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PROCEEDINGS OF HYBRID NATIONAL ASSEMBLY

The House met at 10:00.

The Acting Speaker took the Chair and requested members to observe a moment of silence for prayer or meditation. The Acting Speaker announced that the vacancy which occurred in the National Assembly owing to the passing of Mr C H M Sibisi had been filled by the nomination of Mr P M Sikosana with effect from 24 April 2024.

The Acting Speaker further announced that the vacancy which occurred owing to the loss of membership of the National Assembly by Mr A M Shaik Emam in terms of section 47(3)(c) of the Constitution of the Republic of South Africa, 1996 had been filled by the nomination of Mr C Mdletshe with effect from 24 April 2024. The members made and subscribed the oath before the Acting Speaker.

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The ACTING CHIEF WHIP OF THE MAJORITY PARTY (Ms (Ms P N Abraham): I move that the motion on the order paper stands over to allow for further consultations. This effectively means that the motion is withdrawn for now until next week. Thank you, hon Acting Speaker.

The ACTING SPEAKER: Hon members, I understand the consultation took place and this is agreed to. Thank you.

Mr S N SWART: Acting Speaker, may I rise?

The ACTING SPEAKER: Go ahead hon member.

Mr S N SWART: I appreciate that the motion has been withdrawn, but you referred to consultation and I understand consultations are going. But I was only now just advised that it was going to be withdrawn. But I appreciate that it has been withdrawn and that consultation will be taking place. Thank you, Acting Speaker.

The ACTING SPEAKER: I guess you wish to add your voice above everyone else's voice, but that's fine. The Secretary will

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read the Second Order. Is it the First Order? Yes, please go ahead.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SOCIAL
DEVELOPMENT ON OLDER PERSONS AMENDMENT BILL**

The ACTING CHIEF WHIP OF THE MAJORITY PARTY (Ms P N Abraham):
Hon Acting Speaker, I move that the report be adopted.

Motion agreed to.

Report accordingly adopted.

OLDER PERSONS AMENDMENT BILL

(Second Reading debate)

The MINISTER OF SOCIAL DEVELOPMENT: Hon Acting Speaker and a very good morning to all the hon members in the National Assembly, the Deputy Minister hon Hendrietta Bogopane-Zulu, hopefully she has been able to join. The Acting Director-General of Social Development, Mr Peter Netshipale and our

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people as South Africans in general molweni, sanibonani, lotjhani, avuxeni, dumelang, ndi matsheloni [greetings.]

Hon Chairperson and members, thank you for the opportunity for me to participate in this Second Reading Debate on Older Persons Amendment Bill. Needless to say, 30 years into our freedom and democracy, the Older Persons Amendment Bill represents our collective conviction as South Africans to:

1. Ensure that every older person in every community through our society will receive quality and accessible services across different sectors and disciplinary specialisations.
2. Afford and realise the necessary protection for South Africa's population of older persons from all forms of exploitation, including being preyed upon by unscrupulous financial interests and institutions, as well as abusive relationships.
3. Ensure that the best possible care that older persons need, is made accessible through community-based and residential care facilities.

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Towards an improved ecosystem for older persons in the next 30 years and beyond our democracy, the public hearings that we concluded pursuant of this amendment Bill, elevated the following key amendments and I must indicate that I was able to join the portfolio committee as they crisscrossed the country in gathering the information that we are presenting here, that is also included in the Bill.

1. The revision of existing definition and inclusion of new ones.
2. Strengthening of the provisions for targeted intersectoral collaboration and reinforcement of older persons beneficial partnership across society.
3. The expansion of the definition of abuse to include emotional, verbal or psychosocial, harassment and spiritual abuse.
4. The insertion of more penalties in terms of section 33 of the Older Persons Act 13 of 2006.

For the majority of South Africans, the older persons in families and communities along the length and breadth of our

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society, are the actual embodiment of repositories of the historical and practical knowledge upon which countless generations:

1. Survived the hardships and violence that accompanied the South Africa that was intended only for the few
2. Build and improve the multiple dimensions of their life prospects and experience.
3. Are partaking in the nation building narrative in South Africa's shared future outlook. Yes, of our very existence and continuity, as a collective.

With the role of older persons hard wired into families and our national life, the amendment Bill is a meaningful contribution towards the creation of conducive conditions upon which the quality of their lives will arise. From this, the diversity of quality and value-added services that will continue to improve the lives of the important demographic population of our society will be realised. As you can see Chairperson that I am at Sassa offices this morning, and

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there's a whole lot of older persons who are here who need our support.

The ACTING SPEAKER: Hon Minister, the House Chairperson will be following after me. So, you can gladly call him Chairperson. Thank you very much. Go ahead.

The MINISTER OF SOCIAL DEVELOPMENT: My apologies. You know, when the changes happen from time to time, we need to adjust. Maybe I ... [Interjections.]

The ACTING SPEAKER: No, the mistake is mine not yours. It's okay. [Inaudible] ... that's why you do that. No problem.

The MINISTER OF SOCIAL DEVELOPMENT: Foremost among the intended outcomes of the amendment Bill, is its ability to bridge the identified legislative gaps in the Older Persons Act 13 of 2006 and similar implementation challenges that are hampering the protection of older persons. Most importantly, the amendment Bill serves to strengthen measures that are targeted at enhancing the dignity of older persons. Our ability to practically attend to these and ...
[Interjections.]

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The ACTING SPEAKER: Hon Minister, your time has expired.

The MINISTER OF SOCIAL DEVELOPMENT: I support this Older Persons Amendment Bill as it serves to strengthen the existing legislation. Thank you very much.

Ms N Q MVANA: Thank you, Acting Speaker and good morning to the House. The portfolio committee considered and adopted one of the very important legislations in the country's commitment to protect the human rights of the vulnerable groups of society. In this regards, older persons are the ones that were considered by the portfolio committee.

South Africa is a signatory to the various international and regional instruments that aim to protect the basic human rights of various population groups, particularly, the vulnerable ones. The Older Persons Amendment Bill thus provide a legislative framework that seeks to implement the Protocol to the African Charter on Human and People's Rights on the rights of older persons in Africa, on which this House will consider the portfolio committee report on its next sitting.

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The Bill seeks also to amend the Older Persons Act of 2006, so as: To insert new definitions; to also insert new provisions relating to the monitoring and evaluation of all services to older persons; and for the removal of the older person to a temporal safe care without a court order, which takes a longer time than it is needed; to tighten up the existing implementation and compliance measures; to effect some textual amendments for greater clarity, and to provide for matters concerned with it.

The Bill also seeks to address the gaps that were identified in the Older Persons Act and its implementation. It does this by strengthening the protection and prevention of abuse of older persons; and also strengthening coordination mechanism between government departments. It also eliminates of harmful traditional practices, including witchcraft accusations against older persons. It also further makes provision for recognition of responsibilities of older persons in passing intergenerational knowledge and wisdom.

This Bill also enables the Minister of Social Development, in information available counselling of noncommunicable diseases. It strengthens the registration of and monitoring of

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residential care facilities and community-based care and support services for older persons. It also makes provision the safe removal of older persons to a place of safety, including a person who has been maltreated, abused, neglected or degraded by caregivers or a family member, as a person in need of a care and protection.

Perhaps, most importantly, the Bill extends the definition of physical abuse to include unlawful detention, medical sedation or shaking deprivation or nutrition or medical care that is being neglected or exploited of an older person in any manner. The Bill was tabled and referred to the committee on 6 May 2022.

After receiving briefing from the Department of Social Development, the committee embarked on public participation processes, both provincially and national, which was not easy by that time. However, we manage as the portfolio committee. Provincial hearings were conducted from 2 June to 26 November 2023 in all nine provinces. National hearings were conducted virtually on 21 February 2024.

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This process, over and above, being the constitutional mandate of the Parliament for older persons to be educated on the Bill that raised their concerns and having a voice in lawmaking. This was appreciated by older persons in all the provinces which the committee visited. They strongly recommended that they should be represented in Parliament through the establishment of the older persons desk, similarly to one that is located at the Premiers' office.

There should also be a parliamentary program for older persons, such as Children's Parliament, Youth Parliament, Women's Parliament and Men's Parliament. Now, the Portfolio Committee on Social Development recommends that the House adopts its report on the Bill and approves the second reading of the Older Persons Amendment Bill. I thank you, Acting Speaker.

Ms A L A ABRAHAMS: Acting Speaker, in my short time as a Member of Parliament, it has become apparent that legislation can take many years to pass or it can be done very quickly. After many years, the Children's Amendment Bill still remains incomplete, but it took only two years for the Older Persons Amendment Bill to reach this stage. Why is that? Well,

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children cannot vote, but senior citizens, the ANC's most loyal voter base, many whose fears of the past are exploited by the ANC, they do vote.

The timing of this legislation needs to fit the ANC's electioneering strategy. They need courage to dangle in front of the electorate. The Older Persons Amendment Bill was a quick and easy way for the ANC to use the legislative process to reach the hundreds - if not thousands - of seniors from every corner of South Africa, portraying an illusion that they care for them. But in those public meetings, speaker after speaker spoke of their pain and their hardship under this ANC government.

Allow me to share just some of their harrowing experiences.

They spoke about elder abuse, rape, secondary victimisation and prolonged court cases, no road infrastructures, ...

[Inaudible.] ... ambulances and other critical services cannot reach them, no running water, and no ablution facilities.

Grandparents still collecting heavy buckets of water from the rivers, still waiting for the RDP house that was promised them 30 years ago, dilapidated and unsecured residential facilities, which are constantly burgled, their food and

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belongings stolen, and an overwhelming fear of their children and grandchildren who abuse them and demand their Sassa old age grant because substance abuse, unemployment and crime has taken hold in villages. They sleep in Sassa cues hounded by thugs every Sassa day, to survive - not even live - their final years on this earth in fear failed by SAPS and betrayed by the former liberators.

Speaker after speaker spoke about the lack of just the basic healthcare services. Having to travel hours to clinics, while nurses ignore them while they sit on their phones. The clinics without medication. They told us that you are lucky if you get two panados and then you are sent home.

Now, the ANC members serving on this portfolio would not have heard the inputs from the seniors of the Queenstown in the Eastern Cape, a province where people are literally starving to death. Why? Because they were not there. Not a single ANC member nor the chairperson, hon Mvana, whose home province we were in, showed up. In fact, the only Members of Parliament in attendance at that public hearing on the 24 July in 2023 was myself and the hon Bridget Masango, both from the DA.

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In the DA, we show up and we get things done. We honour the commitment to the hall full of seniors, some very frail, who travelled great distances to come and give their input and to talk to the Members of Parliament. Hon Bridget Masango stepped up as acting chairperson of the Portfolio Committee on Social Development and successfully chaired that public hearing. In total, the older persons public hearings cost the taxpayer just over R3,5 million. Therefore, fruitless and wasteful expenditure, which has become synonymous with the ANC government can never be tolerated, especially by Members of Parliament who are ... [Inaudible.] ... not attend.

It is very interesting that the public hearing the next day could not start. Everyone had to wait for almost an hour until a member of the ANC arrived because this electioneering strategy of using legislation to portray that the ANC cares for seniors would have fallen flat if it was once again chaired by the DA. Which, by the way, we stand ready to take up these portfolio chairperson positions in order to do justice to these committees and to truly hold the executives to account.

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There is another reason why I say this Bill is all smoke and mirrors. The director position ... [Inaudible.] ... and services to older persons in the national Department of Social Development has been vacant for many years. A position the Minister has made clear she has no intention of filling. This critical vacancy will hamper the co-ordination and implementation of this amendment Bill.

Year after year budget cuts to NGOs are going to have life threatening consequences. It will be like the Life Esidimeni tragedy, multiplied. NGOs are the final safety net for vulnerable citizens, and they expect to run their facilities and programmes on sunshine and fresh air. These are the very same NGOs who will need to implement these amendments and who are expected to house and care for seniors in compliance with norms and standards in the Older Persons Act.

The DA has a plan to ensure that the elderly are financially stable in their retirement, and to make life easier. For example, lowering the cost of food by expanding the basic basket of food items that are exempt from vat. We will ensure that the seniors have access to quality basic healthcare services and that they feel safe in their own homes. And no,

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we will not be removing social grants. What we will do is protect social grants from the consequences of decade long of government corruption.

South Africans have died never knowing and experiencing the promises made in the most important pieces of legislation, the Constitution and the Bill of Rights. And finally after 30 years, the people of South Africa - young and old - had said no more. South Africans have seen that the Western Cape government works under the DA government and now they want the whole of South Africa to work. In times of crisis, the Covid-19 pandemic, South Africans witnessed the establishment of a state-of-the-art Hospital of Hope that anyone, rich or poor, could access while PPE tenders were hijacked, and the Eastern Cape tried to pass scooters off as ambulances.

South Africa is currently witnessing brand new schools being built and classrooms being built in 65 days across the Western Cape, while children die in pit latrines toilets. South Africa knows that when the storm hits the Western Cape and washes away bridges and roads, they are already built within just a short few months, while KwaZulu-Natal still figures out which ANC faction will get the tender.

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I can give many more examples just like the DA's plan to end loadshedding and protect all South Africans, just as the residents of the Western Cape are protected for up to two stages of loadshedding already. But the most important example I must make, relevant to every South African, young and old, is that over the past five years, the DA government in the Western Cape created 78%, in other words, eight out of every 10 net new jobs in the whole of South Africa.

It is with this proven track record that we ask the electorate to vote for the DA on the 29 May so that we can bring these proven opportunities to the rest of South Africa. In just 19 days, a new chapter, one of real hope and real change will be written in the story of South Africa. I thank you.

Ms L H ARRIES: Acting Speaker, the EFF supports the Older Persons Amendment Bill. In 2022, Statistics SA reported that there were over 5 million people aged 60 or older, representing 9,2% of the total population. It is proven everywhere, particularly in this country, that as the older persons grows, the more vulnerable they become for a number of factors. South Africa has the highest proportion of elderly people in its population in Africa region.

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We also know for a fact that proximately, half of older persons live in households without any employed household member and are more likely to be found in non-metro and metro areas for both years of reporting. A legislative mechanism for the care and well-being of older people is therefore needed.

The Bill provides for quick mechanism in which the state can recover older people from places of abuse without a court order should a reasonable suspicion that they have been abused is raised. The Bill also provides for a range of other measures to monitor the conditions of older people under the various caregiving environments. This is absolutely necessary because about 53% of older persons still live in extended households where they are likely to receive some psychosocial and economic support. This means that about 47% of old people may live in shelters where government oversee is warrant. Even amongst those old people living with families, we know for a fact that some are subject to the most violent form of abuse from their own children and grandchildren.

For a very long time, this government has failed to provide millions of older people access to basic care and support services. Inadequate provision for retirement, poverty, social

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exclusion, lack of access to basic services and healthcare, food insecurity, and the lack of affordable accommodation are some of the challenges faced by elderly on a daily basis in this country.

The primary healthcare system is not geared to address the health needs of older people living in our communities. Clinics must be 24 hours open in order for the elderly to access the service at any time if they need it. Black elderly are much more reliant on the collapsed public health system or paying out of pocket for private care, while white elderly people have access to medical aid. Older people want to remain in their community settings for as long as possible. We encourage this as much as possible instead of removing older persons from their family surroundings.

The majority of older South Africans are not residential care and there is a critical shortage of proper facilities to care for the elderly. The caregiver grants for people taking care of elderly are far below the national minimum wage and must be brought in line with the national minimum wage. Non-governmental organisation deliver community and home-based care and support service to elderly must be prioritised by

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government funding so that shortage of funding does not hinder the capacity to deliver crucial services to the elderly.

