditional Affairs, hon Tau, for availing himself to take questions in the NCOP. [Applause.] Thank you, hon Deputy Minister Tau. Now I extend the invitation to the podium to hon Minister Macingwane. [Applause.]

Delegation of executive authority

104. Mr K M Mmoiemang (Northern Cape: ANC) asked the Minister of Public Service and Administration:

Whether his department has started with the induction of Members of the Executive on the delegation of executive authority to Accounting Officers, especially regarding the recruitment of personnel which has always been contentious between the Executive and Accounting Officers of government

departments; if not, (a) why not and (b) when will such an induction start in order to ensure that there is clear understanding in this regard; if so, what are the relevant details?

CO248E

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair and all the members in the NCOP, the response to Question 104 is: Upon the appointment of members of the executive, the Presidency, as a practice, co-ordinates an induction programme that occurs over two days for the new members of the national executive. The Department of Public Service and Administration makes presentations at that induction programme to clarify the different roles and responsibilities of executive authority and the head of the department or director-general, DG, regarding the powers vested in terms of Public Service Act of 1994, including the recruitment of personnel. A similar presentation is made by the National Treasury to clarify the different roles of the executive authority and accounting officers in terms of the Public Service Management Act of 1999. These are the things that actually happened after getting appointed. Thank you.

Mr K M MMOIEMANG: Chairperson, let me also appreciate the response by the Minister that indeed work has started. My follow-up question is as follows: What mechanism has the department put in place, hon Minister, to ensure that there are clear guidelines on lines of responsibility, particularly around matters that deal with

recruitment of personnel informed by our commitment as the ruling party in employing senior managers? Merit principles must always apply to senior appointments based on legislation, legislated prescript, but also informed by our agenda to transform and modernise the Public Administration, which obviously at the centre of it is aimed at professionalising the Public Service and Administration. Thank you, hon Minister.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Well, apart from many provisions that guide us on this aspect, the National Development Plan, NDP, espouses aspirations in respect of delegations, accounting and oversight. In this regard, the Cabinet approved the Principles of Public Administration and Financial Delegations and minimum levels of delegations on 7 August as far back as 2013. In respect of the powers and duties necessary for the recruitment and other human resources practises, and the Minister of Public Service and Administration issued the Directive on Public Administration and Management Delegations on 4 August 2014, to provide the heads of departments with greater delegations for things they are responsible for. Various delegations that were issued in terms of the directive provided for maximum delegation to DGs and HODs based on the minimum levels that had been approved by Cabinet before, and the Directive on Public Administration and Management Delegations 2014 intends to ensure a closer alignment between the powers and duties of HODs and DGs, as accounting officers in terms

of the Public Service Act of 1994 and the Public Service Management Act of 1999. Thank you.

Mnu T J BRAUTESETH: MaCingwane ...

UNGQONGQOSHE WEZEMISEBENZI YOMPHAKATHI: Baba wakithi. (*Translation of isiZulu paragraphs follows.*)

[Mr T J BRAUTESETH: MaCingwane (clan name of the Mchunu's)

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: My fellow man.]

Mr T J BRAUTESETH: It's good; I assume you are from Natal.

[Laughter.] We know each other. Minister, in a recent answer to a written question from my colleague the hon Leon Schreiber, you confirmed that the R30 billion was spent in a year on paying managers who run government departments, including accounting officers who were referred to in hon Mmoiemang's question. What specific measures do you have in mind Minister to ensure that the South African taxpayer is getting value for money for their taxpayer's bag and also that we can ensure productivity from these accounting officers and managers on whom we are spending all this money? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I would say by and large, if South Africa was a company with regard to public

service - that is services that are rendered to the citizens of this country - we would be talking about a going concern. In other words, a company that is working. At what level towards satisfaction level is a different matter, but the fact of the matter is that schools, hospitals, and offices generally where public services are rendered do work. We may then say we are not satisfied with this and that. Now, all the people who are rendering those services in all those offices are public servants, some of whom are the ones who are paid that part of R30 billion per financial year.

So, we mustn't take for granted the services that we get all over the country from Cape Town to Musina, Mpumalanga and all those places on a daily basis - whatever services. In addition to that, we all have a challenge, including us in the Public Service to make sure that whatever service is rendered at the moment in terms of quality we improve on that. We always undertake that we will do whatever it takes to move things up such that indeed we can confidently stand in front of you and say that the taxpayers are getting value for their money. Over and above that, on the cautious side and as part of our concern on the Wage Bill, there are certain initiatives we are taking so that it is not just a question of saying as long as people are satisfied then that is all fine. We should mind the GDP and the state of the economy we have in the country. I would say so. Thank you very much.

Ms M O MOKAUSE: Minister, the reality is that there is no misunderstanding of the law between the executive authority and the

accounting officers. The ruling party has over time allowed those who occupy high positions to misuse power and appoint people without skills in top positions whilst there are people who are paid to do the job within the public sector. The majority of those people who come as cadre deployment, come with no experience at all and take the chunk of the budget within the public sector. Don't you think that it's time to do away with employment of those who are linked to the top brass within the public sector?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: There has never been time to do that. There has never been any time; in other words, no bell ever rung to do what you perceive or may have an experience of. The rules and the laws of the Republic have always linked your qualifications and experience on the basis of merit attached to any advert. This is evident in adverts that are always made and interview procedures that are followed. There are some instances, where people may make an effort to override those rules. There are rules. If you are going to be a director or chief director, there are rules that need to be followed right from advert up to appointment. Having done that, in case there is a proof that those things were overlooked, there are always consequences for that, including reversal of such appointments. So, there has never been a majority of cases where it's just willy-nilly done, but in those incidents you can come forward and we will work together and ensure that we put a stop to those. Thank you.

Mr G MICHALAKIS: Minister, how can you ensure that nepotism or perceived nepotism does not take place in the appointment of office staff? This is an issue across all the three spheres of government from municipalities to national departments. I think the most recent example of such nepotism is the Minister of Public Works, who appointed her sister. [Interjections.] Have you had a discussion with Minister de Lille about the embarrassment that she has caused your government in light of your efforts? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I would say that the category of incidents or the examples you are giving are not desirable and are the ones that you and I have to fight against. You are quite privileged more than 58 million South Africans who are out there, outside this House, in terms of the possibility of you taking charge of that issue together with us. So, the will is there, the rules and regulations are there. All we need to do is to execute on our side. We are saying that, if we have an incident like that, we should stop it, not during the day, not at night but early in the morning. Let's put a stop to it. You and I have a great privilege in doing so if we work together. Thank you.

Delay in assenting to Act

119. Mr T J Brauteseth (KwaZulu-Natal: DA) asked the Minister of Public Service and Administration:

Whether he has found the delay by former President Jacob Zuma in assenting to the Public Administration Management Act, 2014 (Act No. 11 of 2014), in December 2014 and implementing the Act's directive to establish the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (details furnished) to have played any role in the explosion of corrupt activities between 2015 and 2019; if not, what is the position in this regard; if so, what are the relevant details? C0264E

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chairperson, the Public Administration Management Act, Act 11 of 2014 was passed by the National Assembly in March 2014, and was assented to by the former President on 19 December of the same year. The Act was subsequently published in the *Government Gazette* on 22 December of the same year.

By giving you these dates I am attempting to clear away any perception that there were delays.

Despite being assented to in 2014, the Act was challenging to implement due to the nature of the provisions and the need for regulations.

So, on 1 April this year, the President, by way of a proclamation, operationalised 13 sections of the Act, including section 15 which established the Public Administration Ethics, Integrity,

Disciplinary and Technical Assistance Unit, while sections 5, 6, 7, 9, 12, 11 and 19 remain inoperative.

The sections that have not been operationalised either require regulation for proper implementation, or there are factors that indicate that an amendment of the Act is required. Therefore, the delays in the establishment of the Public Administration Ethics, Integrity, Disciplinary and Technical Assistance Unit can't be attributed to any perceived delay. Part of the role of the Public Administration Ethics, Integrity, Disciplinary and Technical Assistance Unit is to strengthen government oversight, ethics, integrity and discipline and, where necessary, in cases where systemic weaknesses are identified, to intervene.

This role is expected to build and support systems that already exist within the public administration to deal with corruption.

What has become clear over the past year as revealed in the Zondo Commission is that the systems within government were blatantly disregarded and that, in some instances, persons who were charged with ensuring proper governance failed to discharge those responsibilities.

The Public Administration Ethics, Integrity, Disciplinary and Technical Assistance Unit on its own will not remove corrupt elements within the public administration, but a combined effort, a

strong system of governance and a public service cadre dedicated to professionalism and ethical leadership might. This unit will ensure that corrupt persons are sanctioned. This is a goal to which we are committed. Thank you.

Mr T J BRAUTESETH: Minister, your response – and I cannot hold you responsible, because I know you're the seventh Minister of this department in five years – is remarkable. You agree with me that on 19 December 2014 this Act was passed. It was assented to by the President. You have just advised us now that, in April of this year, some five years later, the current President has operationalised 13 sections of the report, including the section that I am talking about in my follow-up, which is the unit that was never established.

First of all, Minister, section 15 at that time read, this unit, which, as you know, has a very long ...

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Technical assistance, yes.

Mr T J BRAUTESETH: No, it has a very long name. It is established. That is actually a legislative lie! At that time, it was not established.

So, my question to you, Minister, is: What are you going to do to follow up on the person or persons who, over the last five years, went out of their way to make sure that that unit was never set up.

Because I think you agree with me that, if that unit had been set up, it would have played a huge role in dealing with everything that is unfolding at the Zondo Commission at the moment.

So, what can we do to track those who got in its way, who obstructed it by making sure that a law which was passed in this country five years ago was just not implemented?

Colleagues, this is something we all need to be scared of.

Minister, what can you do about this? Please. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: The difference between the question that you asked and what you are saying now is that there was attribution to former President as having delayed that. So, I have cleared that. It was assented to in the same year that it was passed.

Then I articulated that, following the President's assent of that law, regulations needed to be developed. That took time. In other words, I'm with you on the delay thereof, including on the setting up of the unit. But to respond directly to you now, firstly, we have taken a thorough audit in terms of where the bottlenecks were in terms of developing the regulations to operationalise the law as it was passed. And we are clear on those.

However, the law doesn't ... When there is a delay, it's like in a football match. When you pass the ball meant for your number nine and it goes to your number 10, you don't take your player out. What you do is to coach further.

So, what we do ... what we have identified is that this is where things went wrong. This is where there were delays. And we have undertaken ... and we are committing now to you that we are not going to do as they did. We are going to avoid all those pitfalls and move ahead. As of now, I can assure you that I am meeting this team tomorrow, because the first thing that we need to do is to locate them properly, closer to the wishes of the Public Administration Management Act, Act 11 of 2014. We are discussing that as we finalise the organogram which we have developed since we came and we are finalising it so that they are not stunted somewhere; they are properly located and ...

So, we will move such that we make up for all the other difficulties that we have come ... It is the same. If you take a plane from Cape Town to Johannesburg and there is a delay, you don't punish the pilot midair, because you will all fall. That's what I'm saying.

Mr A ARNOLDS: Minister, I'm going to ask you to make use of the interpreting service because I'm going to ask my question in Afrikaans.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Can someone help me so that I know which interpreting ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): It's channel 2, hon Minister.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Once you have it ready, then put it on channel 2.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Okay. How do I position it correctly? I don't want to pretend I know everything. [Interjections.] If I don't hear, it will be your fault and not mine. Thank you, Chair.

Mnr A ARNOLDS: Minister, welkom hier by ons in die Nasionale Raad van Provinsies.

Die vraag wat hier gevra word ... (*Translation of Afrikaans paragraphs follows.*)

[Mr A ARNOLDS: Minister, welcome here with us in the National Council of Provinces.

The question being asked here is ...]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Arnold, please stand closer to the mic.

Mnr A ARNOLDS: Die vraag word gestel hier ... en dit lyk nou asof daar 'n ontploffing van korrupsie was by die datums hier wat genoem word in 2015 tot 2019, maar die ontploffing het alreeds plaasgevind. Dis in die apartheidsregeringsjare dat korrupsie hooggety gevier het.

So ons as die EFF stem nie eens saam met die vraag daar nie.

Maar wat ek graag vir die Minister wil sê en vra is: Die korrupsie ... met al die wetgewing wat daar is, het so vermeerder en toegeneem onder hierdie regering ... ek bedoel, daar is wetgewing ... ons het genoegsame wetgewing, maar die implementering van daardie wetgewing en om regtigwaar korrupsie vas te vat ... dit is waar die probleem lê.

So my vraag wat ek vir u wil vra is ... en ek dink deel van hierdie ... en u moet kan antwoord op hierdie vraag: Die uitkontraktering van die dienste van die regering ... het dit ook nie bygedra tot die vermeerdering van korrupsie in die regering nie? Baie dankie.

(Translation of Afrikaans paragraphs follows.)

[Mr A ARNOLDS: The question being asked here is ... and it now seems as if there was an explosion of corruption here between the dates

mentioned in 2015 to 2019, yet said explosion had already taken place. It was during the apartheid government years when corruption was at the order of the day.

So we as the EFF do not even agree with the question being put there.

However, what I would like to say to and ask the Minister is this: This corruption ... what with all the legislation that is in place, has increased and expanded so much under this government ... I mean, there is legislation ... we do have enough legislation, but the implementation of said legislation, and indeed to truly combat corruption ... therein lies the problem.

So the question that I want to ask you, is ... and I think part of this is ... and you should be able to answer this question: The outsourcing of the services of the government ... has this not contributed to the increase of corruption in government as well? Thank you very much.]

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Well, let me just say that I can't claim to have heard very clearly because the interpreter was quite slow. But I do understand what you are talking about. You are raising a concern about corruption despite legislation being there, and what it is that we ...

As I said before, I think ... let's internalise this thing. The fight against corruption is going to need all of us. It requires all of us. All state, all law enforcement agencies in the country, all lawmakers, the public out there, all spheres of government, and people outside government ... we are all required. We just need to form a front against corruption so that people know that they have no room to hide.

These people who are corrupt are not even half of us here. They are quite less than us. But they are able to mount quite a powerful and connected network so that they seem to be invincible. And we are now looking at them as quite a huge army out there. My own view and analysis is that we just need to continue talking about all of this. We just need to agree strongly that all of us don't agree with corruption in our ranks as political parties, our ranks as ... in society, our ranks in schools and wherever corruption is found.

Mount the fight. I think this is the beginning because we are talking the same language. Nobody embraces corruption here. All of us say down with corruption. And we are saying so! Down with corruption in all its forms! But it's not just government. It's going to be all of us. It's going to take the effort from all of us to do so. Thank you.

Mr E R LANDSMAN: Hon Minister, firstly, as the pilot in charge now, we need to take this time to thank you for the work you are doing

there. You are the one in charge. No matter if there were five or six before you, we trust you and we support you. You have our full support.

What we want you to just check for us is, have we succeeded in providing a legal framework across the three spheres of government to introduce some degree of uniformity of purpose and ethics in integrity management?

In the same essence ... you see, the DA is so confused. In Cape Town, it is the only province where I see two cities – one for the rich and one for the poor. [Interjections.] We are shocked by the conditions here. The poor remain poor. We are in the poorest of the poor. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you very much for your support, as expressed. I think we are stronger, united, and weaker, divided.

The Public Administration Management Act, Act 11 of 2014 does give us authority across all spheres of government to put a framework to implement values and principles governing all spheres of government and workers who are ...

We are positioning ourselves to implement this legislation. In due course we will give you an update in terms of where we are but we

take it that we have a framework to implement across ... that includes state-owned entities, SOEs, and we are determined to move as fast as possible. Thank you.

Mr M DANGOR: Minister, part of creating an ethical civil service is the prohibition on civil servants doing business with government. Has there been any success with regard to this and what is the rate thereof? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon member, since 2016, public service employees are prohibited ... strictly prohibited from conducting business with the state. The Department of Public Service and Administration adopted the following mechanisms to detect public servants who do business with the state.

Firstly, we effected changes to the personnel salary system – that's Persal – to allow departments to capture on their own requests from employees to perform other remunerative work on it. This data captured on Persal is analysed and compared with information on the disclosure system to detect possible cases of employees conducting business with the state. That's the first thing enabling all departments across to detect.

Secondly, information is extracted from the Central Supplier Database which contains a register of all individuals registered to tender for business with the state, and this is maintained by

National Treasury. The data is analysed and compared to the data of Persal so as to identify public service employees who are doing business with the state.

This is proving to be quite effective in terms of results.

The Department of Public Service and Administration directed letters to departments identifying names of employees possibly conducting business with the state and encouraging departments to, among other things, confirm that the identified individuals were indeed conducting business with the state, to take action when it had to, and to report the steps taken against culprits to the Department of Public Service and Administration.

The Department of Public Service and Administration also increased awareness on the detection of employees conducting business with the state among ethics officers of the various departments by means of hosting an annual national ethics forum.

At the end of February this year, the Department of Public Service and Administration identified 1 080 public service employees who were possibly conducting business with the state. We did this by comparing information contained in the Central Supplier Database with that contained in Persal as we have indicated. The Department of Public Service and Administration is in the process of scrutinising the names list with the assistance of the relevant

departments, using the same instrument so as to eliminate names of employees who left the public service, those who were wrongly flagged and those appointed in an official capacity to represent government. From this process then the names of 20 employees likely to be conducting business with the state were identified. On 24 June this year those names were handed over to the SA Police Service, SAPS, for investigation.