Each ward in the country must have a social worker to deal with elderly persons issues. The elderly must be prioritised in terms of housing, and subsidies must provide for those less fortunate elderly. Each ward must have an old age home and the social club for elderly. We propose heavier sentence for crimes of abuse, rape, and murder of elderly. Social grants for elderly must be doubled to R4 500, not the smack in the face of an increase of R100 that they have recently received. We want to encourage our elderly to go out there and vote EFF on the 29 May, to truly make a change in their lives. The EFF supports this Bill. Thank you.

Ms L L VAN DER MERWE: Acting Speaker, we are often reminded that how a society treats its most vulnerable, where the children, the infirmed, disabled or the elderly is always the measure of its humanity. This is more relevant in a society such as ours where poverty and inequality are rampant and deepening.

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This government continues to fail older persons. Older persons still lack the very basics, such as adequate safety, food, shelter, access to basic medical care. They are subject to abuse, yet with no way to turn to. They are the ones, the frail, and the elderly, who sleep outside Sassa queues for days on end in the cold and rain.

The Older Persons Amendment Bill before us seeks to insert new definitions, as has already been mentioned by the Minister, to add new provisions relating to the monitoring and evaluation of all services to older persons. It goes without saying that none of these provisions can be rejected, as they are of critical and utmost importance.

However, it would be remiss of me not to reflect on the current reality in which this Bill is being passed. As the work of this Sixth Parliament draws to a close, it is difficult to accept that the Department of Social Development, DSD, has failed to meet its own commitments and targets, to ensure that all unemployed social workers that have been trained by the state are employed. Social workers play an integral part in supporting and protecting the elderly against abuse.

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Secondly, while this Bill aims to protect older persons on the one hand, on the other hand, this department, at the same time, is overseeing a full-scale NPO funding crisis. The situation is dire in all provinces, but DSD Gauteng and DSD KwaZulu-Natal have slashed the NPO budget dramatically. Many of the services that government should provide to the elderly are being provided by a caring group of ... [Interjections.] ... individuals through nongovernmental and nonprofit organisations. These organisations should receive all the support and necessary funding from the very grateful government.

Sadly, this is not the case. Government has declared war on NGOs and NPOs.

The ACTING SPEAKER: Hon Van der Merwe, just hold on. There is someone absolutely busy with some matters that we have no interest in. Can you please switch off your microphones?

Afrikaans:

Asseblief.

English:

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Please, members, just be careful. Look at your microphones and shut them off.

Ms L L VAN DER MERWE: Acting Speaker, so many of these services that government should be providing to the elderly are being provided by a caring group of individuals through nongovernmental and nonprofit organisations. These organisations should receive all the necessary resources, funding, and support from a very grateful government. Sadly, this is not the case. Instead, government has declared war on NGOs and NPOs.

We cannot, on the one hand, pass a Bill to strengthen the protection of older persons, while on the other hand, turn a blind eye to the plight of organisations that look after the elderly and who might be forced to close their doors, because funding has dried up.

Our government often celebrates the fact that their targets are exceeded because of the work done by funded NPOs, and the keyword here is "funded". Government cannot have these organisations do their work without sufficient funding. And

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tragically, there is no justification for these budget cuts. DSD is playing with the lives of our vulnerable older persons.

[Inaudible.] ... NPOs and to see them properly funded. We have been open about our commitment to increase funding and to create an environment of respect and genuine partnership between a government of integrity and the people who do this valuable work. The IFP has made this commitment in writing in our 2024 election manifesto, and we have also made a commitment to increase the Older Person's Grant.

After 29 May 2024, we stand ready as the IFP to install a leadership of integrity into government in KwaZulu-Natal and elsewhere. An IFP administration will put the elderly, the infirmed and the vulnerable first. That having been said, we will support this Bill. Thank you.

Mrs H DENNER: Deputy Speaker, Nomathamsanqa Masiko-Mpaka, a South African researcher at Human Rights Watch said the following in a report: "Older people have been overlooked by a government that has neglected their rights, ...". This is an accurate summation of South Africa and the manner in which we treat our older persons. Just looking at the insufficient

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Sassa old age grant, proves this point. The government forgets that these older persons are the nation builders of our country. Largely, they are left to fend for themselves.

She further continues by saying: "The South African government should act promptly to make the Older Persons Act meaningful, not just words on paper. Older people have a right to live with dignity." Once again, she hits the nail on the head.

There are many studies and reports that reflect the true state of our elderly, and the fact of the matter is that a large number do not live with dignity. As with all things this government touches, the question remains whether this Bill seeks to address the inefficiencies in the Act and whether it will truly impact the lives of our older persons.

Many older persons called for the principal Act to be revised and improved. A large number of the elderly that attended the public hearings mentioned a number of issues that need attention. Abuse was identified as a problem that needs to be addressed. They also stated that access to government services and departments are great stumbling blocks. Besides abuse and care facilities, SAPS and the Department of Health were some

of the greatest concerns for not properly assisting the elderly.

Afrikaans:

Die nuwe wetsontwerp sluit, onder andere, die registrasie en monitering van versorgingsfasiliteite in. Dit sluit ook in dat ou mense wat aan sekere tipes mishandeling blootgestel word, die reg het om verplaas te word en in die sorg van fasiliteite wat na hulle kan kyk geplaas word. [Tussenwerpsels.] Dit klink natuurlik alles wonderlik op papier, maar een van die VF Plus se grootste bekommernisse met so 'n verplasing is die groot gebrek aan sulke fasiliteite, veral in die landelike en arm gemeenskappe.

Vrae wat ook ontstaan is: Wat word van die ou mense in gemeenskappe waar sulke fasiliteite nie beskikbaar is nie? Gaan daar streng regulasies wees wat sal verseker dat die ou mense wat wel in sulke fasiliteite geplaas word, nie net aan nog meer mishandeling blootgestel word nie? Is daar ou mense wie nie kwalifiseer om in sulke sorg geplaas te word nie en wat word dan van hulle? Wat gaan verhoed dat ons ou mense, wat in hierdie sorg geplaas word, nie net nog 'n Life Esidimeni-geval gaan word van skokkende nalatigheid en mishandeling nie?

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Dit is vrae, wat nie op papier geantwoord kan word nie, maar gaan ons in die praktyk, wanneer dit te laat is, uiteindelik die antwoorde sien.

English:

We already have a social workers shortage. Last week, we were contacted by a constituent that urgently needed to get in touch with a social worker. Neither he, nor we were able to find a social worker in his area to go out to attend to his problem. We contacted the national and provincial departments for assistance, as a last resort. In one instance, the phones were never answered. The following day, after a fourth attempt, we were informed that there was no social workers available.

With this in mind, the improvements this Bill seeks to make, will not be able to be implemented, not under a noncaring ANC government anyway. We see how our children are suffering. And we see that, in instances of gender-based violence and femicide, GBVF, our women are being neglected. The elderly are no different and this Bill will not address their most immediate needs.

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Afrikaans:

Terwyl die ANC nog in regering is gaan die wetsontwerp beslis nie behoorlik tot uitvoering kom nie. Ons het op 29 Mei die geleentheid om vir ons ouer persone op te staan en toe te sien dat hul regte beskerm word. Die keuse is in die hande van ons kiesers. Dankie.

The ACTING SPEAKER: Someone called Thomas ... [Inaudible.] ... please, make sure that your microphone is closed. If you repeat this, I will instruct the IT people to kick you out. We cannot have you repeatedly interrupting speakers on the floor.

Ms M E SUKERS: Acting Speaker, ...

Afrikaans:

Die ACDP wil aan alle Christene vandag 'n geseënde Hemelvaartsdag toewens. Die hoop vir Suid-Afrika word gevind in die realiteit van 'n lewende Heiland.

English:

As we consider this Bill, we want to give attention to another Bill that is being considered in the NCOP today. As we considered the Older Persons Amendment Bill, one of the things

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that stands out is that, as long as elderly people are able to provide for themselves and earn an income, they must be enabled to do so.

Today, the NCOP is voting on the Bela Bill. And if this Bill passes, many gogo Dlaminis, who is running early childhood development, ECD, centres in townships will lose business and will most likely be forced to close down, because schools will take over Grade R. And we cannot allow this to happen.

The ACDP wants to remind the ANC today that, making the Bela Bill a reality, is going to have the direst effect on our ECD centres that are run by elderly women, with years of experience that are able to contribute to the economy and to their families. And we and the voters on 29 May will not forget the impact that this Bill will have on them.

I want to focus on ... As we were going through the process ... If I may ask, Speaker ...

The ACTING SPEAKER: Order!

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Ms M E SUKERS: As we were going through the provinces with the public hearings on this Bill, the stories of abuse where the elderly become victims of their own children's greed was highlighted where there is no protection or intervention available for them from the police or social services. Abuse of the elderly is left unattended to because of chronic dysfunction within departments, both the Department of Health and the Department of Social Development.

In an old age home in Albertinia, my constituency is working with a case, where an elderly man on his dying bed cried out: What have I done to deserve such cruelty? The lack of social workers to supervise, to ensure that our elderly people are treated in a decent manner is criminal. And as the Sixth Parliament, for every single financial year, this committee has highlighted the need for upscaling social services. The people most affected by capacity and lack of capacity that is in the department is the vulnerable. [Time expired.] Thank you.

Mr B N HERRON: Acting Speaker, we welcome many of the interventions proposed by the Older Persons Amendment Bill. However, we have to acknowledge that our society and our

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government has been failed ... [Inaudible.] [Interjection.]

...

The ACTING SPEAKER (Mr S L Tsenoli): Barrie Swart, switch off your microphone, you can't be doing that. Members, can you pay attention, please? Sorry, hon member, go ahead, hon member.

Mr B N HERRON: ... hon Acting Speaker, however, we have to acknowledge that our society and our government have been failing our older persons, and this Bill does not address two key failures:

Firstly, the failure to provide an old age pension that will allow older persons dependent on that pension to live a life with just a little bit of dignity. It is offensive that older persons who spend their lives contributing to the development of our country and who contribute to our fiscus to improve their lives over their lifetime to income taxes and/or that, are expected to live on a pension that is half the minimum wage. The structure of the old age pension must be remerged so that it can provide a more appropriate monthly cash transfer to older persons.

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Secondly, Acting Speaker there has been a systemic failure across the country to build new affordable specialized care or living facilities for the elderly. Thus, the Bill failed to address the growing issue of older persons being accommodated at overnight homeless shelters or worse still, sleeping rough on the street.

Our current shelter system is defined by its short term stay conditions, which limits shelter stays to a maximum of three months, and this is not conducive to the experience the Bill and to promote for the elderly, which speaks to their rights and dignity.

In some shelters in Cape Town, the elderly make up over 50% of the resident population. This is not only problematic in that these shelters cannot provide the required services, but it also clogs up the system meant to assist those who will end up living homeless on the streets. The situation is as a result of the lack of affordable specialized care facilities for the elderly, which has made emergency overnight shelters as the most affordable housing option for them.

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This reality exposes the elderly to more uncertainty and lack of privacy, in some cases, gangsterism and danger, in overcrowded, unsuitable prison style dormitories that can accommodate over 50 individuals at any one time.

This tendency for the elderly to stay overnight homeless shelters due to the affordability issues is made worse by the greed of some shelter operators, who often prioritize the elderly as preferred clients due to the benefit they derive by charging pensioners more than 2/3 of their old age pension, for a bed that is already funded by the state.

A growing number of elderly people are living rough on our streets, and we cannot tolerate this injustice. This Bill assumes that assisted living facilities exist and can meet the demand, and that is not our reality, and this will have to change if this Bill is to meaningfully improve the lives of our older persons. Thank you.

The ACTING SPEAKER (Mr S L Tsenoli): Thank you hon member. Hon members, the member coming to speak now is hon Mdletshe, and this is his first speech in the House. Hon members, I have received objection, to us, continuing to call this a maiden

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speech. Because it runs all of our gender sensitive language, that we can't be referring to maiden speeches. So, we will refer this to the creativity of the rules to find an appropriate way to describe the first speech. But let' give him a chance to speak to us. Please go-ahead hon member. Order hon Chief Whip.

Mr C MDLETSHE: Hon Acting Speaker, the NFP, notes the report of the Portfolio Committee on Social Development on Older Persons Amendment Bill. As NFP, we are pleased that most of the stakeholders generally welcomed the Bill during the public hearings.

Applauding improvements such as the defined of older persons abuse, and the emphasis on integrated service provision, along with mechanisms to ensure accountability.

We welcome the Bill's provision allowing for the removal of individuals from healthcare facilities, if their dignity, and rights are violated without necessitating a court order. We also echo appreciation of the stakeholders for the standardization and professionalization of caregiving, which now requires licensure and training for caregivers.

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Acting speaker, we agree with Prof Maher from the University of the Western Cape, who suggested that communal caregivers should be more broadly included in community-based facilities. She also questioned the privatization of responsibilities and resources accessed without the provision services.

However, the issue of funding remains at the centre of this Bill, especially in rural areas with vast geographical spread provinces like KwaZulu-Natal.

Our major concern is that the current spending at the committee level is that very few older persons benefit, and the only very frail, with inconsistent reach across provinces.

The grant represented approximately 98% of all the Department of Social Development, DSD, spending on all the individuals amounting to R92,13 billion. The remaining 2% was spent mostly on nonprofit organizations, NPOs that provide residential care for community-based services to older people.

Acting Speaker, it is also concerning that we are spending more on the grant than we are capacitating the facilities with the best care of our elders. A meagre 1,6 billion compared to

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the R92 billion seems like a misdirection of funds, especially for those elderly persons who need those facilities.

Although the current structure of community support reaches only about hundred 100,000 older persons nationally, which is only a tiny fraction of the total population in need of assistance in daily activity.

However, based on the estimates, it is believed that more than 1,5 million people, or at least 40% of South Africans of the total population, require support with daily activities.

Therefore, the NFP we note and welcome the recommendations of the portfolio committee. However, we call on DSD to collaborate with KZN provincial department to consider increasing the budget for KZN to reach more of our elderly people who have been subjected to all sorts of gruesome crimes and violence in rural communities. We call for the protection of our elders. Thank you.

Mr S M JAFTA: Hon Acting Speaker, the Older Persons Amendment Bill seeks to amend the Older Persons Act. The act seeks to maintain and promote the status well-being safety and security

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of older persons and protect and maintain the rights of older persons.

The Bill inserts new provisions including provisions dealing with the removal of older persons to a temporary care subject through a court order. The Bill has also produced an amended meaning of the word 'care', which is now defined as a physical, psychological, social, spiritual, nursing, first aid, or material assistance to an old person, and include services aimed at promoting the comfort, quality of life and general well-being of an older person.

The Bill also includes the extended rights of older persons and includes abuse related to the rights to inheritance. The scheme of the Bill is also progressive, as it allows premiers in each province, together with provincial department of the Social Department to facilitate and support the coordination and integration of provincial plans and the implementation of the principal act.

We also welcome the progressive insertion of provisions dealing with community-based care and support services, which must be made of registered trust and juristic persons.

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There are also provisions relating to the regulation of community-based care and support services through a process of monitoring and evaluation.

Importantly, the Bill defines older person in need of care and protection, as an older person who has been neglected, abused or degraded by a caregiver or a family member or a person who has been accused of practicing witchcraft or blamed by the community for inexplicable events, the AIC supports the Bill, hon Acting Speaker. Thank you very much.

Mr M G E HENDRICKS: Good morning, Acting Speaker and thank you very much. First steps have been taken for the Older Persons Amendment Bill and the Al Jama-Ah welcomes it. As you know, we work very actively in the villages, and last week we went to visit the village where Khuzani grew up with his grandfather in Cofimvaba. As you know, in Cofimvaba, 75 of the people were hanged because of their resistance to apartheid. Therefore, we felt that it is appropriate to go and visit them because many of those who were hanged, their elderly parents lived in these villages. We were shocked to find out that these villages had no water. There was also no place arranged for them when the SA Social Security Agency, SASSA, comes. As a result, they had

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to turn back when it rains, and the people don't get their pensions. I thought that these were the first people whose sons were hanged to get us the freedoms we enjoy today.

So, we spoke to the chief and he gave out a piece of land for such a community. The hall was also arranged the same day for a jojo tank. We slaughtered the cow, and when we did that, 200 villagers attended, the very elderly. Therefore, we just felt that 30 years into our democracy, these villagers have been let down, although their sons made the ultimate sacrifice and were hanged three months after they were sentenced in Pretoria. We are talking about 75 people, and I hope that the government will consider doing a commemoration wall for them. I visited some of the graves with some of their mothers, and not even their name was listed on the graves which were repatriated from Mamelodi. Al Jama-Ah supported the Bill. Thank you very much.

Xitsonga:

Man J MANGANYE: Xandla xa Xipikara, ndzi khensa nkarhi lowu mi ndzi nyikaka wona. Ndzi khensa na swirho hinkwaswo leswi tinyikeke nkarhi wo hlaya Nawumbisi wo Cinca Timhaka ta Vudyuhari, lowu na mina sweswi ndzi tikatsaka eka wona, ku va

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wu ta tiya swinene. Leswi swi ta endla leswaku nkarhi lowu taka ku nga vi na loyi a vulaka leswaku a ku nga ri nhlango wa politiki ya yena.

Hi ri hinkwerhu eka Yindlu leyi, hi fanele hi yimela vanhu lava va hi hlawuleke leswaku hi ta va yimela. Ku nga vi na loyi a nga ta tsalela lava va nga le kaya a vula leswaku yena a a nga ri xiphemu xa hina loko hi twanana hi nawu lowu. Swirho swa komiti leyi, a hi ri kona hinkwerhu. Hikokwalahoke, ndzi tiyisisa leswaku na n'wina mi ve xiphemu xa leswi ku twananiwaka hi swona.

Setswana:

Modulasetilo, nettle gore ke bue jaana ka puonyana yame ke re, motho ke motho ka bath oba bangwe.

AN HON MEMBER: You are a person through other people.

IsiXhosa:

USOMLOMO OBAMBELEYO: Ulithatha phi elo gunya? Ungaphindi uyenze le nto uyenzayo.

Setswana:

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Moh J MANGANYE: Molaotheo o wa rona wa bagodi o ipontsha mo Aforika le Aforika ka bophara gore o akaretsa gore go dirilwe selo se le sengwe se se tshwanang.

English:

It is with the alignment with the African Charter on women's rights and people's rights on the rights of older persons in Africa. So, this will strengthen what we have been doing in Africa. It will make sure that it won't be this country or that country, all of us as Africans will protect our older person. Also, it will be very good if we can take steps, us here in the House, to make sure that this Bill is going to be implemented fully, as all of us have agreed upon, when we were dealing with the public hearings.

Setswana:

Ka ditheetso tsa setshaba, ga go na mo re ileng ra kopana le mathata teng, mo setshaba se ileng sa re ga se batle molaotheo ono. Batho botlhe ba re ileng kwa go bone, ba ne ba tshwaela gore molaotheo o, o ne o tshwanetse gore e be e le kgale o dirilwe. Jaanong, gonne ditsee tsa rona di a utlwa, re a utlwa re le MaAfofikaborwa, re a utlwa re le puso e e busang gore molao ono o ne o tshwanetse gore e be e le kgale o le teng,

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mme le rona re dumelana le seo. Ke ka moo re dirang gore pele ga karolo ya Palamente ya Borataro e khutla, re be re dirile gore molao o o nne teng go sireletsa bagaetsho.

Gape, molao o o tla dira gore go se ka ga nna le motho kana ngwana o o tlhokofatsang batsadi ba gagwe, kana yo o batseelang madulo a bona a ba a filweng kgotsa madi a ba a filweng ke puso. Re tshwanetse go ba sireletsa le go dira gore melaotheo ya rona e kgone go sireletsa bagolo ba rona. Motho yo o tletlefatsang bagolo o tshwanetse go tshwarwa jaaka re il era tsitsinya ka teng, a iponatse kwa ntlong-lefitshwana gore bath oba bangwe ba tle ba kgone go tshaba. A re eme ka go tlhola re latofatsana gore mang o dirile eng le o mongwe fela jaalo ...

English:

... we won't go anywhere.

Setswana:

Re ka ya felo gongwe fa re tshwaragane go dira tiro le go tlhompha batsadi ba rona.

English:

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As the Africans, it is in our spirit of Ubuntu that everyone should view members of society with an eye of compassion. Always be willing to lend a helping hand and ensure that no crime and social ills are committed with our knowledge and in our presence.

Setswana:

Ke ka moo ke gatelelang gore ga go na ope yo o tshwanetseng go ikgogela kwa morago fa a ona mogolo yo o tlhokofadiwang. Mo mafelong a re ileng kwa go ona, re il era utlwa ka mathata a baagi. Jaanong, fano ga se nako ya go bua ka mathata, re tshwanetse go bua gore re dira jang gore bagolo ba rona ba kgone go sireletsega e le a nnete.

English:

Furthermore, the Bill is an affirmation of the valuable contribution that the older persons make in the society.

Setswana:

Re tlile go dira gore bagolo ba rona ba ... gonne ga se gore fa ke tsofetse jaana nka se kgone go ruta. Go santse go na le karolo e ke e tshamekang kwa lapeng ya go tlhaba dinaane le go ya kwa dikolong go ya go ruta ka boleng jwa batho ba bantsho.

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Gantsi re tsaya boleng jwa batho ba bangwe jwa Bophirima, mme rona jaaka MaAforika re na le boleng jo bo botlhokwa, jo re tshwanetseng go bo sala morago ka nako tsotlhe. Seno se tla dira gore Lefapha la Bophelo le kgone go fa batsofe tiro gore ba ye go rutiwa ka malwetse a a fapaneng. Seno se tla dira gore re kgone go ruta bana ba rona ka malwetse ao.

Kgale fale, seno se ne se diriwa ke bagolo, ba ne ba ruta bana ba bone ka dilo tse tsotlhe. Bana botlhe re tshwanetse go ba ruta le ka ditaola. Moremogolo go betlwa wa taola, wa motho o a ipetla. Ke lebogela go fiwa sebaka seno. Mmusakgotla wa nakwana, ke ikopela ka boikokobetso mo malokong a a tlileng go boa gore tokomana eno e se ka ya bolela mo rakeng. E tshwanetse go dirisiwa gore mang le mang, kgotsa bone bagolo kwa gae fa re ba bolelela gore re tseile karolo mo tiragatsong ya molao ono, e kare ga re bue nnete. Ka jaalo, ke a leboga.
[Go se utlwagale.]

The ACTING SPEAKER: Thank you, hon members. Hon the Minister of Social Development. Unmute your button, Madam. Speak to us.
Hon Lindiwe Zulu ...

IsiXhosa:

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... sikulindile, mama.

Afrikaans:

[Onhoorbaar.] ... waar gaan jy? Ons bly hier. Ons gaan nêrens
nie. Bly net stil.

English:

Where are you, hon member?

The MINISTER OF SOCIAL DEVELOPMENT: I'm here, Chairperson, I'm
here.

The ACTING SPEAKER: You mean Acting Speaker, neh?

The MINISTER OF SOCIAL DEVELOPMENT: Yes, oh my goodness, my
apology. I'm here.

IsiZulu:

USOMLOMO OBAMBILE: Imbuzi yona uzoyikhipha.

UNGQONGQOSHE WEZOKUTHUTHUKISWA KOMPHAKATHI: Ngizokhipha inkomo

...

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English:

... my apologies. May I just thank all the members for their inputs that they have made here. My apologies, it's just the network where I am. I have been listening to everyone here. I would like to conclude quickly by saying that the growing share of older persons as a demographic group, is an objective indicator of the reach of beneficial services that they receive. In other words, the challenges of full reach of older persons targeted services have emerged from the successes of an ANC-led government. That is why we are out on the street and making sure that we even continue to talk to the elderly.

Also, it is precisely because of the multi-dimensional and real challenges that the hon members have highlighted here, that the Amendment Bill is before the House. The ANC-led government is committed to increasing the investment that we direct to the improvement of the life experiences of older persons. This is evident in that government is putting the money in the pockets of the rightful beneficiaries. As I conclude, Acting Speaker, the manifesto of the ANC commits government to increasing investment in the people, and this will be realised during the Seventh Administration. We welcome

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the constructive support for the Bill from the majority of the hon members who spoke here today. I thank you.

Debate concluded.

The ACTING SPEAKER: Are there any objections to the Older Persons Amendment Bill being read a second time? No objections.

Agreed to.

Bill read a second time.

**CONSIDERATION OF HOUSING CONSUMER PROTECTION BILL [B 10D -
2021] AND OF REPORT OF PORTFOLIO COMMITTEE ON HUMAN
SETTLEMENTS THEREON**

Sepedi:

Moh M R SEMENYA: Modulasetulo wa Ntlo yeo e hlomphegago le Maloko a Palamente, madume ke ao.

English:

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Acting Speaker, on behalf of the Portfolio Committee on Human Settlements, please allow me to send our heartfelt condolences to the families that have lost their loved ones in the collapsed building in George in the Garden Route of the Western Cape province. We also hope for a swift recovery of the hospitalised workers who suffered injuries. There is no better way to honour the lives of the deceased workers in that collapsed building than for this august House to approve the Housing Consumer Protection Bill which we are tabling today.

We are tabling the Housing Consumer Protection Bill as amended by the NCOP as well as the report of the Select Committee on Co-operative Governance and Traditional Affairs. The NCOP approved the Bill with amendments and we are pleased that all provinces had agreed to its passage. We hope that the National Assembly will do the same in order for the President of the Republic, hon Matamela Ramaphosa, to sign it into law.

The Constitution of the Republic empowers us as Members of Parliament and the respective portfolio committee we serve in to develop and approve progressive legislation that not only addresses the legacy of colonialism and apartheid but also protects and prioritises the interests of South Africans over

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the private accumulation interests of big businesses. The Housing Consumer Protection Bill is such a legislation that puts the interests of housing consumers before those of commercial businesses.

The Housing Consumer Protection Bill not only aims to protect housing consumers but also to regulate the conduct of home builders, ensure the continuity of home warranty funds and most importantly, ensure its enforcement once signed into law.

The drafters of the Bill had foresight as they had anticipated the occurrence of such a painful tragedy. The Bill provides for the continuation of the National Home Builders Registration Council, renamed the National Home Builders Regulatory Council, which has the authority to register home builders and developers. This is to ensure that, in the event of a similar incident such as that of a collapsed building here in the Western Cape, our government can promptly identify the responsible parties ... of poor workmanship and take swift action against those construction companies.

The Housing Consumer Protection Bill affords us the opportunity to prevent such tragedies in future. The Bill

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provides for the appointment of inspectors and their associate powers to enforce the provisions contained in the Bill. One wonders how the collapsed building in George could've reached such phases without building inspectors or engineers not noticing defects with the structures.

As the portfolio committee, we urge the government to carry out a comprehensive investigation into the incident encompassing the role or absence of building inspectors to verify the correct construction of the collapsed building.

Lastly, the Housing Consumer Protection Bill also makes provision for the establishment of warranty funds for housing consumers to make claims when their homes have defects or in such instances such as collapsing buildings as in George. As we table this report for adoption by the National Assembly, our prayers are with the families of the deceased and the injured workers. I thank you, hon Acting Speaker.

The ACTING SPEAKER: Hon ... [Inaudible.] ... hon member, may I request that in future you be mindful of decorum. Hon Xasa was meant to deliver this report. You did not even apologise on his behalf ... that you are the duly appointed person to do

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that. It ... just make you cognisant of the protocols of the House so that ... It would be great to do that next time. Thank you very much.

Declarations of vote:

Mr L M MPHITHI: Acting Speaker, the Housing Consumer Protection Bill seeks to repeal the Housing Consumers Protection Measures Act of 1998. The Bill seeks to ensure the adequate protection of housing consumers ...

The ACTING SPEAKER: Hon member, just hold it there. I'm sorry to interrupt you. The Chief Whip has to move this. She's sitting there quietly not saying anything, but I'll allow her to do that. Go ahead, ma'am.

The CHIEF WHIP OF THE MAJORITY PARTY: Acting Speaker and hon members, I move that this Bill be amended and passed by this House.

Mr L MPHITHI: Acting Speaker, the Housing Consumer Protection Bill seeks to repeal the Housing Consumers Protection Measures Act of 1998. The Bill seeks to ensure the adequate protection of housing consumers and the effective regulation of the home

building industry. However, I know and we all know that the ANC remains a damaged organisation. It's been damaged for a long time and it's not going to miraculously change now. It remains as useful as a fork and spoon. This became very clear when the ANC tried to ... [Inaudible.] [Interjections.] ... the process by trying to introduce a state-owned enterprise insurance company that would compete with the private sector in providing risk-based insurance cover to homeowners. We all know too well the story of what happens to a state-owned entity, SOE, when the ANC gets its hands on it.

IsiZulu:

... izandla zenkohlakalo zifika zimoshe yonke into ...

English:

... particularly when the ANC is involved. The ANC-led control measures have worked to extract the wealth of the private sector to produce and solve its own wasteful expenditure on SOEs and corruption. This has led to a stifling degradative economic regulatory environment. A case in point is that the department is already failing to meet its basic constitutional obligations despite the inability to achieve

its basic targets. How they intended to compete with banks and insurance companies is beyond me.

Through the committee's deliberations, the DA made it clear that a state-sponsored company would become yet another vehicle for ANC patronage and looting to take place. It would require hundreds of new employees and extensive financial resources. Looking at the ANC's management track record, such a company would no doubt also require bailouts from Treasury in time to come. We are glad that the DA was able to get this clause withdrawn.

The public participation process was conducted between May and November 2022, where 5 659 members of the public and various stakeholders across 27 district municipalities were given an opportunity to give oral submissions which were heard by the committee. What was clear was that insufficient information had been given to participants as the discussions were largely centred around state subsidised housing needs. The DA notes the following concerns regarding this Bill.

Firstly, the absence of prescribed timeframes for the approval of enrolment applications. Secondly, the Bill gives the

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Minister excessive powers, like the appointment of the board, determination of fees, fines, liabilities and time periods for issuing certification of registration which remains open to abuse.

The DA was happy to successfully lobby the committee to remove a previously included provision that would have enabled the establishment of a state-owned housing insurance company.

Overall, there is no love in this government, particularly the ANC-led government, for the people of South Africa, and we know where there is no love there is no courage. We are most certainly at a crisis point when it comes to basic shelter and housing in this country, and with each passing day South Africans are receiving a raw deal from this government. The ANC has continued to pretend to be pro-poor but it continues to take money back to Treasury, after housing budgets have been given year after year, to fund SOE bailouts.

The DA in the main accepts that this Bill will improve the regulatory landscape and provide greater protection for both public and private housing consumers. The success of this piece of legislation requires a government that has the capacity and commitment to ensure that we deliver on a track

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record and ensure that we don't just speak only when its election time but we do when it counts most for the people of South Africa. It requires a government that will put the people first rather than defaulting to contractors, ensuring that the rights of housing consumers are not protected.

It is only a DA-led government that can ensure that consumers are protected. A DA government would never negotiate with criminal construction mafias that delay projects. We do have the capacity and competence to protect and promote housing consumers. We therefore support the Bill. Thank you, Acting Speaker.