On 2 September 2019, SAPS and the Department of Public Service and Administration convened a meeting to discuss progress with the cases and it was resolved that the National Prosecuting Authority, NPA, would be included in the next meeting to develop prosecution strategies.

The Department of Public Service and Administration is also in the process of completing another 20 names of employees to be handed over to SAPS.

So, it is working and as we experience more of this mechanism ... more and more, if there are any out there, will be caught and brought to justice. Thank you.

Ministerial Handbook

131. Ms M O Mokause (Northern Cape: EFF) asked the Minister of Public Service and Administration:

When will the final copy of the Ministerial Handbook be made available (details furnished)?

CO276E

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, the revised version of the guide for members of the executive which has been completed, that is the review thereof, that President Ramaphosa announced at some point after appointing members of the executive. So, that revision has taken place, it has been completed and it has been submitted to the President. Once the President approves this, the guide will be publicly available. The President has undertaken that it's not going to take a long time because it's on his desk.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mathevula, we are listening to the response from the Minister so that we must not make a mistake and ask a question yet the response has been quite adequate. Continue, hon Minister.

The first supplementary question is from hon Mokause.

Ms M O MOKAUSE: Minister, the reality is that we have witnessed a lot of things happening over the past term of Parliament where Ministers abused incentives allocated to them. We saw Ministers' families and children being flown and booked accommodation all over the show and their families also acting as Deputy Ministers and misusing public funds.

Can you assure the Council today that those sections of the ministerial handbook, which you are saying you have revised, are not going to allow such a movie with the public purse because here in South Africa we are witnessing a lot of things with these Ministers and Deputy Ministers?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House chair, I can assure the Council and the public out there that even by your own reference, it was in the last term and not this term. This term we are going to comply not only that, but we are also going to ensure that the prescripts, both in the letter and spirit, of the ministerial handbook are followed. That is why, among other things, there has been a thorough interaction including yesterday on this matter so that we ensure understanding, willingness to comply and indeed compliance. This is a serious matter, and we don't want to repeat mistakes of the past. Thank you.

Kkz. D G MAHLANGU: Bantu bekhethu beSewula Afrika, lotjhani.

Mphathiswa, ngiyathokoza ngokuyibeka kwakho kuhle. Ngithokoza godu ukuzimisela nokuzibophelela njengombuso ophetheko ukobana lokho egade kwenzeka angeze kusenzeka ngombana nilandela lokho okubekwe nguMengameli begodu niyakutjhejisisa lokho ebesele kuqediwe kobana kukhambelane nesikhathi sanje. Siyazi ukobana kuyinto edlulileko, abantu bebalila. Siyathokoza ngokuzibophelela kwenu nekutheni nitjhugulule izinto ePalamende yesiThandathu; igaya ngomunye umhlathi. *(Translation of isiNdebele paragraph follows.)*

[Ms D G MAHLANGU: South Africa, I greet you. Minister, I thank you for putting it correct. I also thank you for your commitment as the government that is in charge and that what was happening will never happen again, because you follow up what has been said by the President and you also monitor what has been completed to ensure that it is in line with today's time. We know that it is something that has passed, and people were complaining. We thank you for your commitment and for bringing changes in the Sixth Parliament; things are happening in a different way.]

Furthermore, hon Minister, my question is, have we been successful, while reviewing that ministerial handbook, in ensuring that changes in the ministerial handbook are in line with cost-cutting measures in line with what has been complained about and also confirmed by the former Minister Pravin Gordhan in his Budget Speech in 2016?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon G Mahlangu, yes, I would say in some sections that have been reviewed, there have been cases where we think we have done more than well in terms of cost-cutting. About more than 80% of the review was geared towards this; it was targeting cutting costs. We are quite aware that, we do not only have the responsibility to cut costs but we also have a responsibility of exercising leadership so that the implications of what we are doing at the moment, when the river breaks down the line, people are not pointing up and say what about

that? And so, we are taking a lead on these matters and want to assure you.

At some point when the President makes some announcements on this, you are likely to be surprised. You are likely to find yourself in the NCOP much more in luxury more than the Ministers. Thank you.

Mr T J BRAUTESETH: Minister, I'm glad to hear that you are deliberating on the ministerial handbook and that it is coming out shortly after the President has assented to it. I hope it comes out before the next five years unlike the last Act we spoke about.

You have been very coy to tell us what has been cut but we are very concerned about things like luxury vehicles, business-class travel for life, five-star-hotel accommodations and VIP security.

Minister, if you consider that 39% of South Africans live on about R419 a month and that the difference between an economy flight and a business flight is about R4 000, that's ten times the amount that 39% of our citizens live on a month.

Can you please assure this House that you will be trying everything you can to ensure that we speak to the concerns of our citizens in this country who are struggling while some of us are sitting back and enjoying the luxury? Will you tell us today what is being cut or

are you concerned that your comrades will be kicked off the gravy train, please tell us?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, and hon Brauteseth, the original question is: When will the final copy of the ministerial handbook be made available? Then the answer from the Minister is that the President is about to do that. Then, you are getting to the details of the document that's not yet for public consumption. I think I have the responsibility to assist but I will leave to the Minister to comment.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chair, I think you're quite right. Thank you very much for that explanation. Yes, I can make an undertaking that, as I said before, the President will make an announcement of the arrival of the ministerial handbook very soon. But, I am unable to divulge into its content but I do want to say, sitting here as members of the NCOP or parliamentarians generally, we enjoy better security than someone who is in Khayelitsha. That's a fact and it's a question of saying let us be sensitive, let us be cautious but as far as the ministerial handbook is concerned, there are cuts.

But, let me go to the broader question. This, we insist in the Department of Public Service and Administration, DPSA, that the ministerial handbook and all the other matters are only but one item or one aspect of the broader item. If you look at the cost of

running public administration in the whole Republic, there are several cost drivers outside what we are talking about now. We are extending our tentacles to those and in due course we will indicate. Thank you very much.

Public servants with criminal records

106. Ms Z V Ncitha (Eastern Cape: ANC) asked the Minister of Public Service and Administration:

- (1) Whether, in light of the murder of a 19-year-old student of the University of Cape Town (details furnished), his department has undertaken an audit of the criminal records of employees in the public service; if not, why not; if so, (a) how many public servants have criminal records and (b) what are the further relevant details;
- (2) whether any public servants have been convicted of violence against women and children; if not, what is the position in this regard; if so, what are the relevant details?CO251E

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chairperson, we have noted with concern the extremely troubling events surrounding the murder of the 19-year-old University of Cape Town student and whilst the alleged perpetrator is not employed within public

administration, we are alerted to the possibility of such incidence recurring within the public administration itself.

The information currently being recorded within the public service doesn't extend to capturing the numbers of employees with criminal records or the details thereof including the nature of convictions. We are therefore unable at this time to provide the details requested. Firstly, let me say, there is a provision for the Z83 application form used by people when they are applying for employment in the public administration to declare on this matter. But in terms of tracing and tracking, we want to say the following. We are mindful of the constitutional provisions which may not permit an outright prohibition on the employment of persons with a criminal record. However, in an effort to ensure the suitable placement of employees with criminal records as well as to ensure the safety and wellbeing of other employees in the public in general, it may be necessary for information relating to criminal records of employees to be maintained.

The Public Administration Ethics Integrity and Disciplinary Technical Assistance Unit established in terms of Public Service Administration Act, supports a number of initiatives to address this. It may be necessary that we look at this matter in terms of legislation. But I must say that at the moment we haven't started with that initiative. But we have discussed it, to say, there may be a specific need to close this gap, that if somebody has a criminal record, be it murder or what, it should not be the practice that is

in favour of that person in terms of their willingness to rehabilitate. It must go further to say a record is a record. Therefore, it excludes you from enjoying certain rights that are enjoyed by citizens who have made a better effort in terms of remaining free of criminal records. It cannot be comparable. Theoretically, we accept that. But in terms of what we have to do, we have to move on that.

To complete the response, among these initiatives, the Department Of Public Service and Administration will together with the assistance of other relevant departments seek to create a database of employees who have criminal records. It is envisaged that the database will, as far as possible, contain details on the nature of the offence and any other relevant detail. In addition to this, we will ensure that employees who contravene Public Service Management Act conducting business with the state are immediately dealt with. These matters will be referred to the relevant law enforcement. There are initiatives that we are taking on criminality of people in the public service. It is not a free for all. Thank you.

Nks Z V NCITHA: Mphathiswa ndiyabulela ngengcaciso ethe gca kulo mcimbi ubaluleke kangaka. Ndiyayivuyela into yokuba kulo mbuzo bendinawo ongumvukela uMphathiswa uyichaphazele into yokuba ikhona imiba abaza kuyijonga ukuqinisekisa ukuba ukhona umthetho okhoyo.

Ingaba emva kwesi sehlo, sothuke sacinga ukuba leliphi icebo elinokwenziwa ukuqinisekisa ukuba into enje ayiphindi yenzeke kwakhona? Siyayiqonda kananjalo ukuba lo mcimbi awukho phantsi kwesebe likaMphathiswa, ngoko kurhulumentu. Asinazo neenjongo zokuphinda sibatshutshise ngakumbi abo bafumaneka benechaphaza ngokwasemthethweni. Enkosi. (*Translation of isiXhosa paragraphs follows.*)

[Ms Z V NCITHA: Minister, thank you for the clear explanation on this very important matter. I am glad that in the follow-up question I had, the Minister has touched on the fact that there are issues that they will look into to ensure that there is a law in place.

After this incident, we were shocked and thought what plan can be done to ensure that something like this does not happen again? We also understand that this matter is not under the Minister's department, but under the government. We have no intention of further prosecuting those found to be legally flawed. Thank you.]

Mnr A ARNOLDS: Voorsitter, Afrikaans is die taal van die EFF.

[Tussenwerpsels.] Ja. Ministers, baie dankie vir u terugvoering, dat daar van plan is om te begin. Ek dink dit is belangrik dat daar so 'n opname moet wees, sodat daar ook, wat staatsamptenare betref, voorkomend opgetree kan word. Daar moet voorkomend opgetree word. Ek dink dit is altyd goed ... Ons weet altyd dat die regering net spring om iets te doen wanneer daar iets gebeur. Hulle moet voorkomend optree. Ons weet die veiligheid van ons kinders en vroue

in staatsfasiliteite ... Dit is ook die rol van die Minister van Polisie en die polisie, maar het u ook al met die Minister gekommunikeer oor 'n strategie om seker te maak dat kinders en vroue nie onveilig voel in ons staatsinstellings nie? Baie dankie.

(Translation of Afrikaans paragraph follows.)

[Mr A ARNOLDS: Chairperson, Afrikaans is the language of the EFF. [Interjections.] Yes. Ministers, thank you very much for your feedback, that there are indeed plans to commence. It is important that there should be such a survey, so that preventive action can be taken as far as public servants are concerned. Preventive action must be taken. It is always a good thing ... We always know that the government only jumps into action when something happens. They must act preventively. We are aware that the safety of our children and women in state facilities ... This is also the role of the Minister of Police and the police; however, have you also communicated with the Minister about a strategy to make sure that children and women do not feel unsafe in our government institutions? Thank you very much.]

Mr M NHANHA: I rise on a point of order. I am pleased to note that finally Afrikaans is acceptable as well in the EFF. It is one of the languages in this country. Thank you. [Interjections.] [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, order! Hon Nhanha, all languages in our Constitution are protected and promoted

in this very same House. So, I am not going to allow ... Hon Mathevula, lets allow the Minister to respond. Afrikaans is an official language in South Africa.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I concur that that database is very important and I think we need to work together towards that. I also agree with you that we need to make attempts to prevent a sequel of these incidences from happening. I can say that we got into quite an important conversation with the Minister of Communications and Telecommunication after the incident. She kept on updating us on actions that have, among other things, ended up with the suspension of the two senior officials concerned in that incident in question.

We have not yet had any discussions with the Minister of Police, but I can say that when we move on this we will start from a base which says - normally when a medical doctor is found to have done something untoward, in some cases, there have been court orders that have prevented them from - let's say for instance, working with children or women when court orders are made against them. So, while a person would work but they would say not where you committed the same offence because it will affect ... or your conduct is not conducive to that.

Already the society and courts have made moves to protect children and women and it has gone up to court rulings. Using that base, I

think we need to move and up the scales so that there is more space for safety of vulnerable people in the country.

Mr T J BRAUTESETH: Minister, I think I heard you saying that the Department of Communications and Telecommunication in the post office matter said that the person who was involved in the tragic case of Uyinene Mrwetyana, it was not picked up that he has a criminal record.

Minister, last week the State Security Agency met with the Standing Committee on Public Accounts, Scopa, and they went through the issue that has been ongoing for a long time about vetting, and I heard that 48% of the civil servants have yet to be vetted. The State Security Agency then told them that they had informed the post office that the alleged killer in that tragic case was identified as somebody with a criminal record and nothing was done about it; they decided to proceed.

The post office created a platform for the sexual predator when they could have stopped it. My point to you is that action must be taken. The concern I want to raise with you is, what is it that you as the Minister are going to do to make sure that the human resources, HR, people in all our departments and entities do their due diligence to make sure that this kind of thing is picked up, and that we pick up this kind of problem early? The focus should be the HR of our departments. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Since discussing this matter a week or so ago, the specific thing that we said officials must explore is a system in the public service because we are concerned about public service in the main. They must explore possibilities of us having a system that identifies people who have criminal records. At the moment we admit that we don't have such a system.

We even went on to say, maybe we also need to work with courts because we learnt that courts do sometimes have profiles on persons against whom there have been findings and we need to work closely with them. But we then said, as the DPSA, that we need to explore this possibility. It is something that is concerning to us as well just like you and we are working towards that. Surely, we should update you as soon as we make headway on this, but I am convinced just like you are, that we can't leave this gap as it is because when it happens again, we would then say ...

Siyamangala futhi. Bese sithi angazi, angazi. Sizokwazi manje.

(Translation of isiZulu paragraph follows.)

[We are surprised again. We would be saying again that we don't know. Now, we have to know.]

We are moving towards that. Thank you.

Lifestyle audits conducted

120. Mr T J Brauteseth (KwaZulu-Natal: DA) asked the Minister of Public Service and Administration:

With reference to his reply to the National Assembly Question 176 on 18 July 2019 (details furnished), (a) how many lifestyle audits have been conducted since 1 September 2019 and (b) what are the outcomes of such audits?

C0265E

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, following the President's call for lifestyle audits to be conducted for public officials in the public service and administration, the department is in the process of finalising legislative framework which will enable all departments in the public administration including local government, to conduct lifestyle audits of its employees. Draft regulations have been prepared for public comment.

The Public Administration Management Act established the Public Administration Ethics and Disciplinary Technical Assistance Unit. It is the function of this unit to assist the departments where requested, to conduct such lifestyle audits and refer matters where necessary to the relevant law enforcement authority.

The Department of Public Service and Administration is reconfiguring its organisational structure to locate position and position the unit to provide such required assistance. I must say that there is a probability that this lifestyle audit will extend beyond just

members of the public service; as I already said, in local government we are going there. It will go to state-owned enterprises, SOEs, that is public entities, but it will also go to elected members, possible starting with the members of the Cabinet. Discussions have been there but we haven't begun to systematise it; but it is coming and is desirable. Thank you.

Mr T J BRAUTESETH: Minister, the reality though is, the question that we sent to you said, because you indicated to my colleague, the hon Schreiber in the National Assembly, that they would start on the 1st of September. So, the question was, "How many have been done since the 1st of September until now and what is the outcome?"

Minister, once again we have this problem. We discussed earlier an Act passed in 2014, which was only operational last time in 2019. You have already given an undertaking in the National Assembly as to when it is going to start and now you have told us that you are finalising the legislative framework to get it done. Are we going to sit here in six-months' time or a year's time when you'll be saying, well, we are still working out the systems?

So, I need to ask you. You touched on the persons. What will the extent of lifestyle audits be? Will independent bodies be used for those lifestyle audits? Can you give us a definite timeframe? Can you say to us it will all be done by the end of 2020, for instance? And if you fail with that designated time, Minister, will you resign

and usher in the eighth Minister to look after the department in five years? [Laughter.] Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon member, it is a supplementary question, not supplementary questions!

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, I think we are one. I wanted to hear when you would love to see this in action. But on our side, as I say, we would want to do it as soon as possible. Now, that means in far less than six months, from where I sit, to begin with this because I don't see any difficulty in our way now after we shall have adopted the organogram which I am saying we are finalising in a week's time. This should enable this unit to really focus and begin to ... that doesn't mean we are not doing anything on various issues that have to do with ethics and integrity. But to be specific to you so that you hold me responsible, in less than six months we would be up and running with this matter. Thank you.

Mnu E M MTHETHWA: Ngiyajabula ukuzwa ukuthi ukuhlolwa kwendlela yokuphila kuzofika nakuKhabinethi nathi sizongena la. MaCingwane kukhona labo osebenzisana nabo kuyimanje ehhovisi lakho abanele ukubona nje ukuthi manje sebeyaphenywa, baphenywa izinge. Bavele bagxume bafake incwadi yokwesula emsebenzini ngoba bebalekela ukuthi loku okufikayo kubathole sebengasekho. Ihhovisi lakho MaCingwane

liphatha kanjani lenkinga efana nalena nokuthi yimaphi amaqhinga ...

(Translation of isiZulu paragraph follows.)

[Mr E M MTHETHWA: I'm pleased to hear that the lifestyle audit will be implemented for the Cabinet and ordinary members. MaCingwane (clan name of the Mchunu's) some of your colleagues based at your office would resign immediately as soon as they find out that they are being investigated. How is your department going to address that challenge and put measures in place to curb it?]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Supplementary question, not supplementary questions!

Mnu E M MTHETHWA: Yiwo lena Sihlalo. *(Translation of isiZulu sentence follows.)*

[Mr E M MTHETHWA: This is it, Chairperson.]

What is the plan?

UNGQONGQOSHE WEZEMISEBENZI YOMPHAKATHI: Okokuqala, uma kukhona izinto ezingalungile ozenzile ... *(Translation of isiZulu paragraph follows.)*

[The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Firstly, if you did something wrong ...]

... while you were employed, it often doesn't help you to run away because criminality has no boundary; law enforcement agencies will definitely follow you and we are encouraging them to follow those who escape or run away with murder, as they say.

But on our own we don't intend waiting until you run away, in the first place. You get dealt with on the spot and in many cases that has been demonstrated beyond any doubt. But to answer you fairly and square, criminality knows no boundaries; we will follow you, including ... You would know that the Auditor-General's powers have been extended and he can issue a directive saying, you are an accounting officer, I found wasteful expenditure, and you are liable; a certificate of liability will be issued and whether you are out or in, it doesn't matter, you will have to pay your dues, as far as that debt is concerned via that certificate.

So, all in all I am saying we are up and down making sure that we close all avenues for criminality.

Ms L C BEBEE: Hon Minister, has government considered stretching the scope of these lifestyle audits, to include universities and also SOEs? I thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, not that I know of as far as universities are concerned, but it is desirable, it's a matter that can be looked at because they are part

of public servants. But as regards the other category of workers in the public entities, we are getting there; this is what we were saying that we are developing the whole framework to cover them as well, because clearly local government is inside. Thank you.

CDW programme

110. Mr K M Mmoiemang (Northern Cape: ANC) asked the Minister of Public Service and Administration:

Whether the Community Development Workers programme is making any progress in resolving service delivery deficiencies in the communities; if not, why not; if so, what are the relevant details?

CO255E

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chairperson, in terms of the Public Service and Administration Regulations 2016, the Minister for Public Service and Administration, after consultation with the Minister of Co-operative Governance and Traditional Affairs, is responsible for developing a framework within which the Community Development Worker Programme operates. To maximise its efficiency, I intend engaging with the Minister of Co-operative Governance and Traditional Affairs to ensure that the responsibility of this programme is located under one Minister and in this instance it will be the Minister of Co-operative Governance and Traditional Affairs who is also currently managing the implementation of the

programme. Based on the case studies and reports received from community development workers, CDW, co-ordinators this programme is making progress in supporting government to resolve service delivery deficiencies in communities.

Community development workers within their wards across provinces have unlocked or unblocked, resolved or fast-tracked service delivery by opening doors for people who have problems of identity documents and birth certificates, unlocked local economic development for unemployed people, and facilitated access to government housing, health services, youth centres, indigent grants and social grants. They advocate for fixing poorly built Reconstruction and Development Programme, RDP, houses, disaster management, bridges that can connect communities, food security, and facilitating registration of early childhood centres in poor communities. These are all the things that they have done in the breadth and width of the country.

Evidence of this is captured in different case studies of the community development workers that were developed and submitted, collated and showcased in different communication media for sharing and best practices. The Department of Public Service and Administration, DPSA, is one of the recipients of the case studies from provinces on the work done by the community development workers. In some provinces community development workers have received awards including from the premiers' excellence awards. This

is our case as far as community development workers are concerned.
Thank you.

Mr K M MMOIEMANG: Chairperson, again let me express gratitude to the Minister for appreciating the good work that is done by these community development workers. Indeed, hon Minister, how it was conceptualised was to have these mobile information officers who are ward-based to be able to ensure that they bridge the gap between the people's government and the communities. Has the intervention or would the framework also beget towards addressing the questions around the tools of trade, the lack of infrastructure, the resources, more particularly, the inadequate budget provision to make this mobile information officers more effective and more efficient, hon Minister? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: To an extent, yes. However, sufficient or high levels of satisfaction, maybe, the cases differ from one point to the other. That is why we are saying that we need to engage the local government so that; one, all community development workers are located in that department, so that there are no different conditions of work and different standards. Even in terms of salaries, they are paid differently depending on who employs them. Some are employed by the Department of Health, some by the Department of Social Development, and others by the local government. We are now saying, let's drive this and give it to one department and reach a point where we will withdraw

but they will remain part of the public service. Therefore, we will be seeking to ensure that the standards and all prescripts are applied and they are the same. That is when we will be able to address some of those issues like the tools of trade. In some cases they really assist them but in some they are left exposed, which is a concern. Thank you.

Man B T MATHEVULA: Mutshamaxitulu, a ndzi swi tivi loko va ta ndzi twa loko va nga vekelanga ... (*Translation of Xitsonga paragraph follows.*)

[Ms B T MATHEVULA: Chairperson, I am not sure if he will understand me without ...]

The HOUSE CHAIRPERSON (Mr A J Nyambi): ... have the microphone closer to you.

Ms B T MATHEVULA: Okay.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes.

Holobye, ndzi lava ku vulavula hi Xitsonga. Xana ma xi twa? Hi swona, vekelani phela. (*Translation of Xitsonga paragraph follows.*)

[Hon Minister, I want to speak in Xitsonga. Do you understand it? Alright, put them on.]

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: You can use the language that you are using now and we close the case. [Laughter.]

Man B T MATHEVULA: I Xitsonga. (*Translation of Xitsonga sentence follows.*)

[Ms B T MATHEVULA: It's Xitsonga.]

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Yes, the one that you have just used.

Ms B T MATHEVULA: I don't know English. [Laughter.]

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: You didn't know that you know it; you know it, I can tell you ... [Laughter.]

Man B T MATHEVULA: Holobye, Vatirhi vo Hluvukisa Miganga eka timasipala to tala va hakeriwa mali yitsongo naswona va tirhisiwa ku siva swivandla swa mitirho eka timasipala. Xana hi tihi tindlela leti mi ti tirhisaka ku endlela leswaku va ta hola mali yo ringanela va tlhela va thoriwa ku tirha nkarhi hinkwawo? Ndza khensa.

(*Translation of Xitsonga paragraph follows.*)

[Ms B T MATHEVULA: Hon Minister, community development workers in most municipalities are paid peanuts and are used to replace

positions in municipalities. What measures can you put in place to ensure that they earn enough money and they are permanently placed? Thank you.]

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Thank you very much; that is a beautiful language. It is the same answer. It is exactly because of those instances where they are - in some cases - paid even less than little, very little. Therefore, we are saying that they belong to the public service, and so, let us apply the same standards and principles. The first step is to bring them under one government department so that we have a responsible Minister even at national level and streamline that to the provinces. Then, the next thing is for us as public service to say conditions of service as follows ... must apply. We are moving towards addressing exactly that. It is a concern and we share that. Thank you.

Mr T J BRAUTESETH: Through you, Chair, Minister, this is my last question to you today. I am sure you are glad that I engage you. Minister, my query about community development workers is that you are familiar I'm sure about section 217 of the Constitution that effectively provides the guiding principles to all procurements and that is; it must be fair, transparent, competitive, etc, but one of the very most important words in that section is that it must be cost-effective. Minister, there are grave concerns that there are many workers of Community Development Workers Programme who get paid for a task that they are not actually doing. Minister, you must be

aware that there are many grave concerns that there are a lot of ghost workers in the Community Development Workers Programme. My question to you is, would you endeavour to conduct an audit of all workers of Community Development Workers Programme to establish what they are doing, what they are paid for and also to eradicate or terminate the contracts of all, or any possible ghost workers in the programme, to make sure that we stick to the provisions of section 217 of being cost-effective and also give the South African taxpayer value for money? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I will give you credit and say now that you have raised a concern and the issue, we need to look at it because it means that - as far as your experience is concerned - there may be something beyond what we are seeing. As part of engaging the Minister of Co-operative Governance and Traditional Affairs and in the process of transferring them, we have to raise the matter. I think it is desirable. We can't leave a situation like that unattended to. Thank you.

Moh M L MAMAREGANE: Ke a leboga Modulasetilo. (*Translation of Setswana sentence follows.*)

[Ms M L MAMAREGANE: I thank you Chair.]

All I want to ask the Minister is, does the department have plans to further train community development workers in order to maximise their efficiency and influence?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Yes, I think it is regarded in some circles that the community development workers are at some entry to public service. The day we are able to conclude on the allocation in terms of the department and the application of values, norms and standards to them, they will be able to see their way. I would say that there are cases where they really have moved up. So, I think we have to encourage them and create an environment that is encouraging them. Thanks to Public Administration Management Act, PAMA, as it will allow movement up and down within the public service. We employ them and shouldn't let them get locked on a permanent basis because they are human beings and some are young. Others, because of unemployment, would have a degree but still work there as community development workers. Therefore, I think what you are saying is quite correct. We have to encourage them to move up. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, allow me to take this opportunity to thank the Minister of Public Service and Administration, hon Macingwane, for availing himself to take the questions. Thank you, Macingwane. [Applause.]

Advancing objectives/goals/targets of NDP

107. Ms A D Maleka (Mpumalanga: ANC) asked the Minister in The Presidency:

- (1) Whether his department has measured the progress that South Africa is making in advancing the objectives, goals and targets of the National Development Plan (NDP); if not, why not; if so, (a) how much progress and (b) what are the further relevant details;
- (2) whether any progress has been made to ensure that (a) no person lives in poverty, (b) no one goes hungry and (c) there is work for all; if not, why not; if so, (i) what progress and (ii) what challenges are facing the country in advancing the set targets of the NDP?

CO252E

The DEPUTY MINISTER IN THE PRESIDENCY: Good afternoon, House Chairperson and colleagues. The question asks whether the department has measured the progress that South Africa is making in advancing the objectives, goals and targets of the National Development Plan, NDP. If not, why not? If so, how much progress and what are the further relevant details?

The second part asks whether any progress has been made to ensure that no person lives in poverty, no-one goes hungry and that there is work for all. If not, why not? If so, what progress and what

challenges are facing the country in advancing the set goals of the NDP?

Yes, the department has measured the progress of the country against the targets of the NDP. The Department of Planning, Monitoring and Evaluation, through its sector monitoring, has conducted monitoring of performance against the NDP targets.

Consequently, a mid-term review report was produced in 2017.

Furthermore, the Department of Planning, Monitoring and Evaluation has conducted a 25-year review which emanates from 1994, and is inclusive of the NDP period 2012 to 2019. This review goes into detail about the implemented solutions as we have seen, as proposed by the NDP.

Through these assessments and reports, it can be concluded that we have not done well in reducing income inequality and building human capabilities. Unemployment, especially amongst women and the youth, remains high. Education and skills outcomes need further improvements. The current fiscal constraints pose an immediate limitation to sustaining the progress that has been made in implementing the NDP.

To sustain the achievements, we need higher and inclusive economic growth and a more responsive quality of education and skills. We need to build on the gains made by mobilising strategic partnerships

with the private sector and other social partners to play a meaningful role in sustaining and advancing several developmental goals.

Furthermore, the three apex priorities of the NDP are to grow and transform the economy, build human capabilities and build a capable state. Below is the progress made to date on poverty and employment.

With regard to poverty, poverty rates fell substantially after the year 2000. There was a significant improvement by 2011, with the poverty rate falling to 22% but bouncing back to 26,5% in 2015.

The current employment rate of 29% of the labour force as per Statistics SA, shows us that over the period 2015 to 17, only 364 000 jobs, of an average of 182 000 per annum, were created, which is only 31% of the annual target.

Lastly, there are several objectives and subjective factors that can explain the weaknesses in achieving some of the goals and targets of the NDP. Some of these are the slow contribution by social partners in the implementation of the NDP, particularly in the area of job creation; the slow pace of transformation in the financial sector, leading to barriers to entry by the African majority; the slow progress in skills developmental initiatives that are linked to employment creation; income inequalities; comprehensive and

integrated planning between spheres of government; and the shrinking of the public purse. Thank you. [Applause.]

Ms A D MALEKA: Thank you, Deputy Minister for your response. I want to ask a follow-up question. Has government looked at making industrialisation the central pillar in advancing the objectives of the NDP, especially the manufacturing sector, to ensure that the South African economy generates the right mix of decent jobs in the economy and complement ... in the services sectors?

The DEPUTY MINISTER IN THE PRESIDENCY: Thank you. Based on the 25-Year Review and the Medium-Term Strategic Framework, MTSF, 2014-19 reports, one of the challenges raised in terms of the economy was the need for industrialisation. The new MTSF 2019-24 takes into cognisance the current environment to revitalise the economy and respond to value-added sectors, such as mining, agriculture and manufacturing, in the current economic environment.

The right mix of jobs will also require the enhancement of the township economy and the transition of youth into the labour force. This can be achieved using different pathways as well as by developing economic zones to ensure an equitable distribution of skills and expertise and the required infrastructure. Implications of the Fourth Industrial Revolution and the acceleration of South Africa's preparation for the revolution is also a priority.

Mr S ZANDAMELA: Deputy Minister, the NDP has failed to meet almost all of its targets. [Interjections.] Yes, and that was because of the ... based on the incorrect and misguided idea that the private sector will actually grow the economy. The NDP promised growth of six per cent but by the look of things, by organisations this year, growth will be at one per cent.

The NDP promised to reduce unemployment by 14%; now we are standing at between 13 million and 24 million that are unemployed in South Africa.

Do you agree that ... move on the state-driven industrial policy, to grow the economy and create jobs is the only direction that the state must take at the moment, considering what is happening in terms of the growth of the economy?

The DEPUTY MINISTER IN THE PRESIDENCY: Given your question and the fact that you are giving me statistical numbers, which I do not have at hand, it will be very dangerous for me to respond. I will give you a written response. I want to go and check how factual the numbers are that you are attributing to ... Thank you, Chair.

Mr M R BARA: One of the key indicators or objectives of the NDP is to make sure that households that have an income of R419,00 are cut from 39% to zero per cent by 2030. That's one.

Now, currently we have an unemployment rate of 29%. Deputy Minister, I would like to know from you whether we are on track to achieve the objectives of the NDP as we currently stand, given the lack of economic growth, high unemployment and high levels of poverty. Thank you, Chair.

The DEPUTY MINISTER IN THE PRESIDENCY: Yes, we are on track. If you remember from my initial response, I indicated the achievements of the NDP which are also inculcated in the 25-year review. What I indicated, which I'm going to repeat, is that there are several challenges which are hindering us from attaining some of the objectives, which are in light of what you are raising.

Firstly, I spoke about the low distribution of social partners in the implementation of the NDP and the slow pace of transformation in the financial sector, leading to barriers of entry by the African majority.

Now, in terms of these highlights which I mentioned in the previous response, if we are able to tackle them – which are part of the priorities that were spoken about in the state of the nation address – we will be able to get on track. So, I think we are on track.

Mr T J BRAUTESETH: Deputy Minister, my regards to the Minister. We are talking about the NDP and we are talking about the progress of the NDP. So, if I refer you to page 403 of the NDP, it speaks to

corruption fighting. The NDP cites a number of bodies that help us with corruption fighting – the Hawks, the Special Investigating Unit, the Asset Forfeiture Unit, the Public Protector, the Auditor-General and of course the National Prosecuting Authority.

So, Deputy Minister, can you tell me how it is possible that after all these years where we've had the NDP and the focus on corruption busting in terms of the NDP, that one year after the formal report on the VBS banking scandal – the only black-owned bank in South Africa to ever be looted – we still don't have any prosecutions? In fact, this past weekend's Sunday papers showed us that the hon Shivambu and the hon Malema were closely linked to this looting; yet, neither of them has been charged, arrested or convicted. What will the Minister do to ensure that those responsible for the VBS looting fiasco get brought to justice and face the consequences?
[Interjections.]

Ms M O MOKAUSE: Point of order, House Chairperson. This member is out of order. We've said many times ... [Interjections.] Wait, wena man! We've said many times that if you have a case, go to the police station and open a case against individuals. [Interjections.] Don't come here and brag about anything. Don't come here wanting to be relevant and mention hon members' names here. [Interjections.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon member?

Ms M O MOKAUSE: This is out of order, House Chairperson.

[Interjections.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon member, that's not a point of order. Deputy Minister, can you respond?

The DEPUTY MINISTER IN THE PRESIDENCY: I don't think ...

[Interjections.]

Ms M O MOKAUSE: I'm rising on a point of order. You need to address this ma'am. As a matter of fact, the ANC is the main looter of the VBS ... [Interjections.] ... but none of you are mentioning it. You are mentioning innocent people here. [Interjections.] Your Stratcom people continue to mention innocent people here. [Interjections.]