Ms M MAKESINI: Deputy Speaker, when the Bill was tabled in the House, we fully supported it after going through the various interaction at the NCOP. We still support the Bill. Our initial support of the Bill was premised on understanding that its overarching purpose was to protect the homeowners for inadequate quality building by the regulating and registration of home builders and invoking quality standard of the home building. For many years, there have been complaints about the inadequate quality of the RDP houses because of poor workmanship and inability of the National Home Builders

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Registration Council, NHBRC to do ongoing inspections to avoid what happened in George. If we had an NHBRC who were doing inspection...

IsiXhosa:

... aba bantu bangaka abaswelekileyo eGeorge ngebengaswelekanga.

English:

This is accompanied by the strengthening of home warranty to protect homeowners from poor building workmanship and enable them to claim for the defects in the buildings. The registration requirement for home builders and developers seems fair enough but practical implications of strengthening and requirement may be a hill to step on the entrance to avoid...

IsiXhosa:

... ukuba singavaleli abantu abantsundu ukuba bangene kushishino lokwakha izindlu.

English:

A full picture of implication of this provision may require a further engagement so that...

IsiXhosa:

... abantu abantsundu abafuna ukungena bangavaleleki. Siyayazi ukuba abantu abaneenkampani ezinkulu zokwakha izindlu ngabantu abamhlophe.

English:

The use of supplies of home warranty fund to finance transformation measures in the industry is a progressive step towards the opening industry for black entrance building contractors. Overall, the Bill seems a progressive legislation mechanism. Apart of the grey areas...

IsiXhosa:

... yokuba abantu abantsundu kweli shishino lokwakha izindlu bangavaleleki kuba siyayazi sisonke ukuba iinkampani ezininzi zokwakha izindlu zezabo bamhlophe. Siyathemba ukuba inkampani ebisakha eGeorge, iza kuthathelwa amanyathelo abalulekileyo.

English:

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We never thought that, on the on the eve of the election, we will get another Marikana massacre because...

IsiXhosa:

... abantu abaswelekileyo baninzi.

English:

We hope that the government will honour them. We wish to send our condolences as the EFF to the family...

IsiXhosa:

... ukuba bathuthuzeleke, akuhlanga lungehliyo. Yinto ekhoyo le yokuba abantu abantsundu abakhathalelwanga.

English:

We support the Bill. Thank you, Deputy Speaker.

Ms S A BUTHELEZI: Hon Deputy Speaker, allow me to start by stating what should be obvious to most of us. While South Africans have enjoyed inflation, beating returns on residential property assets over the past five to seven years, things have taken a turn for the worse since mid-2023 when capital growth started to weaken. Therefore, this Bill only

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pertains to the protection of a certain percentage of our population who in our current unfortunate economic climate, are privileged enough to purchase land and build homes.

It is those secrets that the IFP has always been in support of any legislation that seeks to support and prioritise the well-being of the citizens of South Africa. The Housing Consumer Protection Bill is no different. I am sure that we all know of someone that has fallen victim to the building industry, be it by builders not finishing on schedule, resulting in unforeseen expenses or builders never showing up to work after being paid in advance. Therefore, we welcome the Bill's aim to provide for the regulation of the conduct of home builders and its provision for procurement and contractual matters in relation to the building of a home.

Hon Deputy Speaker, quite a few governmental departments could benefit from studying the content of this Bill before starting with building projects. Then, some of our Ministers will finally be able to have offices of their own and not take their highly confidential work to their homes. Nonetheless, if implemented correctly, this Bill could become instrumental to ensuring that corruption, exploitation and fraud in the

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building industry is decisively rooted out and that housing consumers are adequately protected by law. The IFP supports the Bill and accepts the report. Thank you, Deputy Speaker.

Afrikaans:

Mnr P MEY: Voorsitter, die bedoeling van die wetgewing is om die verbruiker in die boubedryf te beskerm. Die National Home Builders Registration Council, NHBC, vereis dat alle nuwe huise tydens die bouproses geïnspekteer moet word, om te verseker dat dit aan die vereistes van die wet voldoen. Die raad moet 'n aanstellingsertifikaat en identifiseringskaart aan die aangestelde inspekteurs uitreik. Indien ...

[Onhoorbaar.] ... deur die persoon wat daardeur geraak word, moet die inspekteer sy of haar sertifikaat of identifiseringskaart toon.

'n Inspekteer mag in die doeleindes van inspeksie 'n huis wat in aanbou is binnegaan en inspekteer ter all redelike tye. Vir die doeleindes van inspeksie mag die inspekteer ook die goedgekeurde bouplan deur die munisipaliteit goedgekeer, vra vir inspeksie. Dit is 'n oortreding van die wet, indien 'n huisbouer of ontwikkelaar voorgee in terme van die wet, dat

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hulle geregistreer is, en nie in terme van die wet wel geregistreer is nie.

Die wetsontwerp is daar gestel om persone wat in besigheid is of huisbouers is te reguleer. Indien 'n koper 'n eiendom as gevolg van direkte bemarking koop, het hy die reg om so 'n transaksie binne vyf dae te kanselleer, wat bekend sal staan as 'n afkoelperiode. Dit is slegs van die ... [Onhoorbaar.] van verkope wat geskied as gevolg van direkte bemarking.

Dit is 'n oortreding om voort te gaan met die besigheid van huisbouers, as jy nie by die raad geregistreer is nie. Dit is ook 'n oortreding om 'n huis op te rig, as jy nie by die raad geregistreeer is nie. Dit is 'n oortreding om enige betaling in verband met die koop of konstruksie van 'n huis te ontvang, of om 'n ooreenkoms met 'n koper van 'n huis aan te gaan, indien jy nie by die raad geregistreer is nie.

Indien enige belangrike inligting weerhou of vals misleidende inligting tydens registrasie by die raad ingedien word, as inligting vereis word, is dit 'n oortreding. Selfs indien die finansiële instellings, wat geld leen om as sekuriteit te dien teen 'n verband op 'n huis, om dit van 'n bouer te koop,

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nie seker is dat die bouer geregistreer is nie, en of die huis ingeskryf is by die raad en die fooie wel betaal is nie, of sal betaal word nie, sal dit 'n oortreding van die wet wees.

All ... [Onhoorbaar.] wat verantwoordelik is vir die registrasie van die verband en nie seker maak dat die bouer geregistreer is nie, en die huis aangeteken is by die raad nie, of nie sy fooie by die raad betaal het nie, is skuldig aan 'n oortreding. Dit is ook 'n oortreding om 'n inspekteer te hinder, obstruksie te pleeg, of te weerhou in die uitvoering van inspekteer se dienste.

Dit is nie van toepassing om 'n persoon wat sy eie huis bou nie of 'n ander bystaan met die bou van sy huis nie. Die uitsondering is toegestaan deur die raad. Die VF Plus ondersteun die wetsontwerp. Dankie.

English:

Mr W M THRING: House Chair, the ACDP extends its condolences to the families of those who have lost their loved ones in the collapsed building in George. Those responsible for flouting regulatory and building safety standards must be held to account. We note that the Housing Consumer Protection Bill is

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a Bill which aims to protect the consumer by regulating people who are in the business of home building. To achieve this, builders who erect houses must register with the National Home Builders Registration Council, NHBRC, pay annual fees and enrol every house that they have contracted to build.

Building standards have been a particular concern of the ACDP as many disadvantaged South Africans have been exposed to substandard housing and poor-quality building materials, resulting in substandard RDP houses. The ACDP understands that this Bill regulates building, installation, renovation, alteration, repair or extensions of a house excluding those of shacks, caravans, hotels and motels. It also introduces many far-reaching changes to the existing system of consumer protection, the home warranty fund, where a builder has failed to meet customer claim obligations for maintenance claims, roof leaks and major structural defect claims needs wider publicity. The ACDP calls on the council to improve its communication with consumers and stakeholders as many homeowners do not know of its existence.

The Bill imposes significant new obligations on estate agents, conveyances and the registrars of deeds. Some of these relate

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to conveyances when registering transfers of property or mortgage bonds. The legal firm STBB notes that, it appears that inadvertently, the conveyancer will be required to police compliance with the municipal requirements to obtain approved building plans for the benefit of the local authority and the purchaser. This, they say, is likely to prolong the registration process and certainly needs further looking into.

The ACDP has heard the SOS code of millions of South Africans, voting for us on 29 May 2024. They call for service, order and safety, hence the ACDP welcomes additional consumer protection and supports the amendments - which prevent unscrupulous builders not registered with the NHBRC from building sub-standard houses. The ACDP, supports the Bill. Thank you, House Chair.

Mr B N HERRON: House Chair, we support the Bill. Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Chief Whip, we would request that the Whip of the NFP give induction to their new members. Please, proceed.

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Mr P M SIKOSANA: House Chairperson and hon members, as the NFP notes the Bill, we are deeply concerned about whether it addresses or even attempt to address the prevalent issue of the construction mafia or the extortion group that seek to forcefully extract protection fees from local or contractors. They also extorted portion of the cost of infrastructure project. This is such a serious matter yet it is treated as a by the way matter. Many South Africans in various townships across the country have been subjected to this extortion group who threatened to kill and destroy their small business if they do not give in.

In the face of a high level of unemployment, rising level of inequality and strenuous standards of living it is becoming more and more difficult for South Africans to open businesses for themselves to support their families and communities. People are fleeing their homes and community because of this extortion groups. We have heard stories that they often go as low as even extorting the woman who sells chicken feet on the side of the pavement. Rental property owners are experiencing daily nightmares from those groups. Crime is completely out of hand in our country.

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Chairperson, with that said, we also note the concern that the Bill could potentially put small businesses at risk and clamping down on unregulated builders and contractors. We do agree that by mandating registration with the National Home Builders Registration Council the annual membership fee would put further financial strain on small contractors that struggle to break even when taking on construction contractors.

We believe that matters could be addressed by simply assessing whether the small contractors can afford it by evaluating their books of financial record. Those who can afford to pay must pay and those who should not, must be supported until they sustain business and give back to the economy of the country. It is important to have regulations because markets do not protect the vulnerable and it is our job in the government to do so. Thank you, hon House Chair.

Mr S M JAFTA: The AIC support the Bill, Chair. Thank you very much.

Mr M G E HENDRICKS: Hon House Chair, I would like to congratulate the two NFP members for their speeches today. It

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is nice to have their voices heard. We threw them a lifeline in ... [Inaudible.] ... some years ago when they did not pay their deposits. With regard to the Bill, Al Jama-ah supports it but it feels that one should look more carefully at the insurance policy which the National Home Builders Registration Council, NHBRC, issues. That policy causes a relaxation by builders and that is why we may have had the tragedy that we had in George.

We would, like the other political parties who send them their condolences, Al Jama-ah also does so. The Building, Construction and the Allied Workers Union, BCAWU, are campaigning for Al Jama-ah. We will be sending the President ... [Inaudible.] ... to go and see what is happening and also look at the other buildings in George that may have been built with poor standards. Al Jama-ah support the Bill. Thank you very much.

Sesotho:

Mong M A TSEKI: Ere ke dumedise motsamaisi wa dipuisano. Na e a sebetsa ntho e? Ha se metsotso e robedi? O se o e entse metsotso e supileng jwale.

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English:

The HOUSE CHAIRPERSON (Mr C T Frolick): No, you have seven minutes.

Mr M A TSEKI: I hereby stand on behalf of the ANC to make a declaration of support of this Bill. Hon members, the recent tragedy in George caused by a collapsed building has validated our initial support and necessity in passing the Housing Consumer Protection Bill. Once signed into law, the Bill will ensure to prevent such incidents to happen.

There was an overwhelming support for the Bill in all the nine provinces during the public hearing. The communities out there during the public hearing told us that, for instances, they have experienced where they became a victim of poor workmanship whether through our Reconstruction and Development Programme, RDP, government houses or some self-appointed private houses construction companies or individuals and had no mechanism to report such instances.

The Housing Consumer Bill provides for the establishment of a dispute mechanism to afford housing consumers the opportunity to launch a dispute and make claims against the appointed home

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builder - make a claim - DA are you listening? On the builder
The opportunity to launch dispute it is led by this Bill, as
well as the establishment of the compliance and enforcement
committee as a subcommittee of the National Home Building
Regulatory Council.

Hon Chair, the democratic government invests billions of rands
in the construction of breaking new grounds houses which is
RDP and other related housing projects yet there are instances
of subpar performance and workmanship in some of these
projects. The enactment of this Bill will guarantee that the
government appointed services provides and meet government
expectations and if they fail to do so the legislation will
come in to enforce. Once the Bill becomes law the envisaged
compliance enforcement committee will have the authority to
impose administrative fine of the implicated person or home
builders or developers and potentially suspend their
participation in the construction of these projects.

The Bill will have the authority to initiate a criminal case
against individuals and home builders or developers who
frankly disregard its prescription. Hon members, as the ANC -
Oh! the Titanic, we cannot wait for the passing of this Bill

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in order for the National Home Building Regulatory Council to take action against the construction company involved in the collapse in George. You know, Chair, when we heard about this issue of George we asked ourselves about many Palestinians that are findings themselves under the rubbles. We then asked how did that happen? Without really nullifying the lives of those people who have passed on, but for it to happen under a DA administration that supports Israel it is a lot of messages that needs to be taken on that.

We want to say to those workers wherever they are that may they be recovered and for their families to bury them. Hon members, the passing of the Housing Consumer Protection Bill will also empower the democratic government to decisively deal with government employees who collude with construction companies to approve housing projects that have structural defects. In the past we have seen our democratic government forced to rebuild some houses because they had major structural defects and are inhabitable, resulting to millions of rands spent in the same projects.

So, now, companies that have done wrong they will pay. The DA is not loyal neither to humanity nor to its voters but only to

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its funders some of whom are the construction businesses and nothing else. In fact, the DA sees no value to the black child's life who work on poor constructions conditions mostly white-owned construction companies. The Bill gives the democratic Parliament - not the DA - the democratic Parliament a chance to show the South African public that it does not tolerate their subjugation and exploitation for profit.

Once again, we wish to convey our heartfelt condolences to the families of the deceased in George. Ours is to put the people before profits as envisaged in the objects of the Bill to provide the protection of the housing consumer. We are saying, this Bill will be a whip to the wrong doers and will be whip to anyone who will be found wrong in George. On that note, we want to say that from the river to the sea Palestine will be free.

Xitsonga:

Matimba!

Motion agreed to.

Bill, as amended, accordingly passed.

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**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SOCIAL
DEVELOPMENT ON CHILDREN'S AMENDMENT BILL**

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister Ndabeni-Abrahams will you switch off your microphone.

Ms N Q MVANA: Chair, good morning. The ANC will come back again, hon Alex. Though children, because of their nature and age, are completely dependent on their parents and guardians to make decision, which affect all aspects of their lives, such as in the areas of health, education, and religion, under the South African law, children are recognised as full members of society, who are entitled to human rights, such guarantees for their freedom, protection, and development in a conducive environment.

Due to the extensive extent of children's dependency on their caregivers and those around them, they are prone to heightened levels of abuse and violation, which are detrimental to their wellbeing. This requires the special attention, and resources must be dedicated to meet of their needs and ensure their welfare. This also entails an appreciation of the heterogeneous nature of children, similar to other members of

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society, who vary in age, gender, sexuality, mental capability, physical ability, and socioeconomic context.

Therefore, the Children's Amendment Bill of 2020, which was introduced to Parliament and referred to the committee through announcements, tabling and committee reports in August 2020 becomes a very crucial piece of legislation, which addresses the needs and the vulnerabilities of children.

As this Sixth Parliament, we note the tremendous studies achieved under the principal Act, the Children's Act of 2005, and the Children's Amendment Bill of 2020, aimed to amend the Children's Act of 2005, by providing further provisions for the children's safety and protection through the remaining clauses.