The ANC looted the VBS. [Interjections.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Order, members! Order!

[Interjections.] Order!

Ufuna ukuva ukuba kuthiwani na, kodwa usaphinda uthetha nalo mntu. Ndiza kucela ukuba simamele iHansard ... (*Translation of isiXhosa paragraph follows.*).

[You want to hear what is being said, but you are still talking to this person again. I will ask that we listen to Hansard ...]

... at our next sitting. Thank you. Are you alright, ma'am?

The DEPUTY MINISTER IN THE PRESIDENCY: I'm fine. I'm not going to respond to that. I don't think it's a follow-up question to what ...
[Inaudible.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): There's a point of order. Can we hear your point of order, sir?

Mr G MICHALAKIS: Thank you, House Chairperson. With respect to your earlier ruling, perhaps it might also help to satisfy the hon member to have the knowledge that were the DA in government those members referred to would already have been in jail.

The HOUSE CHAIRPERSON (Ms W Ngwenya): That's not a point of order. Deputy Minister, can you respond? I hope ... that the Deputy Minister doesn't know what to answer ... the way we are doing.
[Laughter.]

Mr T J BRAUTESETH: On a point of order, Chair. It's a point of order.

The HOUSE CHAIRPERSON (Ms W Ngwenya): You are posing the question to the Deputy Minister. I want her to answer you.

Mr T J BRAUTESETH: Chair, it's just a point of order.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Can you please sit down because you asked your question. Deputy Minister, can you answer the question ... [Inaudible.]

The DEPUTY MINISTER IN THE PRESIDENCY: Which question, Chair? Please guide me. Which question?

The HOUSE CHAIRPERSON (Ms W Ngwenya): Okay. Hon ... [Interjections.] Hon ... Order members! Hon ... can you please repeat your question because the Deputy Minister didn't hear it due to this noise? Thank you. [Interjections.]

Mr T J BRAUTESETH: Chair, I shall repeat the question. The simple question to the Deputy Minister is ... I sketched the background. The simple question is this. How can we say the NDP is progressive if the plethora of investigative agencies that we have, have not made any headway so far, one year after the VBS looting saga was reported on? Where are we going, and will you in your job in the Presidency make sure that everyone involved in the VBS looting fiasco, whether directly connected or indirectly connected like my friends over here, face the consequences? Will you ensure that they face the consequences?

The DEPUTY MINISTER IN THE PRESIDENCY: Okay. I don't think the question is a follow-up to what I've been raising. I'm going to

request that he raises it on another platform and then we will be able to engage and respond.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Can you please sit down? Hon Mthethwa?

Mr E M MTHETHWA: Nowhere was the ANC part of the question that was asked here. The issue of naming the ANC as corrupt and people that ... [Interjections.]

Ms M O MOKAUSE: You are corrupting the truth!

Mr E M MTHETHWA: No, no, no, no! Chair, I just want to say that in the question that was raised by the colleague next to me, nowhere was the ANC mentioned. [Interjections.] In terms of the VBS, the ANC has dismissed its mayors. So, it must not be attributed to this question. That's my point of order, Chair. [Interjections.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Order hon members! I pray that next time you must be a House Chair and sit here.

An HON MEMBER: Who?

The HOUSE CHAIRPERSON (Ms W Ngwenya): You! I want to say that this is not the question that you asked at the beginning. You are now misleading the Deputy Minister. The Deputy Minister wanted to answer

the question; however, she can't answer it because the question that you have asked is not the same as the question that you asked when I gave you a second time.

Mnu S ZANDAMELA: Yima kancane lungu elihloniphekile Dodovu.

(Translation of isiZulu sentence follows.)

[Mr S ZANDAMELA: Please, wait hon member Dodovu.]

Chair, the problem that you made was at the beginning when this hon member posed the question to the Deputy Minister. Then he diverted. He mentioned a lot of things and you didn't rule on that. Can you please rule on that and ask him to stick to his question? Thank you.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon members, you are not assisting me. What makes me ... Can you please sit down, ma'am? Can you please sit down and put down your hands. I want us to solve this problem together. [Interjections.] I said he must repeat as the Deputy Minister cannot answer the question now because of the noise that you guys are making. Hence I said that he must repeat the question.

Anifuni ukuya emakhaya. [Uwele-wele.] *(Translation of isiXhosa sentence follows.)*

[You do not want to go home. [Interjections.]]

Hon members? What are you rising on now?

Ms H S BOSHOFF: On what we are discussing. Chair, you asked hon Brauteseth to repeat what he initially asked. To make it easier for the Deputy Minister, he summed it up; he summarised it. It has exactly the same content; just shorter. So, the crux of the matter was still discussed. You even said that you are going to refer something to Hansard. Please tell us what you are referring and give the member the opportunity again to repeat the question in full then. If she cannot answer a summary, ask him to speak and to give the whole question again.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Let's hear the point of order.

Mr T S C DODOVU: The point of order is that this hon member cannot be a spokesperson of another member. [Applause.] She can't do that. She can't do that. [Interjections.] The point is that the question is very clear. The Deputy Minister will answer to that particular question. Give her the space. These frivolous points of order are just wasting time and diverting us, and I want you to rule on that. She's here, she's fit and she's capable to respond to the question. [Interjections.] What's your problem?

The HOUSE CHAIRPERSON (Ms W Ngwenya): Okay. Order members! Order! Order! I would now like to make a ruling on this matter.

Animameli niyazazi. (*Translation of isiXhosa sentence follows.*).

[You do not listen you know.]

Can I make a ruling on this order, and go back to what I said at the beginning, that I'm going to look at Hansard? I'll ask the Deputy Minister not to answer this question ... [Interjections.] ... because she did not hear what he said.

I'm continuing with my list. I'm continuing with another list. I have made a ruling. I have made a ruling. Can you please sit down?

Asizukugidagida entweni eyodwa lapha. (*Translation of isiZulu sentence follows.*)

[We are not going to repeat one thing here.]

Can you please sit down? [Interjections.] Chief Whip, can you please assist?

Mr A B GOYIYA: Thank you very much, hon Chair. Can I request the hon members to sit down? [Interjections.] Can I request the hon members to sit down? [Interjections.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Point of order, members. Can you please sit down? [Interjections.] Can you please sit down? [Interjections.]

Mr A B GOYIYA: Hon Chair, I want to make an appeal ...

The HOUSE CHAIRPERSON (Ms W Ngwenya): I've pointed at the Chief Whip. Can you sit down please?

Mr A B GOYIYA: I want to appeal to hon members to act in an honourable way and to respect the Chairperson of the session. The Chairperson of the session has powers that are vested in her ... [Interjections.] ... and she has exercised those powers and ruled on that point of order. [Interjections.] Now, why must members continue wanting to dictate to the Chairperson how to run the meeting? If you have issues ... [Interjections.] ... you know what to do. You have avenues to explore. For now, your point of order has been ruled on. The Chairperson has ruled on a point of order and she is ordering the meeting to proceed. [Interjections.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Order members! Order members! Can all of you take your seats and sit down?

Ngicela nihlalani phansi nonke. (*Translation of isiZulu sentence follows.*)

[Can you all sit down, please.]

Hon members, I'm asking you to sit down. Can you please sit down ma'am? Ushers, can you please help me with those who don't want to sit down? [Interjections.] Assist me with those who don't want to sit down. [Interjections.]

An HON MEMBER: Throw them out! Throw them out!

The HOUSE CHAIRPERSON (Ms W Ngwenya): If you don't want to sit down ... Hon members, order! Can we adjourn for five minutes?

The House suspended at 17:19 and resumed at 17:39.

Integrated Monitoring Framework

108. Ms M L Moshodi (Free State: ANC) asked the Minister in The Presidency:

- (1) Whether the Integrated Monitoring Framework has shown any improvements in the monitoring of performance of the different government departments; if not, what is the position in this regard; if so, what are the relevant details;
- (2) whether the framework assists in ensuring that the President is informed of the performance of the different

government departments; if not, why not; if so, what are the relevant details?

CO253E

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon members, we were disturbed when I asked for the five-minutes break. So, now we are going to continue with the sitting but I want to name the members who made us to take a break for five minutes but not now because I want us to continue with this sitting. I'll name them after the sitting and I'm still standing by the ruling that I've made.

Hon Minister, Question 108 was asked by the hon M L Moshodi but the hon Dodovu will ask the first follow-up question on her behalf.

[Interjections.]

Mr G MICHALAKIS: House Chairperson, I am not standing to dispute your ruling. You have absolute right to make and reserve your ruling, as well as to go back to Hansard and make a ruling here as well. I respect that.

However, House Chairperson, with due respect, in the rule book it does not give you the power to order the Minister not to answer a question; that part needs to be fulfilled by the Minister, otherwise freedom of speech and our role to keep the Minister accountable is being undermined.

So, I respect your ruling. However, I would request that the Minister be ordered to answer the question as per the Rules of the NCOP. Thank you very much.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon members, I've made a ruling on this question that we are going to look at Hansard. So, I cannot repeat what made us to go out and allow the member to repeat the question. The Deputy Minister said: "I didn't hear this question". So, what is she going to answer if she didn't hear the question?

Mr G MICHALAKIS: [Inaudible.] ... more than willing to repeat the question because we are here to hold the executive to account. So, if the Minister did not hear, I'm sure the hon member - I can't speak on his behalf - can actually repeat the question slowly so that the Minister can hear. But we have to get an answer from ...

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon member, can you please sit down because you are taking us back to where we are coming from ...
[Interjections.]

Mr G MICHALAKIS: We have to insist that the Minister answers the question, Chairperson. I respect your ruling but I have to insist, as a member who represents the public and holds the executive to account, that the Minister must be afforded the opportunity to answer the question. I have to insist on that. I respect your ruling

but I have to insist, representing the public, that the Minister must be given the chance to answer our question. That is what we are here for and I'm sure my hon colleague will repeat the question if the Minister did not hear.

Mr K M MMOIEMANG: Chairperson, I rise on a point of order. In terms of Rule 35 the precedence of the presiding officer has to be respected, as you have made a ruling. Thank you.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Thank you, hon member. Hon Deputy Minister, can we continue with Question 108 please.

The DEPUTY MINISTER IN THE PRESIDENCY: Chairperson, whether the integrated monitoring framework has shown any improvements in monitoring of performance of different government departments? [Interjections.] If not, what is the position in this regard? If so, what are the relevant details?

The second question says: Whether the framework assists in ensuring that the President is informed of the performance of different government departments? If not, why not? If so, what are the relevant details? [Interjections.]

And the answer is no. The integrated monitoring framework has not yet been implemented; it is work in progress. It will be implemented as part of the new Medium-Term Strategic Framework, MTSF. This tool

will be utilised as part of the measurement tools for the performance of different departments.

The second one ... [Interjections.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): I did not point at you. Please sit down.

Ms C LABUSCHAGNE: House Chair, on a point of order, two points of order: First point of order is that, the hon member next to me used unparliamentary language, telling a member that they must go to hell. I would like him to withdraw that.

The second one ... [Interjections.]

Mr E R LANDSMAN: You have not called your member to order. Tell your member to respect the Chair.

Ms C LABUSCHAGNE: And you can remember to respect people in general.

On the second point, I would like to know if you are going to call and name all the people who are behaving the way they are behaving at this moment. Hon Chair, with all due respect, you are closing down ...

The HOUSE CHAIRPERSON (Ms W Ngwenya): Please sit down, ma'am. You have raised your point of order.

... the democratic space for questions and we will follow this up in writing and we'll not leave that this question ... that the Minister was protected by the Chair not to answer the question.

Mr E R LANDSMAN: On a point of order, Chair. Hon Mmoiemang was very clear when he ... [Interjections.]

An HON MEMBER: Chair, will you please take charge of the House!

Mr E R LANDSMAN: ... don't touch me man, please don't do that. Don't touch me in the media. I will deal with you when you speak.

She's hitting me and so, I can't talk. But it's fine I'm covered, Chair.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon members, I've made a ruling. I said we are continuing ... [Interjections.] ... on what?

Mr G MICHALAKIS: Hon House Chairperson, on a new point of order: I would like to point out why there is order when hon Nyambi is in the chair and not you? When you sit in that chair the House descends every time ... [Interjections.] ... it's because you are incompetent, you do not know the rules and you do not respect our democracy. [Interjections.]

I have a duty to represent my constituency ... [Interjections.] ... by making sure that the executive is held accountable. I intend to that. So, I would request you to ask the Minister ...

[Interjections.] ... to reply to the question that we've asked. Whatever her answer is, we will accept that. [Interjections.] But we have to insist that the Minister be allowed to answer our question.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Order, members. I think what you are saying is not a point of order.

Members, can you please allow the Deputy Minister to do her work?

Can you please allow the Deputy Minister to do her work?

[Interjections.] And allow me to do my work? Continue, Deputy Minister.

The DEPUTY MINISTER IN THE PRESIDENCY: The response to Question 108 by Mr Dodovu is no, the integrated monitoring framework has not yet been implemented; it is work in progress. It will be implemented as part of the new MTSF. This tool will be utilised as part of the measurement tools for the performance of different departments.

The President will sign performance agreements with Ministers. The integrated monitoring framework will be used to measure the implementation of these new performance agreements.

The new integrated system will enable the Department of Monitoring and Evaluation, working with other core departments and entities especially Statistics SA, to achieve the following goals:

Track the development impact of government policies, plans and programmes at population level nationally, primarily through evaluations studies but informed by monitoring data.

Track whether the National Development Plan, NDP, is translated into effective service delivery programmes at subnational level, provincial and district levels.

Track progress at the coalface of service delivery to assist real change and improvement in the lives of citizens.

Develop policy frameworks for monitoring women, people with disabilities and youth developmental sectors to ensure mainstreaming and tracking implementation thereof.

Enable the Department of Planning, Monitoring and Evaluation to triangulate data from different monitoring and evaluation systems as well as external monitoring and evaluation systems to provide a holistic picture of the performance of government and the impact on citizens. Thank you, Chair.

Mr T S C DODOVU: Hon Chair, I want to ask the Deputy Minister if she's quite satisfied that this integrated monitoring system framework indeed helps the entirety of the government to be better coordinated and to help government to immediately address the problems as and when they arise. Thank you very much.

The DEPUTY MINISTER IN THE PRESIDENCY: Chairperson, if you'll remember, the old monitoring framework was disjointed. For example, there was no tool to monitor financial and nonfinancial performance in an interlinked way. There was no system to monitor government and direct impact on government programmes to the people. This new system integrates all this into one.

Government will no longer focus on Programme of Activities, POA, monitoring but rather on a holistic integrated system.

So, the answer is yes. The purpose of monitoring is the routine check of information so as to confirm that progress is occurring against the defined direction in the five-year MTSF.

To ensure that the timely interventions take place, the setting of specific milestones to be reached with leading indicators is key.

The integrated monitoring framework requires that implementing departments develop delivery plans for the outcomes and targets for which they are responsible.

The plans will articulate that the impact, outcome, targets and outputs will be achievable. It will also indicate who is involved, at what level are they involved and how they are going to achieve their set targets. These outcomes and targets which will be set online will be properly planned for and resourced.

Quarterly performance assessments by the Department of Planning, Monitoring and Evaluation will check if delivery is on track. Where performance gaps are observed, the relevant Cabinet cluster is informed of the remedial actions which will be required to improve on service delivery and performance.

Therefore, the new tool which is going to be effected after Ministers and Deputy Ministers sign their performance agreements with the President will assist a great deal. Thank you.

Mr M R BARA: Deputy Minister, one of the key areas of focus of the integrated monitoring framework requires that there should be audited knowledge of interaction between planning, budgeting and implementation. This is to ensure that there are interventions to address problems as they arise. Now, if we have an integrated monitoring framework, how did we get to the situation where our municipalities are at a point of collapse, undetected, when we have a monitoring system in place that was supposed to see that we don't get to that point at any given time? Thank you, Chair.

The DEPUTY MINISTER IN THE PRESIDENCY: Chair, you would remember in the previous response I said that the difference with the new integrated monitoring framework is that the previous tool of monitoring was disjointed. The new one is integrated because I have said, firstly, there was no tool to monitor financial and nonfinancial performance in a linked way; the new framework provides for that. So, the new framework responds to the three gaps.

Secondly, there was no system to monitor governance and direct impact of government programmes to the people; the new framework addresses that. In the new integrated monitoring framework, previously Ministers and Deputy Ministers did not sign direct performance agreements with the President; something which is being corrected in the new integrated monitoring framework. Thank you, Chair.

Mr M S MOLETSANE: Deputy Minister, the establishment of this department will not improve service delivery and it is a duplication of what departments are supposed to be doing in the first place. Is it a correct assessment to say that this Ministry was not supposed to be created in the first place and we must do away with it? Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY: Which Ministry?

[Interjections.] I'm a Deputy Minister in the Presidency; we are

responsible for five entities; which one? [Interjections.] Okay, I can answer, Chair. [Interjections.]

Monitoring ...

USIHLALO WENDLU (Nk W Ngwenya): Awumuzwanga ukuthi uthini?

(Translation of isiZulu sentence follows.)