It is also against this background that the Private Members' Bill was developed. I know that the DA is also going to reject that, but we have adopted it, and we are looking after the children. Yes, hon Alex. Although there is immense appreciation for and recognition of the positive intention of the Private Members' Bill in expanding the protection provided to children, by introducing concept of micropartial care, a

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new category of care designed to cater for the needs of parents, guardians and caregivers, by providing a regulated environment for the temporal care of children who are six in size or less during specific times. She is a new person in terms of motherhood. That is why I am also referring to her.

It is important to recognise the overlap with existing proposed legislation. [Laughter.] She is going to get the grant, even if we don't know the father. It doesn't matter. The ANC cares for the children and it looks after everybody's responsibility. There is also a need for an application of the constraints within the environment in which the legislative arm operates, such as processing of multiple pieces of legislation within constrained time frames, which sometimes leads to the referring of legislation to successors. Therefore, it is imperative that time and resources are utilised efficiently.

It is further critical to ensure that all legislation produced by this arm of the state is comprehensive and can effectively address the holistic challenges of society and its members, wherever possible. It is in the interests of society that its legislation ... We are constantly reflective of the

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socioeconomic environment to adapt to social changes, as well as reflective of existing legislative, to ensure that it is still relevant, applicable and addresses its objectives.

Addressing the safety, development, and protection of children ... [Time expired.] ... and both of moral and legal impurities, to guarantee the well-being of the children. I thank you.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, I move that the report be adopted by the House. Thank you.

Declarations of Vote:

Ms B S MASANGO: Hon Chairperson, before I give my input, I just would like to convey our condolences to the people and families who were affected by the tragedy in George. The Portfolio Committee on Social Development missed another golden opportunity to protect South Africa's children, going directly against the central purpose of the Children's Act, which is to ensure that the child's best interest is paramount, ... [Interjections.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, may I ask the ICT just to disconnect the microphone of whoever that member is, please. May I appeal to the members on the virtual platform to pay attention when you log in, and the proceedings, because you are disrupting the proceedings in the House.

Ms B S MASANGO: Chairperson, this move by the predominantly ANC-led committee implied that the children's safety in facilities is not a priority to the South African government. It is astounding, to say the least, as both the committee and the Department of Social Development ostensibly supported the content of the DA's Private Members' Bill. They admitted there are shortcomings and ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, who is that member on the platform who is disrupting the proceedings? Minister Zulu, please, do not disrupt the proceedings. Please, proceed, hon member, and switch off the microphone.

Ms B S MASANGO: It is astounding, to say the least, as both the committee and the Department of Social Development ostensibly supported the content of the DA's Private Members'

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Bill. They admitted there are shortcomings and gaps in the law that have left children in danger, and yet, they chose to vote against the best interest of children, specifically those children who are in unregulated micropartial care facilities, providing care to six or fewer children.

It was bizarre to hear ANC committee members claiming that they had not had the chance to see public comments on the Bill and so would not be able to vote it desirable. But as parliamentary legal services and the DA correctly put it, a further hearing could simply have been scheduled to go through the public comments. Again, the ANC refused this simple solution, because they were clutching at straws to find any excuse at all to find the Bill undesirable.

The children's sector has raised the issue of child abuse in unregistered children's facilities, the lack of monitoring standards of these facilities and the lack of data on the number of children in these facilities. Again, this clearly shows that these vulnerable children's best interest is not a priority for the ANC government. This flies in the face of the lip service being paid by this department ...

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The MINISTER OF SOCIAL DEVELOPEMNET: I hand my hand up.

IsiZulu:

Ufanele ukuzisola ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Table staff, have you noticed the hand of the hon Minister? Please, monitor what is happening on the screen, so that you can inform me. Hon Masango, will you just take your seat, please, so that I can hear why the hon Minister wants to intervene? Hon Minister Zulu.

The MINISTER OF SOCIAL DEVELOPEMNET: Hon Chairperson, I wanted to ask if the member wants to take your question.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, do you wish to take a question?

Ms B S MASANGO: No, hon Chairperson. This flies in the face of the lip service that the department pays by launching all manner of programmes aimed at children's safety. No amount of trying would convince the portfolio committee that, due to the lack of time left in this term, the Bill should stand over to

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the new term. Despite agreements from the ANC that there was no time and that this would be a solution, there was confusion and the committee failed to understand the difference between voting a Bill as undesirable and deferring it.

So, what is the direct impact of this uncaring act by the ANC members of the committee? Simply put, continuing to subject vulnerable children to deplorable conditions in micropartial care facilities, children will continue to be placed in risky, often uninhabitable, conditions minded by untrained carers, subjected to potential abuse in facilities, without the required basic norms and standards, such as running water and toilets.

Perhaps now is the time to look at the real reason why the ANC voted against the DA's Children's Amendment Bill, Private Members' Bill. It is not because they wanted to create a more comprehensive Bill or because of the short time frame to process it, or even the human resources implications of the Bill. It was purely because the DA offered the solution to them on a silver platter. And as usual, the protection of children was trumped by their need to reject any solution that comes from the DA, even if it means subjecting South African's

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children to danger and risk, as has been proven over the years. It is the ANC Bill or nothing, no matter how great the solution. The DA will continue to advocate for the wellbeing and safety of South African's children. And as we get closer to the elections on 29 May, let me assure the South African children that in future, you can look forward to ... [Time expired.]

IsiZulu:

UNGQONGQOSHE WEZOKUTHUTHUKISWA KOMPHEKATHI: Vele makahambe ayohlala phansi ngoba ayikho nale nto ayikhulumayo

Ms L H ARRIES: Chairperson, the EFF would have supported this Bill if it was taken through the necessary legislation-making process. The argument by the department, which the committee agrees with, that the Bill would have been unimplementable because of cost issues, is simply ridiculous. It is unacceptable that a high institution like Parliament would have compromised the wellbeing of children based on affordability.

The Bill would have made provision for micro care for children and improved the conditions of care for children more

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generally. However, we agree that this Sixth Parliament would never have had enough time to process this Bill and solicit public participation from those affected and interested. The DA knew very well but simply tabled the Bill for electoral posturing, not because they have the interest of the children, that children cannot be used as a political football.

Having regard to these issues, we support the deferment of the Bill to the Seventh Parliament. Thank you.

Ms L L VAN DER MERWE: Hon House Chairperson, in South Africa, millions are vulnerable to abuse, violence and criminality.

Millions suffer great deprivation and face unthinkable circumstances. In a democratic country in which the Bill of Rights is held as sacrosanct, the government carries a direct responsibility to protect, assist and empower the most vulnerable members of our society, especially our vulnerable children. Yet our government is failing.

It is against this background that the hon Masango took steps through a Private Members Bill to amend the Children's Act by seeking to define a new type of care for children, micro

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partial care. Micro partial care is when a person takes care of six or fewer children on behalf of their parents, guardians or caregivers and regulates such care. Any steps to provide additional protection for children should be supported and welcomed.

We fully support the set-out intentions of this Bill, as has been outlined by the hon Masango earlier during her input. However, our Portfolio Committee on Social Development deemed the Bill not desirable, although it should have been simply deferred. But in essence, we took this decision because the Department of Social Development doesn't have the requisite and adequate financial or human resources or even the number of social workers to regulate micro partial care.

The failure of this government to employ all social workers that have been trained by the state has without a doubt been one of its biggest failures. All their plans and promises have come to nought. Nothing has come of their pledge to ensure the key departments absorb social workers or partner with businesses to see social workers employed.

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Having worked with the hon Masango for many years now, I regard her as a great champion of the rights of the most vulnerable, especially children. Hon Masango is a true servant of our people. Therefore, on behalf of the IFP, I wish to thank her for bringing this Private Members Bill to our portfolio committee and ultimately to this House today.

I have no doubt that when a multiparty opposition government takes power after 29 May 2024, we will implement this Bill alongside some of the other critical IFP manifesto pledges and offerings, such as increasing support for NGOs and NPOs, the employment of all social workers that have been trained by the state and legalising baby savers. Hope and change are indeed on the horizon for the most vulnerable come 29 May 2024. I thank you.

Ms T BREEDT: House Chair, While the committee, however, supported the contents of the Bill as it seeks to further strengthen the protection of children, the committee is of the opinion that it should not proceed with the proposed legislation due to the abovementioned reasons. Having a look at any other Private Members Bill you will be able to substitute the protection of children with any other matter an

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opposition party member has felt needs addressing and you will be excused for thinking you are experiencing déjà vu.

Not one Private Members Bill has seen the light of day in the Sixth Parliament. This is because the ANC is not interested in acting in the best interests of children or the country as a whole. They only care about supporting themselves and their comrades and making themselves look good. The excuses given for not accepting the Bill were poor, to say the least, and lacked creativity because that is all these excuses were, a figment of their imaginations. These excuses were that the Bill would be introduced by the executive in the Seventh Parliament and cover micro partial care, that the committee would also not have sufficient time to process the Bill as they are processing other Bills, and that the department may face implementation challenges. None of these are relevant reasons for not enacting even a small change that will have a large impact. They are so obsessed with trying to prove their departments' function that they will go to all and any extremes to suffocate true parliamentary processes. Currently, the Children's Act regulates partial care facilities catering to more than six children.

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However, there are no provisions in the Act that mandate regulation for facilities accommodating fewer than six children. Consequently, smaller facilities operate without any requirements for ensuring adequate protection of children, leaving them vulnerable to inhumane conditions and abuse. While the Act does not regulate areas with less than six children in ECD development centres, it fails to address every type of partial care facility, necessitating further safeguards against potential abuse.

That is how it was aptly put by the hon Masango. Hon Masango's Bill would have closed this gap and protected children. Might it have cost more to implement? Maybe. Would it have been worth it? Priceless.

Afrikaans:

Hierdie bewys net weereens dat die ANC nie bevoeg is om te regeer nie. Op 29 Mei het ons die geleentheid om van hulle ontslae te raak. Op 29 Mei moet ons vir 'n party stem wat nie net praat nie maar doen. Stem om Suid-Afrika te herstel en te bou. Ek dank u.

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Ms M E SUKERS: 2024 is our 1994. Hon Chairperson, this rejection of the motion of desirability and the Bill by the ruling party is indicative of the dysfunction in our politics. We are failing the children of this country, and this report by the committee highlights the failure of a system that should be designed to improve the safety of vulnerable children. A lack of human resources and social workers is an indictment against this government. The cases of missing children and the statistics of violence against children paint a painful reality. The ACDP understands the loss of human capital due to experiences of violence during childhood.

Through our work with child activists and advocacy groups, we understand what the cost is in the long term for our country. The World Bank Human Capital Index measures the productivity and human capital potential of each child in the country, given optimal health and education conditions. It captures the expected potential of children given the conditions in their country. On this measure, it is a child born in South Africa today, if they completed their education and had full health, they will only reach 43% of their potential and their productivity as an adult. In a 2015 study by Save the Children South Africa, it is estimated that this loss of human capital

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equated to roughly R238 billion, double what we are currently spending on the criminal justice system annually, and more than 10 times the cost of gender-based violence. It is with this in mind that hon Masango has brought this Bill before the committee.

The ACDP wants to appeal to us within this House and with the Seventh Parliament in mind, that hopefully there will be a newly constructed Parliament that will adopt a constructive engagement as a principle of politics that works for the people because we forget why it is that we are here often in the that we play in the House.

We need and are obligated morally to ensure that we address the conditions, the safety, and the quality of life of children who live in this country under our watch. I thank you.

Mr B N HERRON: House Chair, we have no declaration. Thank you.

Mr C MDLETSHE: House Chairperson, the NFP having evaluated the Private Members Bill, notes it and supports a Bill that seeks to protect children who are not catered for partial care

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facilities ... fall into the definition of partial care, as per the main Act. As you might add, these private childcare homes are significantly underfunded by the state. The Department of Social Development needs to be firmer in its measures to ensure that children in foster homes are not subjected to conditions that are not suitable for them.

As a child who grew up in foster care and as an adult who later in life managed an organisation that provided childcare, we have seen how broken the system is. We all know how broken the system is because these are realities within our communities and constituents. A major issue is the absence of other options for children who require care. If a child gets into trouble with the law, they may be sent to secure care facilities operated by the state. The COVID-19 pandemic left close to 300 000 children orphaned with about 10 000 placed in foster homes with a total of over 400 000 in foster care. Currently, these homes are defined as one which cares for six children or more. Therefore, the Department of Social Development must ensure that these facilities or homes are regularly inspected and supported. It is often older and poor women who take up these responsibilities, which makes it even more critical for the Department of Social Development to take

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a proactive approach to supporting these facilities or homes. It should not matter who introduced the Bill, but the impact it will have on our children and those who take up such roles to foster the children.

Most of us have read about children who are placed in terrible conditions, mistreated by untrained or violent caregivers and sent to facilities that do not meet basic standards. For example, these facilities may lack access to running water or a proper bathroom. As the NFP, we note the proposed amendments of this Bill and support it. Any person or political party refusing to do so must know that they are refusing a Bill that is mainly about regulating smaller facilities for children's care.

Last year, the Western Cape was desperate for foster parents with nearly 400 children in care. Therefore, the NFP does not see any reason why we should not support a Bill that seeks to address the gap in our foster care. It is unfortunate that childcare facilities are mainly in cities and towns, leaving children in rural areas vulnerable.

IsiZulu:

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Sifuna ukuthi izindawo zamakhosi zibe nezindawo ezigcina abantwana, zibe sezingeni elifanele, zinakekelwe uHulumeni, azixhase ngemali.

English:

I thank you, Chairperson.

Mr M G E HENDRICKS: Acting Speaker, one of the commendable things that happened at the beginning of a democracy was that South Africans should have a family policy. That has not been taken further over the last 30 years, and it's a shame because that family policy would have guided us on the Bills that are now before us. The Deputy President was the only person that did something about the family policy when he said that hon males' members of this House must have breakfast with the children every morning in spite of their busy schedule. Fatherhood was the concept developed by Chief Albert Luthuli when he got a Nobel Peace Prize.

It is anti-revolutionary not to have a family policy in place and make fatherhood the centre of the policy. So we have officials in, for example, the Basic Education department, we should do lifestyle audits on them and see what their

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lifestyle is because they are introducing Bills to Members of Parliament and committees of the ANC that is anti-revolutionary, that promotes largely the LGBT agenda. Thank you very much.

Ms N K BILANKULU: House Chair, let me say this to hon Masango, hon Van Der Merwe, hon Sukers, that they have to mark the dates. Today's date is the 9 and, on the 30 May, the whole country will be celebrating with the ANC because of its victory. Since assuming power during the advent of democracy, the ANC-led government has been preoccupied with the advancing the struggle for liberation, redress human rights and restoring the dignity of all, including children. Children have been assumed the most important due to their vulnerability because of their young age, limited capacity to advocate for themselves and dependency on guardian to make decisions on their behalf.

The ... [Inaudible.] ... of children has been called globally and recognised through various agreements such as the United Nations Convention on the Rights of the Child, which advocates for the holistic development of children in areas of education and health among others, and for regarding children's rights

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as human rights. These agreements are informed by the reality that children are one of society's most vulnerable groups and are often victims of gruesome ills such as exploitation, assault and negligence. Research warns that these violations have proven to have long term physical, emotional, psychological effects which may negatively affect the trajectory of children's lives in their adulthood, such as the manifesting themselves in cycles of abuse, mental issues, substance abuse and crime, among others, social challenges and ills.

In recognition of all human rights, including children's rights, the ANC-led government for the past 30 years, has been concerned with meeting the needs of children. To this end, this government has created social welfare programmes such as the establishment of children's courts, youth centres and the SA Social Security Agency, which has been responsible for administering child support and foster child grants which has been instruments supporting the development of children.

In appreciating how gender-based violence negatively affects the creation of the naturing environment for children, among other negative effects, the ANC-led government has developed

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the National Strategic Plan on Gender Based Violence and Femicide as part of ending violence against children and women.

Since assuming power in 1994, the ANC-led government also ensured that the needs for children are met through the National School Nutrition Programme which feeds about 9 million learners every day at school, thus improving the ability of children to learn by combating malnutrition, reducing hunger and improving school attendance.

Furthermore, the government has ensured that children from poor families can receive an education in no fee schools, which account for 40% of the 23 000 public schools in poor areas, catering for close to two-thirds of close to 12 million learners in school.

Furthermore, the efforts of this government have also resulted in 54 000 Early Childhood Development practitioners receiving support to ensure the survival and reopening of ECD centres. Therefore, based on the above, the ANC appreciates the commendable efforts of the Children's Amendment Bill B19 of

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2023, which are aimed at strengthening system and measures to protect children.

The ANC supports the report of the Portfolio Committee on Social Development considering Parliament must continue to perform its legislative duty and develop laws which affirm the aspirations attained in the Bill of Rights and the Constitution of the Republic. The necessity to develop legislation which improves structures and systems for the poor and vulnerable, particularly children.

The constraints of the current administration in affording sufficient time to process the Bill, appreciating that proposed aspect of the Children's Amendment Bill B19 of 2023 are included in the Children's Amendment Bill B18 of 2020, which was introduced by the executive and thus ought to be dealt with as part of more comprehensive Bill.

The legacy of the current administration should put strong emphasis on the urgency and needs for the Seventh administration to take up this matter. uTata Nelson Mandela reminds us as children are intrinsically tied to the

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development and sustainability of our nation, as he stated that:

Our children are our greatest treasure. They are our future. Those who abuse them tear at the fabric of our society and weaken our nation.

Therefore, the ANC-led government remains resolved in its commitment to safeguard the interests of children and to building a united, democratic and prosperous society where all have access to opportunities, live in safe communities and are able to realise their full potential. The ANC supports the report. I thank you, Chair.

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

Report accordingly adopted.

CHILDREN'S AMENDMENT BILL

(Second Reading debate)

There was no debate.

Bill not read a second time (Democratic Alliance, Freedom Front Plus and African Christian Democratic Party dissenting).

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE OF
RESPONSIBLE SPENDING BILL**

Ms P N ABRAHAM: Hon House Chair, hon members, South Africans. The Standing Committee on Finance, having considered the Responsible Spending Bill, B9 of 2023 [National Assembly - Section 67], referred it, and classified it as a Private Members Bill. The committee thus reports as follows:

Background and introduction; the Responsible Spending Bill was introduced by hon Dr Dion George, Member of Parliament, MP, and sponsor from the DA on 20 April 2023. After it underwent the *National Economic Development and Labour Council*, NEDLAC, consultation process, the committee was, on 14 February 2024, briefed by the sponsor.

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The Bill seeks to address South Africa's fiscal challenges by proposing a strategic shift in fiscal policy towards more responsible spending.

The Bill introduces precise targets for net loan debt as a percentage of gross domestic product, GDP, along with specific fiscal actions for varying debt levels. This tiered approach aims to balance fiscal stability with flexibility, ensuring sustainable debt management while promoting economic resilience.

It also ties government expenditure growth directly to economic performance, preventing increases that exceed the economy's capacity to support sustainability.

While emphasizing fiscal discipline, the Bill allows for exemptions from fiscal rules in cases of national emergencies or significant economic downturns. Clear criteria and procedures for returning to compliance post-exemption are established, maintaining a balance between flexibility and responsibility in fiscal policy.

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In terms of public participation, the only sector that showed interest was the Congress of South Africa Trade Unions, which is COSATU, raised their views on 20 March 2024.

Central to the Bill are the fiscal rules outlined in Clause 2, which provide a framework for managing debt and government guarantees over a four-year period, following the Bill's enactment.

Committee and observation and recommendation; despite the committee's call for submissions, only one stakeholder, and COSATU vehemently opposed the Bill, citing concerns about its potential impact on public servants' salaries, labour market tensions, and procedural shortcomings.

The National Treasury acknowledged the Bill's alignment with the government's fiscal strategy but emphasized the need for further consultation to develop effective fiscal rules.

Furthermore, the committee believes that more engagement and debate are necessary to reconcile differing perspectives on fiscal anchors and related matters.

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Based on the submissions from the National Treasury and COSATU, the committee suggests that the Responsible Spending Bill may require revisions to address the concerns raised and enhance its effectiveness.

The committee encourages the sponsor to actively engage with relevant stakeholders to seek their input and consensus on key provisions of the Bill.

The committee rejects the Responsible Spending Bill [B9-2023]. I move for the adoption of the report. Thank you, House Chair.

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move that the report be adopted as tabled by the committee. Thank you.

Declaration(s) of vote:

Dr A LOTRIET: House Chairperson, I will read this on behalf of Dr George, the sponsor of this Bill. Our economy is not growing, and South African households are battling a government induced cost of living crisis that has left 81% of

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households unable to put enough food on their tables. Five million children are starving, according to the Nelson Mandela Children's Fund.

The root cause of this situation is a dysfunctional, corrupt and incompetent government, positioned in the wrong place in our economy. The ANC mismanagement of our public finances and failed economic policy has set the fire of hopes and dreams of the millions who are unemployed despite the massive opportunities that our country could offer.

Shell, Banque Nationale de Paris, BNP Paribas, and Broken Hill Proprietary, BHP, have sent a very strong signal from the market that ANC policy has failed South Africa. The ANC-led government is borrowing more than one and a half billion rand a day and the cost of servicing our five trillion-rand mountain of debt is fast approaching one billion rand per day.

This debt accumulated over time and funded consumption spending and not vital spending on infrastructure. It also funded massive bailouts to state-owned enterprises, yet we still don't have the reliable electricity supply, functional railways or ports that our economy desperately needs.

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The steep rise in interest payments has diverted vast amounts of resources away from schools, hospitals, police stations, and other vital public services. Frontline public sector workers are forced to do more with less.

In 2008, our debt-to-gross domestic product, GDP, ratio stabilised at a healthy 27%. Over the past 15 years, this escalated rapidly to the 74,1% we have now, and we should prepare for a much larger interest bill, unless the people change the government on the 29th.

Currently, government allocates the largest share of its budget to the Public Sector wage Bill, largely to the benefit of high ranking, cadre deployed, bureaucrats. There are nearly 38 000 who earn over one million Rand annually. The number of public officials in this pay bracket has surged by almost 300% since 2014. The ANC alliance partner, the Congress of South Africa Trade Unions, COSATU, has never mentioned this disparity.

The introduction of the DA's 'Responsible Spending Bill' into Parliament marked the first real attempt to address

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uncontrolled spending, a top-heavy bureaucracy, and an escalating debt crisis, head on.

The Bill proposed the introduction of a debt rule to complement the existing expenditure framework. It proposes a progressive shift in fiscal policy that aimed to enforce discipline by setting sustainable limits on government debt accumulation and spending. If performance targets were not met within the fiscal year, the Bill would have held those responsible for mismanaging public money accountable through targeted wage adjustments.

The DA has always stressed the importance of protecting frontline services from expenditure cuts. Therefore, contrary to what COSATU claims, the Bill would have protected public sector employees who are covered by the Occupation Specific Dispensation fund. These are the dedicated nurses, teachers, and police officers who serve tirelessly yet disproportionately bear the brunt of the current government-induced cost-of-living crisis.

And during the discussions at the *National Economic Development and Labour Council*, NEDLAC, organised labour

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failed to offer any input after having been granted multiple opportunities to do so. And when the Bill was deliberated in committee, COSATU falsely claimed that the Bill had not been submitted to NEDLAC, made a political speech for its ANC handlers and attempted to frame the Bill as an attack on frontline workers. The union does not care about the impact that the debt has on the very people they claim to represent. The COSATU is protecting cadre deployed management at the expense of the workers.

The DA has launched an economic policy that will unlock the enormous potential of young South Africans in particular, battling a COSATU-backed system what now ensures they will never be employed in their lifetimes.

Our Youth Employment Opportunity Certificate will free job seekers between the ages of 18 and 35 who have been unemployed for 12 months or more from the restrictive labour regulations that currently locks them out of the job market. The ANC imposed job reservation must end. A DA-led government can generate two million jobs over the next five years.

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When the ANC loses its majority later this month, the DA will reintroduce this Bill, stop the fire currently destroying our economy and rescue South Africa. We reject the report.

Thank you, House Chairperson.

Mr M MANYI: House Chairperson, the Responsible Expenditure Bill by the DA purports to instil a culture of responsible expenditure within the government but misses all the fundamentals.

In the final analysis, this Bill is nothing else but an austerity Bill. The veiled idea is to curtail the state and in its core role in the economy and reduce it to a mere regulatory body to safeguard capitalist interests.

As the EFF, we argue that it falls short in terms of generating additional revenue streams for the fiscals, which is essential for funding social programs, and infrastructure development. Merely focusing on expenditure management is not sufficient to address the structural issues facing the South African economy.

The EFF characterizes the Bill as merely moving chess in the titanic because it does not address the fundamental issues such as wealth redistribution, and reform, and economic transformation. Instead of the myopic approach of solely focusing on managing debt level, the EFF argues for more radical policies aimed at addressing historical injustices to ensure equitable distribution of resources.

The sustainable response to the proposed Bill, the EFF reiterates its well thought out position as contained in our manifesto, which outlines tangible solutions for addressing the economic challenges facing South Africa:

One, the EFF advocates for the expropriation of land without compensation, to address historical land dispossession, optimization of lands, including for industrialization, commerce, and promotion agrarian reform. This approach not only addresses historical injustices, but also has the potential to stimulate economic growth through increased agricultural productivity, rural development and massive industrialization.

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Two, the EFF proposes the nationalization of key strategic sectors, such as mining, banking, and telecommunications, by bringing a critical mass of these industries under the public ownership and control, the state can ensure that the proceeds ... [Inaudible.] ... to the fiscals and are used to fund social programs... [Inaudible.] ... and ... [Interjection.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Manyi, may I just request the Minister of Home Affairs to switch off his microphone. Please proceed.

Mr M MANYI: ... ok, secondly, the EFF proposes transition of key strategic sectors such as mining, banking, and telecommunications by bringing a critical mass of these industries under the public ownership and control, the state can ensure that their profits contribute to the fiscals and are used to fund social programs, and infrastructural social development.

Thirdly, EFF advocates for a more progressive tax system that places a heavier burden on wealthy and corporations. By increasing taxes on the rich and closing loopholes that allow for tax evasion and aggressive tax avoidance, the government

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can generate additional revenue to fund social programs and reduce inequality.

Fourthly, the EFF proposes the implementation of large-scale public works programs to create jobs and stimulate economic activity. By industrializing the economy, investing in infrastructure development, housing construction and renewable energy projects, the EFF government will provide employment opportunities for millions of South Africans on addressing critical social needs.

And this Bill is merely tinkering with the neo liberal structural issues of the fiscals without making any fundamental policy shifts whatsoever, to put South Africa on a sustainable growth path. The EFF rejects this Bill of the disgraced national flag burners. Thank you.

Mr E M BUTHELEZI: House Chair, let me start by stating that the IFP welcomes and support any measure that is put in place to address the fiscal challenges our country is facing and to ensure responsible spending. It's also our hope that everyone understands the financial challenges of our country. Our would

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not oppose the proactive initiative such as the Responsible Spending Bill.

As far as the IFP is concerned, we know that so many proposed are along the same lines of this Bill have been made in the past. You might have seen year in and out that so many pieces of legislation to ensure the responsible management of government finances are put on place.

However, Chair, allow me to put it to you that our country's challenges have never been a lack of legislation or policy. Rather the challenges lie in the ruling party deliberate action to undermine the gains we have made as a country. Therefore, as the IFP, we are interested in dealing with the root cause of these challenges, which is based on corruption, maladministration, and lack of consequence management. If this is addressed there will be no need for new pieces of legislation to enforce responsible spending and to address fiscal challenges. Corruption coupled with inefficiency and emphasis has eroded the capacity of government to deliver. As a result, most vulnerable among our people have been deprived an opportunity for development and advancement.

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The IFP will ensure that this is corrected and comes to an end. As we put our promise to the nation after 29 May, we will rebuild South Africa by rooting out corruption and wasteful expenditure and ending the elaine explicable practice of underspending, which leads to returned of funds to the fiscus. We will ensure that every cent of our taxpayer money are spend responsible and wisely. The IFP support this report. Thank you, House Chair.

Mr W W WESSELS: House Chair, obviously it should not be necessary to have legislation to force the government to spend taxpayer money irresponsible. But the current government has proven that it is because we have lost billions in the last five years due to paying service providers for goods that have not delivered. We have lost billions of rends due to overpricing of goods and services and exploitation of government by service providers. We have lost hundreds of millions of rends due to penalties and interest on late payments due to a lack of administration and bad governance by the ruling party. That's why we need fiscal discipline because the current government has proven that they do not have fiscal discipline.

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We are exploited of more than R360 billion due to borrowing of state-owned entities that just not functioning. That's exposing the government to a risk exposing our fiscus to a risk that we can't afford and that is why we need fiscal measures that independent, and this Bill would have been earmarked the state in the right direction. We need even more than is proposed in this Bill. We need a fiscal commission that can look at fiscal measures because the government failed to do that. Just as the Reserve Bank looks at monitoring measures and make decisions in the best interest of the economy, we need a fiscal Commission that make decisions on fiscal policy that is in the best interest of the economy.

Chairperson, without economic growth we won't have opportunities, we will still have poverty, we won't have employment and we will have inequality. We need policy certainty. We need the wise spending priorities so that the little tax pays and a little bit of taxpayer money that we do have is spend responsibly on our infrastructure so that we can have investment and economic growth so that there is opportunities and equal access to opportunities for all. That why on 29 May there is the opportunity for South Africa to rebuild and restore the South African economy.

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Mr S N SWART: House Chair, the ACDP wishes to thank the hon Dion George for the sponsor of the Responsible Spending Bill. Now we in the ACDP share concerns about the rapidly escalating public debt and debt service costs which are becoming unsustainable. The debt service costs of R381 billion per year, that's more than a billion rand per year, is crowding out much needed expenditure on other far more important issues and items such as health, education, crime prevention and, of course, infrastructure development.

The Bill before us in this report seeks to address this fiscal challenge by proposing a strategic shift to fiscal policy towards more responsible spending and that makes sense.

The National Treasury acknowledged the Bill's alignment with government's own fiscal strategy, emphasising the importance of sound fiscal rules in enhancing credibility, mitigating risks, and reducing debt service costs.

One just needs to read the National Treasurer's documents where they highlight the risks facing us, and this eminently reasonable Bill sets out mitigating reasons and mitigating factors as to avoid those risks.

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The ACDP in its Elections Manifesto also set out the need for good stewardship of state resources. Another word for good stewardship is 'responsible spending' and given the urgent need to address spiralling public debt and debt service costs, it doesn't make sense why this Bill was not accepted, unless of course one accepts the fact that it is a Private Member's Bill and, as other speakers have alluded to, in the last five years not one Bill including my innocuous Animal Protection Bill – absolutely innocuous – was rejected by this Parliament. Thankfully in that case the Animal Welfare organisations are all rallying behind the ACDP because of that Bill, and we will bring it again in the next Parliament.

However, when it gets to this Bill, it is regrettable that it was not considered, at least its desirability, and whilst the committee itself highlighted that it was positive and that more consultation was required, at least it could have considered the desirability for the next Parliament to consider it. The ACDP will not support this Report. I thank you.