[The HOUSE CHAIRPERSON (Ms W Ngwenya): You didn't hear the question?]

The DEPUTY MINISTER IN THE PRESIDENCY: I heard him. I understand the question, and I can answer. Okay?

Monitoring is a routine check of information so as to confirm progress in various departments.

The Department of Planning, Monitoring and Evaluation remains relevant because as government, when we set targets for ourselves and the roles which we are supposed to play, it becomes imperative that we assess our performance, shortfalls and where we are supposed to plan, which is at the core of the Department of Planning, Monitoring and Evaluation.

Mr G MICHALAKIS: Deputy Chairperson, I'm sure we are going to become very good friends over the next five years. [Laughter.]

Hon Deputy Chairperson, my question to the Deputy Minister is:
Deputy Minister, would you agree with me that - it's like earlier on
the other matter which you were questioned on - the reason why you
were protected was because the Deputy Chairperson actually is
protecting the VBS Mutual Bank looters? Thank you. [Laughter.]
[Applause.]

The DEPUTY MINISTER IN THE PRESIDENCY: I don't agree with you.
Actually, I don't agree with you. [Interjections.] [Applause.]

Actions by Premier

129. Ms M O Mokause (Northern Cape: EFF) asked the Minister in The
Presidency:

Whether the actions and approach on issues by the Premier of
the Northern Cape amount to corruption and hypocrisy (details
furnished); if not, what is the position in this regard; if so,
what are the relevant details?

CO274E

The DEPUTY MINISTER IN THE PRESIDENCY: Question 129 asked by Ms M O
Mokause, Northern Cape, relates to whether the actions and approach
on issues by the Premier of the Northern Cape amount to corruption
and hypocrisy; if not, what is the position in this regard; if so,
what are the relevant details? The question concerned is defective
and based on misinformation. The company concerned was appointed on

22 January 2019, and the elections were on 8 May 2019. At the time of appointment of that company, the Premier of the Northern Cape was not in government.

The creation of work is the anchor point of the sixth administration. Therefore, any government programme that seeks to create decent work and thereby take our people out of poverty is welcome. However, because in the question there is a notion of corruption and hypocrisy, our view is that, if there is allegations and evidence that there is corruption, it must be taken up with the proper agencies which deal with corruption.

Ms M O MOKAUSE: House Chairperson, I'm not going to entertain the negative part of the response by the Deputy Minister. I'm going to ask you a follow-up question which I believe that you are going to answer properly in this Council. Deputy Minister, we've listened to the Premier of the Northern Cape when he spoke about ridding the state of the tender system. We were quite excited that somewhere somehow one of your deployees is speaking sense. Don't you think that it's time or it's a chance of your government in the Northern Cape to have a state-owned contract company that will actually minimise tenders and corruption within the ANC-led government?

The DEPUTY MINISTER IN THE PRESIDENCY: Thank you. There is nothing wrong with the declaration by the Premier of the Northern Cape to build a capacity of the state through insourcing and create decent

work and fighting the triple challenges of unemployment, inequality and poverty. It is also important that even beyond the decision to insource services, government will still continue to procure services from private service providers until capacity is built. We, therefore, expect government to continue with outsourcing and that does not imply hypocrisy or populism. [Interjections.]

Ms B T MATHEVULA: Chairperson, point of order. I would like to request you, Chairperson, to tell the Deputy Minister that she should not read the question because we already have it. She should just answer. Thank you.

Media Development and Diversity Agency

109. Mr I Ntsube (Free State: ANC) asked the Minister in The Presidency:

- (1) Whether the Media Development and Diversity Agency (MDDA) is making any progress in creating an enabling environment for media development and diversity; if not, why not; if so, what are the relevant details;
- (2) whether any (a) programmes and (b) initiatives that are intended to assist in developing (i) community media and (ii) small commercial media which are based in the rural areas and advance gender diversity, especially in

commercial media have been initiated by the MDDA in the past five years; if not, why not; if so, what are the relevant details?

CO254E

The HOUSE CHAIRPERSON (Ms W Ngwenya): Deputy Minister lets continue with Question 109 that was asked by Mr Ntsube but on his behalf, Mr K M Mmoiemang is going to ask the follow-up question.

The DEPUTY MINISTER IN THE PRESIDENCY: Okay, thank you. The question is whether the Media Development and Diversity Agency, MDDA, is making any progress in creating ... [Interjections.]

An HON MEMBER: Point of order!

The HOUSE CHAIRPERSON (Ms W Ngwenya): What is your point of order Sir?

Mr W A S AUCAMP: House Chair, on a point of order: You cannot go to the next question when we haven't been allowed to make follow-ups on the previous question. We as the opposition, have the right to ask follow-up questions. You have only allowed the person who asked the original question and no other people. So, please allow us to ask follow-up questions. I don't have a specific question but you must allow everybody to have a follow-up question if they want to. Please!

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon member, I always do that if your hand is up. But if you didn't raise your hand, I cannot assume that you want to ask a question. Please continue Deputy Minister.

The DEPUTY MINISTER IN THE PRESIDENCY: The question is whether the Media Development and Diversity Agency is making any progress in creating an enabling environment for media development and diversity? If not, why not? If so, what are the relevant details? And, whether any programmes and initiatives that are intended to assist in developing community media and small commercial media which are based in the rural areas and advance gender diversity, especially in commercial media, have been initiated by the MDDA in the past five years?

The reply is that, the MDDA enables the environment for media development through its grant-funding capacity development and awareness-raising campaigns. Through this, an environment for media development and diversity has been enabled overtime. This is confirmed by an independent study which was commissioned by the MDDA in December 2017. The study confirms that the agency has channelled resources to the community and small commercial media sector. This has widened the base of community print and radio in the country. This has contributed immensely to providing media and information to historically disadvantaged communities across provinces. However, MDDA is in the process of developing other communities such as the

deaf community as well as other indigenous languages by funding them as special projects.

The second challenge has been the underfunding of the MDDA. This does not allow the MDDA latitude to finance all proposals in the country. Despite all this, MDDA has and continues to focus on supporting community and small commercial print projects owned by women, youth and persons living with disabilities. Yes, the MDDA has projects in various rural communities and the following are some of the projects that have been supported through funding and capacity-building over the past five years.

The first one is community print projects such as Rise and Shine Disability Magazine, owned by four women with disabilities based in Mdantsane in the Eastern Cape. The second one is Bushbuckridge News based in the Ehlanzeni District Municipality in Mpumalanga. The third one is EzaKwaZulu News, distributed in KwaZulu-Natal. The fourth one is SMME News which focuses on assisting small business development which is based in KwaDukuza Local Municipality in KwaZulu-Natal. The fifth one is the Eastern Cape Women's Magazine based in OR Tambo District Municipality. The sixth one is Siyapagang Newspaper based in Zeerust in the North West province. These are just a few we are naming. Thank you.

Mr K M MMOIEMANG: Chairperson, let me appreciate the articulation by the Deputy Minister in terms of the support they are giving to the

establishment of the community radio stations. My follow-up question relates to the intervention and the measures that will be given to these community radio stations for them to be sustainable. The sustainability part of it is the follow-up question and my reason for that is the resolution that we have taken as the ANC in Nasrec that we need to support community broadcasting so that we are able to improve, strengthen and address the signal distribution and other challenges in both radio and television services. Thank you, Deputy Minister.

The DEPUTY MINISTER IN THE PRESIDENCY: The government of South Africa is one of the major funders of the MDDA. It provides funds of more than R31 million grants to the MDDA annually. In return, the MDDA, through a well-managed grant management process, distributes or funds this amount to various quality community radio and print projects. Government and the MDDA are also creating the strategic partnerships with the public and the private sector on training which would include equipping them with marketing, advertising and corporate governance skills in order to allow them to be able to generate their own revenue.

Some of these partnerships will be supported with media bulk buying or financial assistance where possible. We have also initiated negotiations with various commercial media institutions as part of this comprehensive support to the community print. We are further exploring possibilities of all three spheres of government to invest

in this community media sector through media bulk buying and advertising. Thank you, Chair.

Mr M R BARA: Deputy Minister, the mandate of the MDDA is predominantly to set up and assist community radio stations and media in broad terms. But one of the key challenges that they have is lack of funding for capacity-building. Secondly, it talks about high turnover of board members. Thirdly, it is with regard to the fact that when they support projects, there are no measures that would seek sustainability beyond funding provided by MDDA. But the last one without crying about the budget, is that in 2018-19, they incurred irregular expenditure of R39,1 million. Now, I want you to explain to me this one, you cry about lack of funding but you have an irregular expenditure at the same time. How do you balance the two? Secondly, how do you envisage that this matter will be addressed in order for MDDA to be able to meet its mandate? Thank you, Chair.

The DEPUTY MINISTER IN THE PRESIDENCY: In our recent budget speech, we have made commitments. Firstly, the current board of the MDDA has four instead of nine members and we are going to fill the vacancies. The second issue was that we committed ourselves through the budget speech that we have 12 vacancies in the MDDA and six of them are at an executive level, including the CEO ... That says to us that the institution does not have leadership.

Now, in terms of managing resources, and assisting the institution to live up to its mandate, we must ensure that vacancies are filled and the board is fully comprehensive and covered. We are currently in the process of filling the vacancies in the institution which also include that of the CEO and that will assist the institution to monitor the money which we give out, follow it and fund projects which exist.

The other issue which the board is dealing with is a number of forensic reports which were brought forward in relation to alleged corruption and the board is fast-tracking and ensuring that remedial actions are taken as per recommendations of independent bodies which conducted them. What we have also sought to do was to engage the private sector to support the MDDA beyond the financial muscle that we do as an institution. I have indicated that we have engaged them on other various projects in which they can assist.

But as the MDDA, if we are able to give money to community radio stations and community print, how will the private sector, especially in the mainstream media platforms, come on board to assist the institution and our community radio stations with capacity-building? How will they assist them with news gathering and how to run reputable community radio stations which will be able to generate resources on their own beyond the funding that we give them? Thank you.

Mr T J BRAUTESETH: Deputy Minister, I rise again as I want to discuss the issue of corruption at the MDDA. You may be aware of the fact that the former Chair of the board, Ms P Nkomo, appointed herself as the CEO of the MDDA, completely irregularly and without any justification. She then proceeded to pay herself an amount of R235 000. She was a board member and the amount due in terms of board meetings, was R2 200 per meeting with a maximum of 12 meetings a year which means that she scooped herself about R220 000.

Something else that also came out of it was that R95 000 was spent on taking minutes during the time that she was the Chair and the CEO for these various meetings. There is also a rumour that, like some people I know, she may have also received funds from Bosasa. But anyway, the questions is, what will your Ministry do to recover the funds from Ms Nkomo and what will you do in terms of criminal investigation and possible prosecution against Ms Nkomo as a result of her unlawful actions? Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY: As regards the alleged corruption at the MDDA, when we got into office, we found out that the board had appointed independent bodies to investigate it. I am not sure if the one that you are referring to is part of the bulk. What I can safely say to you is that, the board is currently addressing and implementing findings of those independent bodies. I can go and find out about this one that you are speaking about. I am not sure if it is part of the pile that is there. I can write you a

written response or you can bring it back as a question and I'll give you an answer in detail. But the board is busy dealing with corruption that is on their table.

Ms B T MATHEVULA: Deputy Minister, I heard you mentioning all the provinces, except Limpopo. When are you going to escalate it to Limpopo province? Thank you very much.

The DEPUTY MINISTER IN THE PRESIDENCY: I gave some. In Limpopo for example, we are busy running a project with Balobedu to see the possibility of creating a community radio station. In the Northern Cape, we have sent a team which is looking into the possibility of a Khoi community radio station. Those that I mentioned are just flagships but are not the only ones.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you, Deputy Minister. Allow me to take this opportunity to thank the Deputy Minister in the Presidency, Ms Siweya. Thank you for availing yourself to answer questions in the NCOP. [Applause.] I now invite Deputy Minister Mkhize to join us on the podium. [Interjections.] [Applause.] Sorry Deputy Minister, hon Michalakis, why are you standing?

Mr G MICHALAKIS: Hon House Chair, on a point of order: May I just express how absolutely glad I am to see you on that chair again. Thank you very much. [Interjections.] [Laughter.]

The HOUSE CHAIRPERSON (Mr A J NYAMBI): Out of order! Hon Deputy Minister, your first question is Question 122 asked by hon Bara.

National Strategic Plan on Gender-Based Violence

122. Mr M R Bara (Gauteng: DA) asked the Minister in The Presidency for Women, Youth and Persons with Disabilities:

With reference to her department's lack of budget to implement the National Strategic Plan on Gender-Based Violence (GBV) and femicide, how does her department intend to (a) curb GBV without a budget and (b) implement its commitments to fight GBV?

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The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon Chairperson and hon members, just to respond to this question: I would like to say that hon members will recall that during the Joint Sitting of Parliament on 18 September this year, the President made an announcement of the five-point emergency action plan on ending gender-based violence and femicide. The President committed resources towards the implementation of the National Strategic Plan to the value of R1,1 billion. Immediately thereafter, the National Treasury wrote to nine key departments to request them to identify funds within their budgets to be utilised immediately to implement or fast-track the emergency action plan.

The second part of the question talks to the action plan itself. So, the action plan towards the effective implementation of one of the five-point plan will be conducted in partnership with NGOs, faith-based organisations, institutions of higher learning, traditional leaders and all other sectors of society such as the men's group that the President has invited to be part of the solution.

Chairperson, maybe I just need to quickly mention the five-point plan that the President talked about without giving details. The first component of this is looking at prevention and what needs to be done. One of the activities is the mass media campaign targeting communities and creating awareness in public spaces, workplaces, schools and so on.

The second part talks about strengthening the criminal justice system. We all know that we have the Sexual Offences Courts which have to be strengthened and expanded, especially in rural communities.

The third point talks about enhancing legal and regulatory reforms, and engaging with the judiciary on the role that it can play in ensuring successful prosecutions.

The fourth point is to ensure adequate care, support and healing. Hon members will know the trauma and its impact on the survivors. So, this is a critical component which is carried out through the

Thuthuzela Care Centres that are in each and every province which we hope to expand from the current 54 to make sure that people get adequate assistance.

The last point, which is the fifth one, is the improvement of the economic power of women which is seen as the fundamental problem why women stay in difficult abusive relationships because they have no adequate resources to choose alternative plans and to take care of their lives and children. Thank you.

Mr M R BARA: Hon Deputy Minister, my challenge in your response is that, by implication, it says that before the Joint Sitting that the President called, there was no budget set aside for gender-based violence. That is what it says.

Secondly, a Gender-Based Violence and Femicide Summit was held in 2018 and that is where the plan came from that was supposed to be implemented by the department, yet the department does not have the budget to do so. In the current situation where women are under siege and gender-based violence is so rampant: How did it come to the point where there is no budget set aside to deal with that scourge and that violence or aggression against women and children? Thank you, Chair.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon Chairperson and hon members, I would really

invite each and every one of us to familiarise themselves with work which is done on a daily basis. When I talk about the police, they are the first line of entry for victims of violence. So, it is inaccurate to say since the gender summit ... Work was done even long before the gender summit. The Thuthuzela Care Centres are much older than the gender summit. The national prosecuting courts are much older, and so work has been continuing over the years. However, I think what the President has done is to really give this process seriousness; the political and moral authority so as to ensure that it is given the attention it deserves. But also, to say that there was no budget, maybe again I was not clear enough.

When Treasury wrote to key departments, it's departments that were already sitting with the budget. The Thuthuzela Care Centres are run by the Department of Health because doctors and surgeons have to examine people. The Department of Social Development has to make sure that social workers write reports. Trauma counselling is also done under that department and some are employed by the police. So, these departments have been having this budget. That is what is called cutting the fat where we can take extra money from departments and put it in the kitty for what the President has referred to as a national crisis.

I hope the hon member is clear that it will be inaccurate for us to leave this House thinking that nothing was being done or there was no budget. It was budgeted for, sitting in different corners, but

the emphasis now is that we work in a co-ordinated, coherent and seamless manner so as to leave nothing to chance. Thank you, hon Chairperson.

Mr M E NCHABELENG: Hon Deputy Minister, thank you for the answers that you have given. I just want to check other collaborative measures the department has with other government departments to ensure that we wage a concerted battle against gender-based violence. I know that there has been funding. Police stations have money to buy kits as part of the investigations. The Justice, Crime Prevention and Security Cluster has a budget, for instance, to deal with cases related to family courts and others. You have actually mentioned that. However, I just wanted to check what collaboration is there. If you can provide us with some details.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Thank you, hon member. The Department of Social Development was amongst the first departments to contribute towards the Gender-Based Violence Command Centre or the centres which are very, very important. They also now collaborate with the telecoms where they have a 24-hour hotline with an emergency tactical response team. We also collaborate with the Department of Social Development when it comes to the resourcing and management of shelters which are quite critical when one has to curb this problem or especially when it comes to prevention. Before a woman is attacked, it becomes important to have these shelters so that they

could exit and go and occupy different spaces away from their potential attackers.

With regard to the Thuthuzela Care Centres, which are basically managed by the entity of the Department of Justice and Correctional Services which is the National Prosecuting Authority, NPA, but we collaborate with quite a number of departments and even civil society. They play a major role in assisting survivors to come out and report or support families where there is a casualty, maybe a woman has been killed or a child has disappeared. So, they help them even during the court proceedings to ensure that people do not withdraw cases because they find it difficult to present their cases to our police stations or sometimes cases stay in the system for too long.

Also, the Department of Public Works' unused state buildings are now being identified, reprioritised and reconfigured as shelters. Those are just some of the departments that we are collaborating with in brief to strengthen the programme of curbing gender-based violence. Thank you.

Mr A B GOYIYA: Hon Deputy Minister, I just want to check the levels of engagement between government and civil society organisations, especially those that are community-based to ensure that we fully realise our objectives for a national strategy on gender-based violence. Thanks.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon Chairperson and hon members, civil society organisations play a major role in this area. I am sure hon members will agree when I say, when it comes to awareness, they are the first ones to speak about what is happening in their different communities. Also, they are very strong in terms of mobilising community structures to come together to defend the survivors.

It is NGOs, but also the faith-based organisations. We have seen more and more of them standing up, and sometimes even using formal religious services to actually have young people leading and talking about the scourge of gender-based violence.

The National Strategic Plan, NSP, and the National Steering Strategy Framework are really being developed in partnership with civil society. The steering committee sits and civil society organisations play a critical role. They are part of the National Strategic Plan. They have been part of the consultations being supported, of course, by our own officials and some elements within the Presidency who have come forward to support the process.

At the end, we hope that, with the resources that will be made available, we will capacitate even more civil society structures to work in this area. Whenever we are in rural communities, we make a call to more local people even under the traditional leaders and

tribal authorities that it is important to have civil society groups working in partnership with communities to tackle this problem.

Of late we have seen even university-based initiatives doing research on this, and giving us more information on perpetrators. Generally assisting us to understand where we are and giving us options on how to approach this problem and be able to see the results much faster or just to curb the escalation that we have seen over the past few months. Thank you.

Ms M O MOKAUSE: Hon Minister, here in South Africa there is no political will to fight gender-based violence. Those with monetary power to fund such programmes keep on turning a blind eye to such crimes. That is why perpetrators of gender-based violence keep on repeating the same crimes over and over again.

Police stations are not well-equipped to deal with such crimes. There are no funded shelters to accommodate victims of gender-based violence.

In your own Cabinet meetings don't you see the importance of dealing with such a bloated executive, taking the budget and funding such programmes towards gender-based violence or even identifying departments such as the Department of Planning, Monitoring and Evaluation which are also taking the chunk of the budget to fund these programmes in this country? This remains a song over and over

to the government of the Republic of SA, but nothing is being done. It remains a talk show.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon Chairperson and hon members, I am sure the hon member will agree with me that the debate we saw recently when the President and leaders of all parties in Parliament were speaking on the matter, I came out convinced that if we work together, we can overcome the scourge that we are facing. There is not even a single representative of any of the parties whose *bona fides* I doubted in terms of condemning this social ill that we are faced with. So, hon member, I think as public representatives we have to continue giving confidence to the people of South Africa. Just based on that debate where all hon members took a clear position that at least we have the kind of leadership which is in agreement on one thing, that women have a right to be protected within the Constitution to be safe, to feel safe and to freely walk around without fear of intimidation or any form of sexual harassment.

With regard to the budget and the question of resources, I think there is this process led by the Treasury now to strengthen all our entities which are dealing with this. I have confidence that that is going to strengthen all people who are involved with this and begin to send a clear message to perpetrators that enough is enough, as women of South Africa have said.

I know, hon member, that there has been one concern. The question of sentencing and giving bail to perpetrators and also the delay for women in ensuring that they get justice. So, those are some of the things that we are looking at, which I hope once the entities like the police and the magistrate courts are strengthened, trained and retrained properly, we will begin to see the drop of the problem. But also the work that is being done under prevention is very, very important to help communities to be vigilant and able to report timeously because one of the things we have seen with most cases is that people speak after the fact and say, "we knew this was happening". It is either they will talk when a woman has died with a protection order in her hands or when a woman or a child has disappeared. However, we hope with more resources and more people committing to stop this and us as public representatives, of course, being more vigilant, and using every opportunity to speak out on this matter ... Thank you, Chairperson.

Dikago ya batho bao ba phelago ka bogole

134. Ms S B Lehihi (North West: EFF) asked the Minister in The Presidency for Women, Youth and Persons with Disabilities:

Go ya le ka moo dikago ya batho bao ba phelago ka bogole
(dintlha di neetswe) ke ka lebaka la eng, (a) dikago tse di
kgakolositswe le (b) batho ba rona ba sotlhakakiwe? C0279S

(Translation of Setswana paragraphs follows.)

[Neglected needs & disability centres

134. Ms S B Lehihi (North West: EFF) asked the Minister in The Presidency for Women, Youth and Persons with Disabilities:

With reference to the disability centres in the rural areas and the townships (details furnished), why are (a) such disability centres neglected and (b) the needs of persons with disabilities being disregarded? CO279E]

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: As you might be aware, hon members, the democratic government really inherited inhumane socioeconomic disparities from our difficult past and we always say the legacy is still with us.

Over the past 25 years government has made great legislative and policy strides in closing the gap between rural, township and urban areas.

With regard to persons with disabilities, the implementation matrix of the White Paper on the Rights of Persons with Disabilities, among others, addresses early childhood development matters to ensure that affirmative steps are taken to improve the facilities and centres and to ensure that corrective measures are taken timeously.

But also, the socioeconomic rights of persons with disabilities are key to the development agenda of the country. Such rights are protected by Chapter 2, section 9 of the Constitution. Responding to the needs of persons with disabilities in a human rights and developmental context requires, first and foremost, that we uphold their right to be protected from discrimination on the basis of disability and that their right to equality is protected.

Without going through everything that I can say on this matter, South Africa adopted the United Nations, UN, Sustainable Development Goals, which really has shown us that nobody should be left behind. So, the question on the status of centres in rural areas is very, very important. In terms of the UN Sustainable Development Goals we have to start from those who are far away from access and make sure that we strengthen them, and we consolidate those centres. We know that they don't even have access to economic employment opportunities but I fully accept the issue that hon member is raising; all what we have to do is to start from the rural areas, townships and informal settlements, and make sure that the rights there are realised, and also where there are economic opportunities, they are not far from them. Thank you, hon Chair.

Ms M P MMOLA: Deputy Minister, has the Ministry engaged with the various government departments, especially the Department of Social Development, to ensure that they prioritise the upgrading of the

facilities, disability centres, in the rural areas and townships? I thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon member, we have a task team between the two departments which is continuously working on all the rights that are protected in the Constitution and the White Paper on the Rights of Persons with Disabilities. But, of course, as I have responded to the previous question, all what we have to do in all the deliberations is to pay particular attention to those who are not in our golden cities where everybody walks around and talk to them on a daily basis, but, especially people who have not had access.

Hon members, we are fully aware that we have serious challenges in rural communities when it comes to disabilities because even our education system, by the time they get to universities where there are special gadgets that help them with whatever aid they require, in rural communities people with disabilities would have dropped out of the system. So, those are some of challenges we are grappling with.

We want our mass media to help with the campaigns to encourage people to take children to school - as I have said that early child development is compulsory - so that they are identified quite early, and screened during the first three years. And also that those who need ... can be assisted with the minimal remedial measures to be

able to hear, see, walk around or exercise their communication abilities. So, there is a lot more which we need to do in partnership, of course, with our tribal authorities, to deal with this problem of ... so as not to be seen to be neglecting our care centres in rural areas. Thank you.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon members, firstly, I would like to apologise to hon Lehihi because there was a note that was sent to me and there are two 134s. So, I was saying that note is the one that is going to ask the question. So ... [Interjections.] ... can I finish?

Lungu elihloniphekile Lehihi ungizwile angithi. Bengicela uxolo ngesizathu sokuthi kube nencwajana efikile. Ama-134 mabili ngakho ke bengicabanga ukuthi bakhuluma ngaleyo kanti bakhuluma ngenye.

(Translation of isiZulu paragraph follows.)

[Hon member Lehihi you heard me, didn't you? I was apologizing because of a note that I received. There were two 134s and so, I thought they were talking about that one whereas they were talking about the other one.]

There was a note that was put on the table. Can you ask the Deputy Minister the question please? Follow-up question, darling.

Ms S B LEHIHI: Modualsetilo, ke rata go tlhagisa gore se se buiwang ke Tona se fapane le nnete, le gore ke boitemokanyi fela. Nnete ke gore batho ba rona kwa ba nnang teng ba tshela ka thata mo go mašwe. Tona, Bokone Bophirima e na le madirelo a le mantsi a batho ba ba nang le dikgwetlho a a sa kgathalelweng ke lefapha la gago. Dikai tse ke nang le tsona ke Reatlegile Disability Centre, Tshedimosetso Disability Centre le Rulaganyang Disability Centre.

Tona, a o ka netefatsa Ntlo eno gore pele ga ngwaga wa 2019 o fela, o tla ipha nako ya go etela mafelo a ke a umakileng, le go netefatsa gore ditirelo di fitlhelela mafelo ao gore a kgone go direla batho ba rona se se ba tshwanetseng? Ke a leboga, Modulasetilo.

(Translation of Setswana paragraphs follows.)

[Chairperson, I want to bring to the fore that the Minister is far from the truth; it is just hypocrisy. The truth of the matter is that people are suffering a lot. Minister, the North West has many facilities for people living with disabilities, which your department does not care about. I have Reatlegile Disability Centre, Tshedimosetso Disability Centre and Rulaganyang Disability Centre as my examples.

Minister, can you tell us if you have ever been to the above-mentioned facilities and managed to do what is due to them? I thank you, Chair.]

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon members, I would just like to assure the hon member that what I am presenting before this august House is a really serious commitment. I represent the government department; it is not a talk show. So, with regard to the centres that the hon member has referred to, we have officials who are spread all over there, and they have noted the names; we will definitely visit them.

Actually, in North West province we have even approached the women leaders whose sons are also chiefs, to assist us in building the configured department, and to look at its entirety with them. So, we will certainly visit. While the task team is working with officials, we will continue to visit centres, especially in rural areas; also, as part of expansion, we will be looking for more spaces to ensure that a lot more is done. For instance, when we compare with big cities, there are factories where there are set-asides and they are run by persons with disabilities. And in rural areas we are hoping that there will even be walk-in centres so that people can walk in every day, acquire basic skills and gradually be given the set-aside for opportunities.

Also, through this District Development Model which has been launched by the Department of Co-operative Governance and Traditional Affairs, Cogta, we are hoping that it will help us even more to scan what exists from these disability centres, to the

Thuthuzela Centres and virtually all the key factors that we require for us to realise the rights of persons with disabilities.

Mnu M NHANHA: Sekela Mphathiswa, ngomhla we-10 kweyoMsintsi kulo nyaka sikuwo, uMphathiswa weSebe lezeMpilo uGqirha Zweli Mkhize wayelapha kule Ndlu. Enye yezinto esathi sambuza ngazo, waze naye wazibophelela ukuba isebe lakhe liza kuzimisela kukusebenza nala maziko sithetha ngawo. Kaloku kwaye kwavela, kule Ndlu, umba wokuba kukho iibhedi ezingasetyenziswayo kwizibhedlela zethu. UGqirha Mkhize wathi isebe lakhe likulungele ukuba lithetha-thethane nesebe eli lenu ukuze iibhedi nezinye iimpahla zilungiswe kwaye zivuselelwe ngabachweli abakhubazekileyo ukuze ziphinde zisetyenziswe. Elo nyathelo liya kunika umsebenzi abantu abakhubazekileyo. Ingaba Mphathiswa seniqalile kusini na ukuncokola njengamalungu ekhabhinethi nesebe likaGqirha Mkhize? Enkosi Sihlalo. (*Translation of isiXhosa paragraph follows.*).

[Mr M NHANHA: Deputy Minister, on the 10 September this year, Minister of Health Dr Zweli Mkhize was in this House. One of the things we asked him about, and he committed himself that his department will be determined to work with the institutions we are talking about. Because, in this House, the issue of the obsolete beds in our hospitals came up, Dr Mkhize said that his department is ready to negotiate with your department so that beds and other clothes can be refurbished by carpenters with disabilities so that they can be used again. That initiative will provide employment to

people with disabilities. Have you Minister as members of the Cabinet started engaging with Dr Mkhize's department? Thank you, Chairperson.]

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: House Chairperson, we are actually having bilateral with all the nine key departments, and the Department of Health is one of those, including even the Department of Trade and Industry and the Department of Economic Development because we do believe that no single government department can tackle this alone. We are even talking to the private sector with regard to the set-asides, where people are exploring different things that they can do with us. So, the question is, when are we going to see the concrete projects coming out of this? We do believe that within the framework that we already have, it is possible to finalise some quick wings with the key departments like the Department of Health, Education, Trade and Industry, so that persons with disabilities could experience the change in their lives through the coordinated integrated framework of government that the sixth administration is insisting upon.

We know we come from a history where each department could make a contribution even on issues of disabilities but I think we are at the point now where we should be able to make some concrete bilateral with other fellow departments that we can implement within a shorter period of time. Thank you.

Ms H S BOSHOFF: Deputy Minister, as you have alluded to the wonderful programmes that you want to roll out with regard to people with disabilities, I commend you on that and we will be watching with great interest.

But, your department already has centres and there are very many other centres like the Social Transformation for Social Empowerment, STEEs, which are also doing commendable work in regard to people with disabilities and sheltered environments.

What I would like to know from you is on the 10 September, the Minister of Health was here answering oral questions; and a question was posed to him in regard to obsolete beds that hospitals are throwing out, etc - you know about the incident at the Baragwanath Hospital - and he was asked whether he would see a way open to have those beds taken to those centres and have them refurbished so that they could again be used in places like nongovernmental organisations, NGOs, or schools and stuff like that.

I just want to know, has the Minister of Health engaged with you in this regard, if so, what was the outcome, if he has not engaged with you yet, are you ...

The HOUSE CHAIRPERSON (Ms W Ngwenya): Sorry, hon member, sorry there is a point of order.

Mr A B GXOYIYA: Hon Chair, the point of order is that the question was asked in IsiXhosa, exactly the way she is doing. She is now translating the IsiXhosa question into English and there are translation services here. So, if people don't understand language ...

Ms H S BOSHOFF: Alright. On a point of order, thank you, I will sit down.

Mr G MICHALAKIS: House Chairperson, just on that point of order: The hon member indicated now that there are translation services available. I didn't want to get up on this point of order earlier on but since that was raised, the translation services stopped working after five o'clock; I have been checking it, except for Afrikaans every half an hour. I don't know whether it is because Parliament doesn't have enough translators after five. I actually think, perhaps just to take us forward, House Chairperson, that this matter be taken up on a higher level that Parliament starts actually investing in multilingualism ...

... in ons tolkdienste, dat ons minder geld spandeer aan etes en meer geld spandeer aan veeltaligheid. Dankie. (*Translation of Afrikaans paragraph follows.*)

[... in our interpreting services, that we spend less money on meals and more money on multilingualism. Thank you.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Okay, order! Hon member, the point has been taken, and we will do the follow-up. Thanks. Continue Ma'am, you have been disturbed by the point of order. Are you done? You have already spoken. Were you done?

Ms H S BOSHOFF: Well, on point of order which was pointed out that my colleague had already asked the question and as the colleague from the DA behind me said that there are no translators, I wasn't aware of what was being said. And to hon Landsman, we are Afrikaans speaking, but we would love to have all the translations. Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: House Chairperson, just briefly without repeating what I have said, maybe what is important is to accept that the hon member has made reference to quite a number of opportunities especially in the hands of private, besides government one, just numerous NGOs, that are involved. We have become aware. As a result, on the 2nd of November when we launch the disability month, we want to get representatives of all these structures under one roof so that we understand what exists, who is mending it, and who stands to benefit from it.

With regard to government departments, there is a framework whereby we must finalise agreements as to what each department will do to contribute in this.

We will certainly follow up with the Minister of Health, whom I hope will give instructions to members of executive council, MECs, in all the provinces, and at a local level of Cogta, so that we finalise some agreements because - you know - in government, without a clear directive, you find that it might be a good idea, but there'll be no implementation. Now that we are aware, we will certainly commit the Minister to something specific, based on what he said here. That is what we are looking for, possibilities, and not new grounds which might take forever to implement. Thank you.

Finalisation of National Strategic Plan

105. Ms Z V Ncitha (Eastern Cape: ANC) asked the Minister in The Presidency for Women, Youth and Persons with Disabilities:

- (1) Whether the Government has set any timelines for the finalisation of the National Strategic Plan on Gender-Based Violence; if not, why not; if so, (a) what timelines and (b) what are the further relevant details;
- (2) whether the Government has started with the process of identifying resources for the implementation of the plan;

if not, why not; if so, what are the relevant details?

CO250E

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: I hope I still have Question 105. I am sure the officials are panicking that she has now lost 105. The timeline for the finalisation of the national strategic plan on gender-based violence and femicide was initially set as the end of September. Because the task team was hard at work and many more groups wanted to engage and make a contribution in the national strategic plan on gender violence, we then got an extension till 30 October. So, that is the deadline that has been set. But the task team continues to engage and any group which would like to contribute have the opportunity till the 30 October this year.