Ms P N ABRAHAM: House Chair, we just didn't know that the ANC is alone in the House. Chair, when we took over the government

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in 1994, we promised our people that we will improve their living conditions and advanced transformation and renewal that will permeate through every fasted of our society. We said in our RDP based document that both business and labour have the freedom in a democratic South Africa to protect and promote their immediate interest.

It is the government's hope that they will jointly pursue the broader changes of extending the opportunity to the millions of adults South Africans who can find no place in the formal economy. Thirty days later, many people have found a place in the formal economy. Since 1994 more people have entered the work force. The total employment increased from eight million in 1994 to 16,7 million to date. The South African economy is three times as large as it was three decades ago at the best of democracy and as individuals, we are on average better off by one and a half times by monitory measure when we are measured by human development index which add health and education status.

We have broken intergenerational poverty and grow the middle class exponentially. To illustrate the point, in 2021, 13,8 million people were part of the middle class. But today we

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have 24 million people regarded as middle and upper middle class. The number of women purchasing a home is increasing at a rapid speed.

In 2020, 30% of mortgagees were improved for historically disadvantaged women. This speaks to real progress that is enabled by the policies of the ANC and the management of finances of the country. The ANC has made South Africa a better place.

House Chair, the Private Members Bill before us aims to introduce a legislation to circumscribe the government spending. It introduces a rule-based approach to spending to reduce debt.

Ideologically, House Chair, we do not agree with this approach. A rule-based approach will reduce policy changes as conditions change in the global and domestic economy. This is proposed to restrict spending rather than focus on economic growth and fiscal sustainability as a fundamental basis. It, however, fails adequately address the greater problems of employment, growth, poverty, and inequality. If adopted, it

will damage the real economy, undermine the state ability to provide services and increase the risks of higher debt.

The sponsor of the Bill has not been able to provide evidence that fiscal roles will lead to fiscal sustainability and the growth of our economy. Neither has he been able to clarify that there is a nismus between the GDP presumption ratio that reducing the debt to GDP ratio to fiscal consolidation leads to increased investment. The narrow focus on debt and deficit limits the ability of the government to use the budget to improve people's lives, services and infrastructure and support demand driven economic growth. Fiscal sustainability and debt reduction can only be achieved through demand driven growth and improving supply measures that support productivity and growth in households and small and medium businesses.

The DA further argues that South Africa's debt to GDP is high and unsustainable. However, the invest point is that the debt to GDP ratio is on par with comparator countries. In 2022-23, it stood at 71,4% in line with emerging market and middle-income country average of 69%. To mitigate, therefore, we are further adopted the The Gold and Foreign Exchange Contingency Reserve Account Defrayal Amendment Bill drawing R150 billion

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on this balance to mitigate fiscal defrayal by reducing borrowing by R100 billion for the 2024-25 financial years, R25 billion for the 2025-26 financial year and R25 billion for the 2026-27 financial year. As a result, debt service cost will decline by R30,2 billion over the 2024 Medium-Term Expenditure Framework period, which is accompanied by a reduction in the growth in the stock debt.

Understandable, the upward trajectory of South Africa's debt since 2009 should be a concern, and without economic growth, debt levels may grow beyond the government ability to service it.

The use of debt for fiscal spending is not currently increasing investment or levels of productive capital sufficiently nor sufficiently improving employment and to finance long term structural change. It is therefore not how much our debt is but how we use it to finance economic growth and productivity.

We, therefore, agree with the Congress of SA Trade Unions, Cosatu, that we do not necessarily need fiscal roles to manage finances, but we require a clear framework to deal with

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illicit financial flows and tax invasion that robs the government revenue collection.

According to the United Nations Convention on trade development focus on measuring the tax and commercial illicit flows, South Africa is losing ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time is now expired. Thank you.

Ms P N ABRAHAM: Thank you, Chair. We do not support the Bill.

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

Report accordingly adopted.

RESPONSIBLE SPENDING BILL

(Second Reading debate)

There was no debate.

Bill not read a second time (Democratic Alliance, Freedom Front Plus and African Christian Democratic Party dissenting).

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND
CORRECTIONAL SERVICES ON RECOMMENDATION OF A PERSON FOR
APPOINTMENT AS DEPUTY PUBLIC PROTECTOR**

Mr G MAGWANISHE: Hon House Chairperson, hon Ministers and Deputy Ministers, the Chief Whip of the Majority Party and hon members, as requested the committee initiated the process to fill the position of the deputy Public Protector which is vacant. The interviews were conducted at Parliament on 13 March 2024.

As the interviews were to begin, just before the first candidate was to be called in, the hon Breytenbach on behalf of the DA objected to the hon Mkhwebane's participation in the process. The hon Breytenbach argued that the hon Mkhwebane was conflicted in relation to two of the candidates, the Adv Shadrack Tebeile and Ms Funatshago Mogaladi and should recuse herself as there was a reasonable apprehension of bias.

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In contradiction the hon Mkhwebane asserted that there was no conflict nor reasonable apprehension of bias and that she was entitled and intended to participate in the proceedings.

The committee requested urgent legal assistance from Parliament legal services quickly realised that its initial instructions were incomplete and insufficient. Against this background, the committee asked legal services to supplement the advice. As the candidate were ready at Parliament or on their way, the committee by majority determined to proceed with the interviews handing receipt of the supplemented legal advice.

On 2 April 2024, the committee met to consider the supplemented legal advice. The legal advice drew attention of the National Assembly Rules and the code of ethical conduct and disclosure of Member's Interests to the assembly and permanent council members which require a member to declare personal and private interests in a matter and where appropriate recuse themselves. Based on the facts presented, the advice concluded that the relationship between the hon Mkhwebane and the two candidates does call for her withdrawal

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from the interview process as there was a reasonable apprehension of bias.

Having considered the advice, the committee agreed that a reasonable apprehension of bias exist. The hon Mkhwebane has currently derived financial benefit from the relationship of Adv Tebeile who is representing her probono in an African on Human and Peoples Rights.

Regarding Mr Mogaladi, any reasonable person would apprehend bias on the part of the hon Mkhwebane given their history. The committee believed that the hon Mkhwebane's participation irretrievable tainted the entire process. Notably she did not declare the relationship to the two candidates during shortlisting.

In the circumstances the committee does not believe that it will be fair to proceed. Given the circumstances, the committee recommends that the House resolves to begin the process afresh.

The committee also recommends that the rules be developed to provide for the process to compel a member to withdraw from

the matter should the facts support the reasonable apprehension of bias and any other appropriate preventative measures.

The committee thanks all candidates for making themselves available. I move that this report be agreed to.

The CHIEF WHIP OF THE MAJORITY PARTY Moved: That Report be adopted.

Declarations of Vote:

Dr A LOTRIET: Hon House Chairperson, I am reading this declaration on behalf of the hon Horn who is a member of this committee. He has connectivity problems. Hon House Chairperson, effectively this report administered that the portfolio committee acting on behalf of the National Assembly, failed in its duty to recommend the person for appointment as Deputy Public Protector.

When the EFF chose to appoint someone who been removed from the position as Public Protector based on findings of gross misconduct as a member of this House and as member of the Portfolio Committee on Justice and Correctional Services, the

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table was set for the problems that beset, undermined and derailed the selection process for a Deputy Public Protector.

For the sake of integrity and image of Parliament as the national legislature, this House will have no choice after the elections but to consider whether someone who was removed from office due to misconduct in another Arm-of-State or a constitutional body should not be deemed to consequently also lack the fitness and propriety to serve as a Member of Parliament.

In our view this answer as a matter of principle should be answered in the affirmative. Apart from the recommendation that the process to recommend someone to serve as a Deputy Public Protector must start afresh which in the circumstances is the only reasonable option available to us today, the report also recommends that rules must be developed to force members who are suffering from a clear conflict of interest and personal bias to withdraw themselves from parliamentary proceedings.

We also support this recommendation. The fact that this point ... [Inaudible.] ... was not necessary before now, maybe

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because our rules assumed that the honourability that it assumed to be present on the part of the ...

[Interjections.]

... on the part of the proceedings of Parliament, then they suffer from a personal bias or conflict of interest. Clearly that assumption no longer informs reality.

What happened on the date of interviews is a blight on the otherwise proud record of effective oversight and diligent performance of its duties and functions which the Portfolio Committee on Justice and Correctional Services build up since 2019. The way the majority decided on the day of the interviews forged ahead with a fatally flawed process not only constituted unfair treatment to the candidates that were interviewed, but also constituted a waste of public funds.

As Parliament, we should apologise to the candidates and to the public for failing them. While quite obviously, the behaviour of member Mkhwebane is at the heart of the matter, it is also clear that the members of the ANC, either did not fully appreciate the concept of the conflict of interest or

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simply believed in true ANC tradition that rules can be manipulated and subverted to suit them. Only once the legal advice from Parliament's legal services confirmed the views of the DA on the matter, was it resolved to do the right thing.

Now the ANC will today also in true ANC fashion try to apportion some if not most of the blame for the sorry tale to the DA. Bizarrely, the ANC has claimed in the committee that the real problem is that the DA should have objected to the presence of Ms Mkhwebane before the day of the interviews. The ANC will even claim that by airing our objections during the public part of the interviews and not only during the inherent planning of the committee we if the ANC is to believe only look for publicity, let me assure this House that these arguments are devoid of truth. We informed the chair of the committee of our objections before the start of the public part of the proceedings and he caucused with his ANC colleagues on the matter. They did not accept our advice or consider our concerns as serious enough. Only once it was clear that the ANC thought that they will be able to manipulate the rules, Parliament and all involved for their own purposes did we decided to place our own objections on record.

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If South Africans do not want an unholy doomsday alliance that would disrespect and manipulate them further, they should not vote for them. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, before we proceed to the EFF, I think there has been an agreement among the Whips that we are left with less than an hour to conclude the orders of the day, so can we proceed and conclude the whole work.

With that I am also pleading with those on virtual, we really feel that it is important we have more time rather than we break and come back. So, do not leave your gadgets, be there, we are still in the House, and we will be done soon.

All those members that are on the platform please,

IsiNdebele:

Ngiyanibawa, khenicimeni! Cimizi inbenziswa zesithegniki!

English:

You are disturbing! Please!

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The EFF! Hon member of the EFF for declaration.

We proceed. IFP!

Adv B J MKHWEBANE: Hon House Chairperson, I am here.

Hon House Chairperson the EFF was excluded from this process through petty politicking by the DA and the ANC. The DA failed to raise an objection at the shortlisting stage. That is the first issue.

They come here and lie to the public as if they are the ones who raised the matter. Hon House Chairperson, because of the weak leadership and not leading us as the committee properly, the issue should have been raised at the shortlisting stage that people must disclose their conflict of interests. If there is proper leadership that is what was supposed to happen. This was after some flimsy legal opinion by the parliamentary legal service which sought to provide legal cover to the concerted campaign of excluding the EFF. While the very same Zingiswa whom the member of DA asked during deliberations whether she worked for the Public Protector Office in the past, she said no!

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She lied before Members of Parliament. She was reporting to Ms Mogaladi and apparently was one of her favourites when she worked there. She lied. Now they go and give the legal opinion which was very much biased. The opinion only question recommended that as the former Public Protector must be recused from the interview process. We have previously indicated that Parliament's legal advisors has persistently played partisan and factional roles with the aim of personalising and excluding the EFF Members of Parliament from performing their constitutional obligations.

This campaign is led by the DA which the very same DA Breytenbach who lodged this objection and as well delaying and raising it before the interviewing processes instead of at the shortlisting stage. A former prosecutor at the National Prosecuting Authority, NPA, who was also engaged in some questionable conduct. She was facing criminal conduct when she joint Parliament and then she comes here and behave as if she is very clean! There was no legal basis for this.

Mr S N SWART: House Chairperson, on a point of order.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Swart, what is the point of order?

Mr S N SWART: Hon House Chairperson, my point of order is: The hon member is casting aspersions on a member of this House and she knows the rules herself and she must withdraw those. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mkhwebane if you are going to cast aspersions on a member, it is better that you bring a substantive motion. So, the naming is not allowed proceed.

Adv B J MKHWEBANE: There was no legal basis for this, and it smacks of hypocrisy of the highest order.

Ms Breytenbach herself failed to disclose her friendship with a candidate of the SA Human Rights Commission Mr Gama. The chairperson of the committee never questioned this and any member of the Committee on Justice and Correctional Service.

The legal opinion which wanted to exclude the EFF from the proceedings premised entirely on its conclusion on the mere

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apprehension that Adv Mkhwebane would be biased for or against the two candidates is not a proper and a justifiable process.

Instructively, as we have indicated before, it is settled in our law that the honours rests on the party alleging biased to prove with facts and there is indeed reasonable apprehension of bias. The two candidates were asked during the interviews whether they have issues with me being present. Both responded that they do not have any problem and there is no financial benefit which the member is benefitting. The member properly indicated before interviewing the candidates as is the practice at the committee that I know the two candidates.

So, it is not the means though through which political opponents should be excluded from Parliament for nefarious reasons. This is exactly what the committee did to the EFF. They deprived the EFF of its properly participating in the process.

In an era of rampant executive criminality, it is reported that ... [Time expired.]

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Mr N SINGH: Chairperson, please, allow me to keep my camera off due to connectivity problems. Chairperson, firstly, the IFP supports the recommendations of the Report as we firmly believe that the appointment of a Deputy Public Protector is not a process that should be rushed. However, having said that, it is rather unfortunate that a lot of money has been spent, there have been a lot of expectations and we had to reach this particular stage.

I think you know that we should have got better advice right at the beginning rather than us having to come to a process where people would have expected to be interviewed and, you know, they were told that we will redo the process. We note the objections that were raised in the committee regarding a member of the committee having a connection to two of the candidates, however, we are satisfied with the response of the parliamentary legal advisors on this matter albeit that it came late.

Chairperson, this House has witnessed firsthand the drama that surrounded the Office of the Public Protector in the not so distant past. Therefore, it is of utmost importance that we follow every possible step of due diligence to ensure that the

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appointment of a Deputy Public Protector is completed transparently as this will greatly contribute to restoring public trust in this office. The Office of the Public Protector serves to strengthen and support our constitutional democracy as it is a public watchdog for any matter in which government officials are guilty of maladministration, corruption or misconduct.

Therefore, the Deputy Public Protector is equally important as a Public Protector position as the deputy is required to step in should the Public Protector not be able to perform the functions of their office. We have seen this happen. It is with this in mind that the IFP contends that the process to appoint the Deputy Public Protector should commence afresh in the next Parliament. I think what lesson we have learned from all of this, hon Chairperson, is not only for appointments of individuals but in any committee we should have an item conflict of interest and if any member has a conflict of interest they should declare that.

We do know that where you and I are, from the pension board and other boards, there is a specific item on conflict of interest and people should declare the conflict instead of

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going through this process. So, we will accept this Report.
Thank you, Chair.

Mr S N SWART: House Chair, the Office of the Public Protector has the power as regulated by national legislation to investigate any conduct in state affairs in the public administration in his first government that is alleged or suspected to be improper or to result in any impropriety or prejudice.

Now, former Chief Justice Mogoeng Mogoeng in a judgment stated that the Public Protector is, and I quote: "... the embodiment of the biblical David." Defending the public against the well-resourced delights, that is, impropriety and corruption that government officials are. The Public Protector is one of the true crusades, champions of anticorruption and clear governance. This indicates how important it is when one appoints Public Protector, as well as the Deputy Public Protector.