Nks Z V NCITHA: Sihlalo weNdlu umbuzo wam kuMphathiswa umalunga nesicwangciso senkqubo kazwelonke sokuba nenza njani na ukuqinisekisa ukuba kukhona apho kuchazwayo ixesha nexesha ngenkqubela eyenziweyo? Kaloku sifuna ukwazi ngobungakanani benkqubela kubantu abakushishino labucala kwakunye nabemibutho yokuhlala. (*Translation of isiXhosa paragraphs follows.*).

[Ms Z V NCITHA: House Chairperson, my question is about the national programme plan. Minister, how do you ensure that there is something that is explained time and again about the progress made? We want to

know about the progress of people in the private sector as well as housing associations.]

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: I assume the hon member ... I did mention that we have the final date of 30 October for the national strategic plan but also, once that process has been finalised, what will then be important will be to make sure that we begin to put in place implementation mechanisms so that we can hold each other accountable, and have clear leadership on what has been agreed upon as priorities. And when it comes to the question of resources, to also ensure that we do not have challenges in the system whereby people are not able to do what they are supposed to do mainly because of the shortage of resources. As I have said, many of the critical players are not even in government; they are not public servants but work has to continue. The challenge which they have had in some instances was the lack of resources but the mobilisation which has taken place through this national strategic plan, has brought together very critical players in this - as I have said - like youth structures, men's structures, LGBTIQ+ and faith-based organisations. All these groups are positioning themselves to be held accountable for the role and contribution they can make in the implementation of the national strategic plan on gender-based violence.

When it comes to government department, the capacitation of the police and their training to ensure successful prosecution and partnership, of course, with social development to monitor closely the Thuthuzela Care Centres, are all the critical priorities that we are all monitoring very closely so as to ensure that we work differently, and do not to do the things we did yesterday which led to bad outcomes in terms of our statistics; but to also do things differently. Unfortunately, hon member, I cannot give you the exact pointers because we're talking about the report which has not been tabled and adopted so that we all know the outcome of the national strategic plan on gender-based violence, GBV. But we are working on well-known pointers which - as I have said - we have identified and said, in the interim, let's beef them up. Thank you.

Ms D C CHRISTIANS: Deputy Minister, we have heard you saying that your national strategic plan will be rolled out by the end of October and we are certainly looking forward to seeing that implementation plan come to life and assist the people - women, children and all the vulnerable people in South Africa. However, Deputy Minister, the failure by your department to allocate adequate resources for this purpose places the responsibility on women to speak out against gender-based violence. While the government seems to be developing plans, it appears to be lacking the willpower and ability to implement those plans. How serious is your department in combating gender-based violence if there is no adequate budget or resources for that purpose? Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon Deputy Chairperson and hon members - I think - in terms of our economic outlook as of today, if Treasury has identified up to R1,6 billion, we think that is a substantial amount during this term for us to begin to work effectively on this. As I have indicated, that's the money which was already allocated. It was not in the Department of Women, but in different departments and was earmarked for gender-based violence. What I can commit to is that, there is a political will and commitment to leave nothing to chance.

The President has gone to the extent of saying, even those cases which were dropped and not taken forward for prosecution, should be looked at and reinstated because, in some instances, they were dropped because of problems in the system, either with the police or the magistrate court. There were too many bottlenecks. Irrespective of the legislation we have, people were still not moving swiftly to apprehend perpetrators and prosecute them. So, I do believe there is a commitment and seriousness. I don't think once this national strategic plan is finalised and adopted, any department will then relax and not be part of the implementation of whatever will be the pillars that will be agreed upon.

However, we also continue to call upon all public representatives to be really part of the army because this is bigger than government. This is for all of us to be vigilant and watchful, and to step in as soon as we are suspicious even of neglect by our own government

departments. Whatever hon members can pick up as likely to be a barrier to what we want to achieve, any intervention, awareness and shouting will assist a lot because this is, for women of South Africa, big; it is causing so much pain and is something which we all wish we had more energy and means to just blow it up. But unfortunately, we live in a society where we are driven by resources. However - I think - if we can all commit, we will get somewhere and will see different results. This is because there is a commitment that we all do things differently.

Mr S F DU TOIT: Chair, I have a question on 128. I have asked to be excused from this one.

Killing of women/children

128. Mr S E Mfayela (KwaZulu-Natal: IFP) asked the Minister in The Presidency for Women, Youth and Persons with Disabilities:

Whether her department has any plans which are in line with international standards in order to intervene and effectively combat the killing of women and children; if not, why not; if so, (a) what plans and (b) what are the further relevant details?

CO273E

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Chairperson, the gender-based violence and

femicide national strategic plan, NSP 2020-30 process, which has been addressed earlier, is in line with various international standards. These standards include, but are not limited to, the SADC Protocol on Gender and Development of 2008, the AU Agenda 2063, the Beijing Platform for Action of 1995, the UN Convention on the Elimination of All Forms of Discrimination against Women, Cedaw, and the UN Sustainable Development Goals on Gender Equality, which is Goal 5. But also - I think - we can include even the UN Conference on the Status of Women which is held annually. Members of Parliament, government, and civil society from South Africa always participate. So, we are working within all those instruments.

And of course, maybe what is important to mention at this point is that we also participate within the multilateral platforms and contribute. We account and write reports to all these multilateral organisations to talk about the progress we are making, but also domesticate when we come back. This means we'll have a policy and legislation at the national level so that whatever is discussed in terms of those multilateral instruments is implementable here at the local level.

Mr S E MFAYELA: Hon Deputy Minister, while I appreciate the efforts that your department have put forward to fight this calamity of killing our children and women, I want to emphasise that we still have room to do more, but we need to work together. I want to say, madam, this issue of gender-based violence is very sensitive and we

can't treat it anyhow. We have seen so many plans that government put forward. I can tell you that the plans were put forward before I even had grey hair.

Kodwa ngigugile manje, ngakhoke bengifuna ukuthi-ke ma, ngicela leli cebo ulibukele eduze ngoba ... (*Translation of isiZulu paragraph follows.*)

[But I'm old now, so I wanted to say, hon member, please watch this plan closely because ...]

... it is a hope of those who are affected because of this gender-based violence.

Owakho umsebenzi ukulibukela eduze. Okwesibili, bengingafisa Ngqongoshe ukuthi uthi fahla fahla ngokuthi leli-cebo uzokwenza kanjani ukuthi lingacini selixhashazwa, ligcina seliyindawo lapho abantu bezicebisa khona ngalo ngoba kunabantu abasemakhaya abahluphekile abafisa ukulibona lisebenza futhi lisebenza kubo ngqo. Ngiyathokoza Ngqongoshe. (*Translation of isiZulu paragraph follows.*)

[Your duty is to watch it closely. Secondly, Minister, I would like you to tell us how you are going to guarantee that this plan doesn't end up being exploited, and ends up at the place where people enrich

themselves whilst the poor people in the rural areas wanted to see it work for their benefit. Thank you, Minister.]

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon Chairperson and hon members, I really fully agree with the hon member about the seriousness of the scourge of the killing of women and children in our country. Also, the hon member is raising something which we are all reflecting upon in terms of saying, if you look at when the Domestic Violence Act was passed and why it has not been effective, looking at our Constitution which is the best and why the rights of women, girls and children were not protected based on just that, and so many commitments we have made - the UN Convention on the Rights of the Child - it is a big question mark. But then, what we are trying to do is to really not look much at what didn't work yesterday. The question is to move faster in terms of new possibilities.

Hon members will remember that there was a time when women would go to a local police station and the police there would not even apprehend the man if the man was threatening the wife. They would think that there was something wrong with you culturally. How do you report your own husband? So, we come from that difficult history developmentally, where we couldn't even separate the rights and say, we could not affirm culture where people's rights were violated, and it took almost a decade. Civil society organisations were raising this issue continuously and saying, we did go to the police station

but the police would not even come. Instead, they would counsel you and show you that something was not right. But - I think - we have come a long way.

That's why I said maybe we need to move forward now that there has been a clear message that police stations must now be experienced by women as environments conducive for opening cases which must be accurately recorded, and files sent accurately to relevant magistrate offices so that we, the people of South Africa, begin to see the criminal justice system differently.

Even our Thuthuzela Care Centres ... we come from an era where sometimes, when you go to a centre, you'd see that there was supposed to be a social worker, but maybe the social worker was not there. So, the resources were inadequate. But where we are today, with regard to the last part of the question, I am glad that we are talking about this when government has put all sorts of mechanisms against corruption.

We will look at the proposal of the national Interim Steering Committee on Gender-based Violence and Femicide and see what they propose in the national strategic plan. But people are hoping that it is not going to be an investment in people's jobs and utilising resources on employing more people. Hopefully, it will be a secretariat that will just monitor that the work is being done properly and timeously with success. Of course, there are all sorts

of systems that have been put in place against any form of corruption in government. There'll also be vigilance in terms of ensuring that the resources go towards enabling the survivors rather than many more people who might benefit without really contributing directly to survivors of these crimes.

So, we are all together in saying, enough is enough, and it cannot be business as usual. We have to do things differently and there is that commitment from all of us who are involved that, how we acted yesterday, won't work today if we want drastic results.

The President has even put more pressure by talking about the national crisis that calls for emergency measures and not what one can do under normal circumstances.

Ms C LABUSCHAGNE: I want to raise a point of order, Chairperson. I just want to raise the matter that this is really ... with deep concern, I am worried that we had the Joint Sitting called by the President on the subject and today here in our institution half of the members of the governing party are not here, when the Minister is reporting on this important issue. Thank you.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Thanks, hon member. The point has been taken. I think there are Whips here who'll deal with that. Hon Modise!

Ms T C MODISE: The Deputy Minister in the Presidency ...

... wa Bomme, Bašwa le Batho ba ba Tshelang ka Bogole, ke lebogela dikarabo tse o re neetseng tsona. Di bontsha gore o e tshwere ka fa bogaleng mme. (*Translation of Setswana paragraph follows.*)

[... for Women, Youth and People with Disabilities, I am pleased with your answers. They show that you are in charge ma'am.]

There are a number of internationally agreed norms and standards which South Africa is part of. On ending violence against women, I just want to check with you to what extent South Africa is complying with various international instruments and norms and standards like 1993 World Conference on Human Rights, Vienna Declaration and Program of Action and 1993 Declaration on Elimination of Violence against Women. Thank you, Chair.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon member ...

... e kete nka bua ka Sesotho le nna, o tla nkutlwa? (*Translation of Setswana sentence follows.*)

[... I wish to speak in Sesotho. Will you hear me?]

I fully agree that the question you are putting is reminding us of all the commitments we have made and you are naming them one by one. But what I want to say is that - you know - because of our history, where we come from, South Africa has been usually amongst the first countries in Africa to be the signatory to all these; we have rectified them and also influenced our own legislation because they are all in line with the values enshrined in our Constitution, especially the chapter on the Bill of Rights.

In other words, we have the framework. The question is: Why do we ... like the Declaration on the Elimination of Violence against Women of 1993 - you know - it's going back to what we are saying that even with the good legislation we have, there have been barriers in our system that maybe we took too long to remove, so as to ensure that we see the impact, the outcomes of our commitments in all these.

What I can assure hon members ... even our officials, they are ever participating in these as member states, because once the countries have signed they become member states, and they go and account on a regular basis.

And the world has been puzzled with the challenges. I mean, during the past few weeks we have met with quite a number of UN representatives. When they look at everything we have done, from legislation to policy, they think South Africa has to teach the

world about one, two, and three. So, it's that puzzle that we have to deal with to make sure that it's not only the policies and the legislation on paper, but also in our frontline offices, people experience our services to be in line with the commitments we have made in those multilateral organizations.

I don't think there's any more that we can look at. We have all what it takes to get it right, even from those multilateral organizations. I mean, even at the Beijing Conference, South Africa led the strongest delegation to influence people on the very same issues of no violence against women and children. And here we are, next year the UN will be celebrating the 30 years since then, but we are having some challenges. I suppose because now we are beyond legislation and policies, our real responsibility now is implementation, implementation, implementation; especially the prevention components at community levels, that we must all commit to do in our neighbourhoods to make sure that we don't normalise the situation where people will say: Ya [Yes] they are friends. Who knew that this person was last seen in this house but they kept quiet for years, without even anonymously using social media or whatever hotline to inform the police? So, there are things which call upon all of us to do, to report on these cases, to assist the police and to make sure that we don't collude in silence with the perpetrators as though we agree with them. Thank you.

Mr S F DU TOIT: Minister, referring to the killing of women and children, rape and abuse, you mentioned that onus will be placed on rural areas, focusing there to prevent these types of occurrences or events to happen. We are in an agreement that no person must live in fear, be exposed to or be a victim of brutal attacks, mutilation, torture, rape and murder. What plans does your department have in place to prevent such vulgar threats and attacks against women and children on farms that fall victim to these attacks? And also, what plans do you have in place to assist the victims of these attacks and inhumane crimes? According to me very little assistance is given to such victims. Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Chairperson, we have about 54 Thuthuzela Care Centres countrywide. They might be far from farming communities but one will have to assist and create awareness about their existence because sometimes people don't approach them mainly because they don't know where to start.

The Command Centre which was started by Department of Social Development and now has a support of the telecoms like Vodacom and many companies where there's a 24-hour service, where people can report, can take cases from anywhere and you can actually ... when I went there I was shocked how efficient those Apps or Applications are. It can take your location if you report, if you phone. My first question was: If I'm at Lusikisiki and I'm under attack, what do I

do? How will I come across? They said: No, there's a toll free line and it's manned by ... you know, you'll think you're in a bank or something. It's manned by warm bodies who pick up a phone, ask for a location and transfer it to the police. But I don't know whether we have created enough awareness. They are even including facilities for persons with disabilities so that they also can be able to access the service.

So, we will continue to monitor the location of Thuthuzela Care Centres because the idea is the expansion; they shouldn't be close to each other but rather look where there are gaps and needs. But I still wish hon members can visit the Command Centre in Centurion. We will send all the details here, just to get a feel of how efficient the service has become. Also when you get there you start saying, how will MaDlamini communicate? They take care even of language disparities and it's very important. It's a tool for the country which we ought to look at very carefully, support, show and also create awareness of in our constituencies so that people know where to get a service. But we will send contact details through so that members who want to visit could go and ask whatever question because there's also openness to improve as they expand. Thank you.

Mr M I RAYI: Hon House Chairperson, actually the Deputy Minister has touched on the international forums that South Africa participated in. One of them is the 1995 Beijing Platform for Action that identified specific actions for governments to take to prevent and

respond to violence against women and girls. And ending violence against women and children is, therefore, one of the 12 areas of the priority action that we adopted as part of the 1995 Beijing Platform. So, the question, therefore, would be: In line with those 12 priority action areas, how far are we as South Africa in ending violence against women and children? Thank you very much.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Chairperson and hon members, I'm sure you are fully aware of the configured department? It's the Department of Women, Youth and Persons with Disabilities. In this new configuration, for some reasons, children are left with the Departments of Social Development and Basic Education. So, civil society has raised that concern but we do believe that in terms of the framework that is being developed, it will protect all categories of people including children as well. And in terms of awareness, the five key points that I mentioned earlier on, automatically children's organisations utilise that; they utilise the Thuthuzela Care Centres, as well as all the facilities, and they will benefit as well.

So, I would say we have made progress with regard to creating a conducive framework, but the national statistics that released by the police annually point to the holes in our system that, irrespective of the legislative and policy framework, the statistics remain too high. I would say we have made progress but we have

challenges in the system that we have to resolve as soon as possible because, even if you have good policies, if there are too many challenges within your system people won't see the benefits and won't experience the impact of what we are doing.

So, we are committed at the implementation phase to really work harder to make sure that our people begin to experience our services centres differently. Thank you very much.

Disabled persons independent of grants

124. Mr M R Bara (Gauteng: DA) asked the Minister in The Presidency for Women, Youth and Persons with Disabilities:

With regard to the research that was conducted in 2018 which revealed that eight out of 10 persons who are living with disabilities are unemployed, what measures are in place to ensure that such persons can live independently without relying on state grants?

CO269E

The HOUSE CHAIRPERSON (Ms W Ngwenya): [Inaudible.] ... asked by hon Bara, but on his behalf, hon Boshoff will take the supplementary question. It is Question 124, Deputy Minister. [Interjections.]

The ACTING CHIEF WHIP OF THE NCOP (Mr A B Gxoyiya): Hon Chair, my understanding is that there has been no arrangement made with the

office of the Chief Whip, and in the absence of the Chief Whip there is an Acting Chief Whip who was not alerted of that particular arrangement. Therefore, I would request that the question be stood down because there was no arrangement made. Thank you very much.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Order, members!

Ms C LABUSCHAGNE: Hon House Chair, I wrote a note to the Chairperson requesting that hon Boshoff take over hon Bara's question. He unexpectedly had to leave because there was a crisis – it wasn't something planned, and therefore it was not a previously decided decision that he could not be in the House. Thank you.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Thank you, hon member.

[Interjections.] But the Whip has spoken.

Mr M NHANHA: I'm pleading for indulgence. I just want to check whether hon Gxoyiya is acting chief whip or is it the hon Rayi here in front of me because he speaks to him and he then conveys. It can't be, Chair. [Laughter.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Order, hon members! Order! Hon members, I think this must come to an end. You all know the order of this House better than me. I am going to allow hon Boshoff to speak, on the explanation that the DA Chief Whip has given right now. Okay, Chief Whip?

The ACTING CHIEF WHIP OF THE NCOP (Ms A B Gxoyiya): I just want to bring it to your attention that we are setting a very dangerous precedence that will not be acceptable in future. We will have trouble with the same precedence that we are setting ourselves. I note that you have made a ruling but I just want you to take note of the fact that there is a dangerous precedence in the House that people can just decide to leave and ignore the Chief Whip in the House.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Thank you, Acting Chief Whip, I hear what you are saying. I do not want to say something and then change it. I said I will allow hon Boshoff but to all of you, it must come to an end. Let us not do it again. You all know that what you are doing is wrong. I do not want to count, I have a long list here, but I cannot say which ones did not go via the Chief whip. So, I will allow the Deputy Minister to answer Question 124.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon House Chairperson, our approach to issues of persons with disabilities is informed by the White Paper on the Rights of Persons with Disabilities. The White Paper constitutes the national government-wide policy framework for the advancement of the rights of persons with disabilities.

Measures which are in place across government departments to support the empowerment of persons with disabilities include, amongst others, the following: Extensive reasonable accommodation support in both the basic education as well as post-school education and training systems; rehabilitation services at primary, secondary and tertiary level to restore and support independent living; the provision of mobility and communication-assistive technology; and the retained work services and retention of workers who are injured on duty.

Measures that have been put in place to remove barriers in the environment include, amongst others: Legislative measures such as the National Building Regulations and Building Standards Act; the Promotion of Equality and Prevention of Unfair Discrimination Act; and the National Land Transport Act; affirmative measures such as the Employment Equity Act; the Preferential Procurement Act; the Amavulandlela Funding Scheme – a special fund administered by the Department of Small Business; and the disability subsidy adjustments to the provisioning of state-subsidised houses.

Government also manages factories in partnership with persons with disabilities to ensure their inclusion in the economic system. Minimum norms and standards which aim to protect as well as advance the rights of persons with disabilities, for example, for mental health care and residential facilities are all embraced by the government as a whole. Thank you.

Ms H S BOSHOFF: Thank you very much, House Chair, for the ruling and giving us the opportunity. Hon Deputy Minister, government has really forsaken people with disabilities, and we cannot deny that. The norm is that 3% of people with disabilities should have access to jobs and currently it is only standing at 1,2%.

We really need to grow the public and private partnerships and we need to partner with nongovernmental organisation, NGOs, so that we can get those people with disabilities access to jobs and meaningfully participate in the economy. By doing this, we will give them back their dignity – the dignity they deserve.

What I would like to ask of you, Minister, is: What incentives or tax breaks are you willing to give businesses and the private sector to attract people with disabilities? Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon members, depending on the contribution that the private sector wants to make ... I will just give a simple example: We have people who want to manufacture special oils for people with albinism. So, the Department of Trade and Industry has incentives and a formula. In our discussion with them they said they have criteria which people will have to meet to qualify for those incentives and then our people will participate as partners in those

activities. It is something new that we are exploring but we have that commitment now from the Department of Trade and Industry.

As I have indicated earlier on, we come from an era where emphasis was on grants – making people to be dependent on government. Clearly now our thinking is that many people with disabilities can function independently with adequate support from the state. I also mentioned in my original response the fund that is within the small business which is earmarked for persons with disabilities, but a big one for us is the co-operation with Trade and Industry and, of course, some special entities.

People have come up with proposals that there are functions that our airlines can give to persons with disabilities like cleaning the headsets, pack them and send them back.

We are getting all kinds of proposals and we hope that there will be an uptake of all of these as soon as possible, but certainly the Trade and Industry one is a big one for us. Since it has Special Economic Zones, how do we then ensure that even the multinationals that come to the country become aware of such special projects that we have for persons with special needs who need assistance and to be empowered so as to function independently?

Ms M P MMOLA: Thank you, Deputy Minister for the response. What progress is the public service making in meeting its commitment to protect people with disabilities against unfair discrimination in

the recruitment process and also creating a conducive working environment for the people with disabilities that is characterised by fairness and equity in opportunities for career progression? I thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon members, my department has embarked on a process, together with the SA Law Reform Commission, of developing a standalone disability-specific legislation so as to promote and protect the rights of persons with disabilities. You will recall that the 2% we have is not only for government offices but even the private sector has not been meeting the targets. Now, if we raise it to a higher percentage in line with the international standards, maybe to 7%, there is no way in which we can reinforce that without a specific legislation.

Unfortunately the report ... we have just started with the sixth administration and we have been given a period of almost three years before the legislation is on the table. So, we hope our officials will continue to work harder with the SA Law Reform Commission to get a comprehensive legislation which will enable us to monitor and put punitive measures for those offices, be it public or private, that are not adhering to the said standards. Thank you.

Ms D C CHRISTIANS: Deputy Minister, according to a Statistics SA survey into persons with disabilities, previously disadvantaged are

not able to access much-needed assistive devices like wheelchairs, hearing aids etc. This problem extends to children as 500 000 disabled learners do not have access to any schooling or training.

In the area of entrepreneurship, people with disabilities experience lack of equipment and machinery, business networking, they face discrimination and lack access to start-up funding, etc. Why does your department not have a database that systematically tracks the number people living with disabilities as well as their skills so that they can access employment when it becomes available and also the much-needed devices that for them? This seems the logical first step in assisting this incredibly vulnerable group. When will your department start a process such as this? Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon members, I think we are four months into office. We are in the process of transferring the division of persons with disabilities from the Department of Social Development to the Department of Women, Youth and Person with Disabilities. I assume the Department of Social Development will hand over to us data of some kind – I do not know what its status is. The Department of Employment and Labour also has data of some kind which they are supposed to bring to us as well.

The task team is working their budgetary implications. There are warm bodies - staff members - who have to be transferred over and

that work should be finalised as soon as possible because according to the planning teams we are not supposed to go beyond October in terms of transferring entities and work.

We will certainly look at what they hand over and prioritise information that is credible about the circumstances of persons with disabilities. But I know other spheres of government like Education, also have their own data. There are pockets of data all over the systems, but now that we have been allocated this responsibility as a department, the onus is upon us to collate information and assist even those people who are willing to employ persons with disabilities but don't know where to find them.

I admit that at the moment we are in a transitional phase but the White Paper on the Rights of Persons with Disabilities binds all of us to do exactly what you are saying – to give that kind of support and empowerment to persons with disabilities so that they can live a dignified and independent life. Thank you, House Chairperson.

[Interjections.]

Ms D C CHRISTIANS: [Inaudible.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): You all said you are enough. I pointed at you and you, and you both said that you were done.

Mr M I RAYI: Sorry, House Chair, I thought I was the fourth person noted on Question 124, and only three people spoke.

The HOUSE CHAIRPERSON (Ms W Ngwenya): You were the fourth person in Question 128. On Question 124 I had hon Boshoff, hon Mmola, hon Christians, hon Zandamela and hon Landsman. But because they were five, Zandamela and Landsman both said they were fine. Now they are confusing me by saying that I skipped them.

Mr M I RAYI: Okay. I just wanted to find out, House Chair, from the Deputy Minister with regard to Question 124 whether there are any plans ... firstly, let us correct the question itself; we do not have people living with disabilities but people with disabilities - a correction on the original question. Secondly, are there any plans to encourage political parties in their lists to also have targets with regard to people with disabilities? I am yet to see the DA ...
[Interjections.]

Mr T J BRAUTESETH: That's none of your business!

Mr M I RAYI: ... with people with disabilities as their MPs and MPLs. Thank you very much. [Applause.] [Interjections.]

An HON MEMBER: We do have.

USIHLALO WENDLU (Nk W Ngwenya): Sekela Ngqongqoshe, uyoze usijwayele muntu wabantu. (*Translation of isiZulu sentence follows.*)

[The HOUSE CHAIRPERSON (Ms W Ngwenya): Deputy Minister, you will get used to us eventually.]

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: House Chairperson, I think the reaction in the House, if it was in church, I would say people are saying amen, amen! We are all in agreement that we have to do more – all of us. We really have to do more because there are many people out there who are capable, who can function and add value to our departments and commit but they are just not given an opportunity by us.

So, as soon as this transfer is finalised, as part of an audit, like we did with the gender issue on women, we will look at the representation of youth and representation in all spheres of government and all provinces. We will definitely take a look at the number of persons with disabilities. I believe it is doable. All we have to do is commit to it and do it. Thank you very much.

Prioritising cases of rape/abuse

115. Ms S Shaikh (Limpopo: ANC) asked the Minister in The Presidency for Women, Youth and Persons with Disabilities:

- (1) Whether her department has engaged the police on prioritising cases of abuse of women and children, especially rape and cases of missing children; if not, why not; if so, what are the relevant details;
- (2) whether any programmes that are geared towards educating members of the police on how to treat cases of women and children who have reported rape and abuse with utmost priority, care and dignity are in place; if not, why not; if so, what are the relevant details?

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The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Chairperson, with regard to Question 115, the department has engaged the SA Police Service about various aspects of the fight against gender-based violence and femicide including the shortage of rape kits in police stations, the limited number of trained personnel dealing with gender-based violence and femicide and the need for police stations to be experienced by survivors as caring and respectful. Of course, in this one we are also talking to the investigators because, for prosecution to take place, cases must be investigated properly by the police.

On the second part of the question, the Minister of Police has publicly committed that he will invest resources. They are already involved with training programmes for the police who are dealing with rape cases and all other forms of gender-based violence. Furthermore, the Department of Police is also assisting members with

statement taking in line with relevant legislation, empowering them with skills to understand trauma and its effects and refer people to relevant structures within the police stations for counselling and support. This training includes programmes on children and youth at risk, domestic violence and victim empowerment. In addition, now there is also an initiative to train and capacitate female police members who are placed at client service centres on sexual offences for investigators learning programme. Training of police officers, prosecutors and magistrates is amongst rapid response interventions identified and budgeted for in the emergency response plan.

Ms S SHAIKH: Thank you, Deputy Minister for your response. Deputy Minister, there are cases whereby women and children go to police stations to report rape and abuse, and at times they are turned away or even subjected to humiliating processes. My question is, has government put in place processes to deal decisively with such cases? Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Chairperson and hon members, I think the President's call for police to review all cases that didn't end up being presented to the courts is a realisation that a lot has been going wrong. The police are in the process of checking all reported cases that are depriving us of real statistics. So far the statistics we get may be 80% of the cases. We then work on the basis of 80% and the 20% disappears completely. So, the call by the

President has helped a lot for police stations to account for each and every reported case as to what happened and what didn't work.

But I must say that when it comes to this kind of work, since we have started moving around especially in rural areas, we are learning more about it. In terms of our legislation the doctor has to examine the child. In some instances even doctors don't want to do it because they don't want to go to court one day to defend the case. Those are some of the barriers in our system. You also hear that young people spend six to nine hours waiting to be attended to. I am talking about the nine-year-olds who go to the centres and the centres are not ready to attend to them. But in terms of the clarion call that we are on as the whole arm of government, we hope that if they are reported there will be consequence management for such officials if people are found to have been refused assistance especially the young victims.

In terms of our legislation the burden of proof is still on a victim rather than the perpetrator having to prove his innocence. We don't know what will ultimately happen with the review of our legislation. But definitely you have seen recently where even young children are expected to testify in the court of law. The risks are big because of trauma and they could be confused by procedures. All these are things that we are looking at in co-operation with the Minister of Justice - looking at different approaches to these cases and without compromising the legalities but assisting younger victims in

particular without putting them under pressure which might end up benefiting the perpetrators.

Ms D C CHRISTIANS: Hon Deputy Minister, recently the Minister of Police has committed to Parliament that all police stations in the country would have rape kits by the previous Monday. It is extremely difficult to prosecute rapists or hold them accountable for their actions without the evidence of the rape kit. This is vital equipment in policing violent crime against women and children. Recently, the DA checked and we identified that various police stations are still without rape kits. We did a few sample checks and they are not limited to these, and I will name a few: Athlone Police Station in the Western Cape, Ravensmead Police Station in the Western Cape, Actonville Police Station in Gauteng, Temba Police Station in Gauteng, Hammanskraal Police Station in Gauteng, Vanderbijlpark Police Station, in Gauteng, Delportshoop Police Station in the Northern Cape and Barkly West Police Station in the Northern Cape. They are all without rape kits. This is a fundamental failure, Deputy Minister. Our police need to be professionalised and capacitated.

However, these plans have now failed dismally and the Minister of Police has not come through as promised. In what position do these things leave your department? [Interjections.]

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Hon member, well, my understanding is that the Minister of Police has made an admission that there was a delay in procurement. We all have since been going to different police stations in the rural areas to check what exists and what does not - the number of cars and communication gadgets. We have been engaging the Minister. So, I think it was last month when he said that there was a delay in the procurement. Remember, when you want to get resources in big numbers, you have to work in line with the Public Finance Management Act, PFMA, and make sure that there is an open due process. Of course one will have to follow up. A month is more than enough on this issue of gender-based violence and femicide. If there are further delays, then we will have to engage further with the Minister. I know he admitted that there were delays in the procurement process, but there is a commitment and there is a budget for all those. So, it is a question of how officials solve this problem as soon as possible.

Mr A B GXOYIYA: Hon Deputy Minister, the abuse of children in particular entails child trafficking. When we talk about cases of missing children, you can't talk about them without mentioning child trafficking. The question that I have is in relation to the progress which the South African government is making in dealing with child trafficking and also how the cases of missing children are prioritised at the level of police station. Thank you very much.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Chairperson, the Department of Social Development which is mandated to oversee the wellbeing of children will hugely benefit from the outcomes of the national strategic plan, NSP, as they are applicable to all forms of violence including human trafficking. As a department we have approached the Department of Transport as they deal with roads and logistics. As they create awareness about roads and logistics safety, they have to ensure that they also talk about issues of trafficking of persons and create awareness among their workers. It is a bilateral which we have just started and we hope to hugely benefit from it. When you talk about human trafficking, humans are trafficked through our official logistic vehicles by people who are aware that a person they are taking has no papers or passport. That is what we are working on with the Department of Transport.

Generally, I think South Africa has been very efficient in tracking young people. Recently, a 15-year-old was recruited to go and train outside the country, but was caught before leaving because of the use of cyber security. I think there is vigilance especially about young people. We have to continue those relationships with the Department of Communications and make sure that they are able to help us track young people who might be at risk of being recruited. Those who use social media in particular face a big risk. Those from rural areas just get into trucks and find themselves in big cities or in another country. Sometimes they are driven away from their

families by poverty or other false information they might have about better opportunities somewhere. The police and the State Security agencies are all fully aware of the risk that this country has to manage. The Children's Act has been strengthened to ensure that there is effective legislation to this effect. Also, we are the signatory to the Convention on the Rights of the Child. Part of the national plan of action is to protect children from such practices.

Ms H S BOSHOFF: Deputy Minister, we have just heard that eight police stations do not have rape kits, but it could be many more. I know it is not your duty to provide those stations with the kits, but if we say we are having a problem with procurement, this raises alarm bells. I would like to know from you, how you and your department are going to stand in front of a mother or a child and say, I am sorry you cannot be tested because the stations do not have rape kits. Minister, I really don't want to be in your shoes. Please, we are urging and requesting you, and we are stamping our feet that together, you and your Minister, engage with the Minister of Police to ensure that our children, who are the most vulnerable, and our mothers are looked after. Make sure that those stations are equipped and that the officers in those stations are also properly trained. Thank you.

The DEPUTY MINISTER IN THE PRESIDENCY FOR WOMEN, YOUTH AND PERSONS WITH DISABILITIES: Thank you very much, Chairperson and hon member. I think we are all ashamed of the situation we find ourselves in.

This is the country we love and are proud of, but what we are talking about really doesn't give us peace of mind. As the hon member has said, there's not even a single family which I would say is not affected by what we are talking about - directly or indirectly. I think if the procurement took longer - the issue of distribution - we have to go back to the Minister of Police and engage him, or maybe begin to ask for a number of police stations which have supplies as to where they are, where they are located, and so on. This is something I don't think any one of us will be able to explain to the people of South Africa today. It is something we should have done yesterday. So, we will follow up closely. We were aware of the delays. We have to commit, hon members, to step up our efforts all the time and make sure that we don't leave anything to chance. The resourcing of police stations is critical because they are the frontline face of government when it comes to reporting these cases. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): We are now done with the question. Thank you very much, hon Deputy Minister. [Applause.]

See also **QUESTION AND REPLIES**.

CONTRAVENTION OF RULE 35 AND RULE 36

(Ruling)

The HOUSE CHAIRPERSON: OVERSIGHT AND INSTITUTIONAL SUPPORT: Hon members, earlier on I indicated that I was going to give the names of hon members who contravened Rule 35 and Rule 36. The following members are named: Ms C Labuschagne, Mr W A S Aucamp, Mr C F B Smit, Ms H S Boshoff and Mr E M Mthethwa. [Interjections.]

The Council adjourned at 20:18.

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