Their appointment must be above reproach and the ACDP is in agreement that the involvement of the EFF member resulted in the process being fatally flawed. This, as a result of legal

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advice being obtained, as well as the DA objection. We are in agreement that sadly, although it is regrettable, that the interviews were conducted and this is to the detriment of the candidates that were interviewed that the process must be started afresh as it is fatally flawed. We are also in agreement with the Report's recommendation that the rules need to be amended in the next Parliament for a process to compel a member to withdraw from any matter should the facts support the reasonable apprehension of bias and any other appropriates that may be required.

The ACDP also wishes to thank the legal services of Parliament for their services over many years. We wish to thank them for their excellent professional services. We reject unfounded criticism of their services. We might not always agree with their legal views but there is power for the course wherever you have as many lawyers you have different views.

Nevertheless, we do not think that it is appropriate for aspersions to be cast on them when they are not able in Parliament to defend themselves. We will then stand up for their good ... [Inaudible.] ... I thank you.

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Mr F J MULDER: Hon House Chair, is hon Mulder here. You skipped us.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, I called, and you did not respond. Nevertheless, you can still come its fine. You did not respond. Reverend Swart is my witness, I called you. Proceed ... [Interjections.] ...

Afrikaans:

Nee man, wat gebeur nou? [Onhoorbaar.]

English:

Proceed, hon Mulder.

Mr F J MULDER: Hon House Chair, the Deputy Public Protector plays a vital supporting role to the Public Protector in overseeing investigations into misconduct, abuse and corruption. It is, therefore, essential that we choose and appoint a candidate with the highest integrity, moral fiber and strong commitment to upholding the Constitution. We should take this responsibility seriously and select the Deputy Public Protector who embodies these qualifications and qualities.

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Hon Chair, the ANC clearly did not learn anything from the mistakes that ultimately led to tenure marked by the controversial decisions, legal challenges and the eventual removal of the former public protector.

Afrikaans:

Die verslag voor die Huis vandag oortuig nie op enige wyse hoe om die proses van die aanstelling van die Adjunk Openbare Beskermer te bewerkstellig nie. Die ANC het weereens hul meerderheid in die komitee misbruik om 'n ondeurdagte besluit deur te stoomrol en deur te forseer. Die VF Plus ondersteun daarom nie die verslag voor die Huis nie. Dankie, Voorsitter.

Die HUISVOORSITTER (Me M G Boroto): Gaan aan.

'n AGB LID: Hy is klaar. Hy is deurmekaar.

Die HUISVOORSITTER (Me M G Boroto): Wie is dit nou?

Mr S M JAFTA: Chair, we do not agree with the Report of the committee. Apart from the clear test of reasonable apprehension of bias which Members of Parliament are expected

to comprehend, there are huge constitutional and fiscal costs involved in this matter.

Firstly, the Office of the Public Protector has a vacancy that can no longer be delayed. The Deputy Public Protector occupies a critical role in the institution as set out in the Public Protector Act. This Report has serious implications for the Office of the Public Protector in fulfilling its constitutional mandate. Secondly, these costs of the aborted interviews will be carried by ordinary South Africans. It is ironic that this Parliament is elected to represent the people.

It is our contention, therefore, that there is no plausible reason why Parliament or the legal advice was ignored. The advice recommended that hon Mkhwebane, at the very least, needed to recuse herself in so far as the two candidates were concerned. There is no sound reason why this advice was not sustained. The Report is both self-serving and devoid of any principled and intellectual integrity. Also, as mentioned, the costs associated with the aborted interviews were ignored by this Report. We reject it outright without any hesitation.

Thank you, Chair.

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Ms T Z MAKATA: Hon House Chairperson, hon members, fellow South Africans, our adoption of the Constitution and the establishment of the Office of the Public Protector was a strategically important step towards the kind of South Africa we knew we wanted. We envisaged a South Africa that is based on accountability to democracy.

The Constitutional Court described the Public Protector as one of the most invaluable constitutional gifts to our nation in the fight against corruption, unlawful enrichment, prejudice and impropriety in state affairs and for the betterment of good governance.

House Chairperson, the Portfolio Committee on Justice and Correctional Services invited the public to apply or nominate suitable candidates for the position of the Deputy Public Protector. South Africans responded to the call and the committee began processing the matters.

Rule 30 of the National Assembly Rules states that if a member has a personal or private financial or business interest in any matter before a forum of the Assembly of which he or she

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is a member, he or she must at the commencement of engagement on the matter by the forum immediately declare that interest.

In accordance with the code of ethical conduct and disclosure of members interests for Assembly and permanent Council members and comply with the other provisions of the code. Both the rules and the code call on such a member to declare such interests and where need be recuse themselves from the process.

Hon House Chairperson, as indicated, following the shortlisting process, where Adv Mkhwebane actively participated without shame. On the morning of the interviews, an objection was raised regarding her participation because of her relationship with the two candidates as indicated: Adv Tebeile and Ms Mogaladi. Adv Tebeile is an independent legal practitioner who is currently representing Adv Mkhwebane in the African Court of Human and People's Rights in relation to her removal proceedings from a previous position of the Public Protector.

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The legal representation is rendered on a pro bono basis. Effectively she derives a personal and financial benefit from this relationship. That she must understand.

Mr Mogaladi was employed at the Public Protector's Office of SA during Adv Mkhwebane's tenure as Public Protector. She was subjected to a disciplinary where she was found guilty of gross misconduct. Notwithstanding that the Chairperson of the Disciplinary Hearing recommended a section of suspension and salary docking. She was served with a dismissal letter by Adv Mkhwebane. However, this was later overturned by the Labour Court.

Adv Mkhwebane's appeal was dismissed. There was a breakdown of relationship of trust between the employer and the employee. Ms Mogaladi was also a witness in the Section 194 Enquiry which made findings against her resulting in her removal from office.

Despite what the National Assembly Rules and the code says, Adv Mkhwebane did not disclose nor declare her relationship with either Adv Tebeile nor Ms Mogaladi at the commencement of the proceedings. In fact, she supported the name of Adv

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Tebeile. It is only upon the contention that she is conflicted in relation to the two candidates. And that this taints the process by creating a reasonable apprehension of bias that the matter was brought to light. We submit that her dishonesty tainted the process from the shortlisting stage as she failed to declare her interests. The commencement of the process. By the time the objections were made expenses had already been incurred by Parliament. The candidates were already in Cape Town.

Adv Mkhwebane cannot come here and undermine the integrity and the leadership of the chairperson of the committee. As a legally trained person, Adv Mkhwebane should have reasonably looked at that instead she attempted to defend herself by raising frivolous arguments refusing to recuse herself despite the legal advice. Her conduct cements what court judgements have said previously that she has shown a poor understanding of the law and has acted in bad faith.

The DA attempt to hold higher moral and legal ground is misplaced, hon House Chairperson. We disagree that the committee failed. The process was tainted from the shortlisting stage and not at the interviews. The only sin the

ANC might have committed here is not inviting cameras for the DA at the shortlisting stage. The DA did not do their job at the beginning of the shortlisting. They had an opportunity to object, but they could not because there were no cameras. They wanted to be in front of the cameras to be able to raise their objections. [Time expired.]

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS ON REVIEW OF CODE OF ETHICAL CONDUCT AND
DISCLOSURE OF MEMBERS' INTERESTS FOR ASSEMBLY AND PERMANENT
COUNCIL MEMBERS**

Mr B S NKOSI: Hon House Chair and hon members, Joint Rule 124(1)(d) affords the Joint Committee on Ethics and Members' Interest the competence to regularly review the Code of Ethical Conduct and Disclosure of Members' Interest and to make recommendation for its amendment. The current code that Parliament uses was adopted in 2014 and has been in operation since the 01 November of that year. Ten years later, this is

the first time that the amendments to the code are being proposed. In fact, the nature of ethics has changed so substantially in the last 10 years that the Joint Committee thought it very important to put together a new draft code for Parliament.

The new draft as it is, goes as far as to address the fundamental issues of declining trust that the public has in Parliament. Social media is one of the ways in which communication has evolved and the new draft code introduces parameters for Members of Parliament when they interact with people on various social media platforms.

A fundamental introduction of the code is a provision of lifestyle audits, which is found in item 2(2) of the new draft code. The code also gives the committee access to law enforcement agencies if there are discrepancies identified in the lifestyle audit. The new code clearly identifies that the disclosure of registerable interest is done on an e-based platform and therefore there has been a formal move away from the paper-based disclosures, which was already implemented by the committee since 2022.

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The work of the Joint Committee also highlighted the fact that certain definitions in the code had to change and those new definitions, for example, a family member has been inserted in the new code. The disclosure of gifts has been increased from R1 500 to R3000 to allow for the current value of money. The compliance procedure in the code has now been aligned to the processes that the committee needs to allow when it deals with the complaint to ensure that the principles of natural justice are followed. This is why the Joint Committee does not meet as regularly as a Select Committee. The committee only meets when certain processes have been completed and followed, which allows it to interrogate a complaint that is tabled before it.

The drafting of the new code considered comparative research of foreign jurisdictions and international instruments, particularly in our continent and Europe. As the chairperson of the committee, I do think that this is a huge milestone, that the Committee of the Sixth Parliament was able to review the code and to propose a new draft code that is after 10 years of the operation of the current code.

We do, as a committee, jointly, acknowledge the work done by the able office of the Acting registrar who collaborates with

the committee silently and jointly to ensure that this code is presented to this House for adoption after considerable discussion and deliberations in the committee. The exemplary work ethic displayed by the registrar and members of her staff, members of the committee, on an objective basis without bias and without fear and favour, discussed the draft code in its form and in its substantive presentations.

The committee hereby tables the new draft code to the House for adoption. Thank you.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, we move that the report be adopted as tabled. Thank you.

Declarations of vote:

Dr A LOTRIET: House Chairperson, the code of Ethical Conduct and Disclosure of Members' Interests for NA and Permanent Council members was in dire need of review for some time already. Despite the serious time related difficulties and a full workload, this committee of the Sixth Parliament took the decision to undertake the review process rather than passing on the responsibility to the Seventh Parliament. The committee

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has been characterized by members committing to do their best under often trying circumstances.

The Acting Registrar and the rest of the team have done incredible work in this committee, always going out of their way to ensure members have the best possible information at their disposal. Their assistance during the review process was invaluable. Outdated and inadequate sanctions have been amended, the sometimes user-unfriendly language in the code has been simplified and vagueness has been addressed. For the first time, the committee will now have some teeth and it will be more difficult to simply ignore the obligations imposed by the code. In all, the improvement will be tangible and should benefit all members going forward. We support it.

Ms L L VAN DER MERWE: House Chairperson, far too often members of this House have found themselves bringing the institution into disrepute, whether it has been through device or utterances, alleged corruption or being accused of violence. The code of Ethical Conduct and Disclosures Member's Interests Committee guides its work. Therefore, it plays a critical role in guiding members who have made themselves guilty of unethical behaviour or those members who lack moral compass.

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The current code provides a framework of reference for members when discharging their duties and responsibilities, while also setting out the minimum ethical standards and values that the Members of Parliament should adhere to.

In the past, the code has had serious omissions and shortcomings...

The HOUSE CHAIRPERSON (Ms M G Boroto): I am sorry, hon Van Der Merwe ...

Sepedi:

... Tona Motsoaledi, re a kgopela hle, nke le timeng dimaekrofone.

English:

Adv B J MKHWEBANE: House Chairperson, I was going to speak on behalf of the EFF. I unmuted and when I was about to speak, you jumped to the IFP.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mkhwebane, can we allow now the speaker to proceed? We will bring you in later.

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Ms L L VAN DER MERWE: In the past the code has had serious omissions and shortcomings that did not empower the Ethics Committee sufficiently to execute its work and to hold MPs accountable when they act in a manner that undermines the integrity of Parliament. We therefore welcome the changes that have been made to the code. The IFP supports these changes and we thank the Acting Registrar and her team for the work that they have done in this regard.

However, one must also reflect on the work of this committee over the Sixth Parliament. The Ethics Committee does not have regular meetings. It is often plagued by a lack of quorum or sustained focus on critical cases. As the trust deficit continues to grow between the voters and those who are voted into power, these matters will have to be addressed in the Seventh Parliament. Hon House Chairperson, it is our hope, that the Seventh Parliament will usher in a new generation of leaders, leaders with values of selflessness, integrity, openness and honesty, and leaders that will create public trust and confidence in our institution. The IFP stands ready to fill the benches of Parliament with such leaders after May elections. A vote for the IFP will be a vote for servant

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leaders, leaders that you can trust. The IFP supports this report. I thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, who know that they are going to speak, please be on your gadgets. We call everybody and I pause after calling every party. Please be on your gadgets so that we proceed, and we do not waste time. Come in, EFF.

Adv B J MKHWEBANE: Chairperson, Members of Parliament are elected by millions of our people to represent their interests ... [Inaudible.] ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mkhwebane, do you mind finding a better place? I don't know whether it is wind or what, but we can't hear you. There is a lot of background noise where you are. Yes, please, proceed.

Adv B J MKHWEBANE: Can you hear me?

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, now we can hear you. Proceed.

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Adv B J MKHWEBANE: Being a Member of Parliament of a provincial legislature is a position of trust. Our people have entrusted their whole lives on us. It is of crucial importance that in the execution of these duties we do not in any way do so to advance our own personal interests. The rules relating to Ethical Conduct and Disclosure of Members' Interests is one of the most important rules in this House meant to ensure that those purporting to be representing our people are men or women of highest ethical standards.

In part, the rule is to ensure that members do not use their positions as a means of amassing wealth and benefits for themselves personally but that they are Members of Parliament to represent the needs of the nation. While the declaration of members' interest is not a foolproof mechanism to guard against corrupt practices by members, it is still a very important tool and lying when declaring members' interests must have serious repercussions. The requirement that Members of Parliament must hold themselves to a higher ethical standard is also of crucial importance.

This review of the rules of Ethical Conduct and Disclosure of Members' Interests came at an opportune time. We are closing

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the window to one of the most destructive parliamentary terms in the history of our democracy. Despite what the rules say and what the law says, members of this House defended the President when an independent panel appointed by this very House showed that Mr Ramaphosa had a prima facie case to answer for the millions of dollars found under the sofa at his farm.

Chairperson, when this House defends the President from accounting from various serious allegations against him, what hope in hell do we have that ordinary members of the ruling party will be dissuaded from engaging in filthy activities. Members of this House also defended Mr Godongwane when he was accused of having sexually violated a female worker at a massage parlor he went to. Members of this House having been bullied by Mr Pravin Gordan ...

Mr B A RADEBE: Hon House Chairperson, the member on the platform is violating Rule 84. I think she must restrain herself on coming to deal with issues. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. Hon member, Rule 84 is about the use of offensive, abusive,

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insulting, disrespectful and unbecoming unparliamentary words or language. Please, stay away from saying such. Thank you. Proceed.

Adv B J MKHWEBANE: Hon Chairperson, members of this House having been bullied or anyway, what Mr Pravin Gordhan as he successfully hides the details of the sale of the SA Airways, SAA, to his friends, all this took place while we had rules ...

Mr B A RADEBE: Chairperson, I am rising on Rule 85. The member knows that she must bring a substantive motion to deal with that as the member of this House. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): You are casting aspersions - hiding. I heard you directly, hon Mkhwebane, saying that the hon Minister was hiding ... Can you withdraw that?

Adv B J MKHWEBANE: I withdraw. All these took place while we had rules. The key stumbling block has always been a pliant Parliament that all it does is to defend members of the executive. We are in support of the review of the Code of

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Ethical Conduct and Disclosure of Members' Interests and permanent council members. For this to work, though, we need a firm and ethical leadership in Parliament, not thieves who will continue to defend those who engage in very corrupt activities and especially Members of Parliament because here we find all members having the tail wagging the ...

Mr A H M PAPO: Chair, is it parliamentary for a member of this House who has been declared by the three levels of the courts of the land to be incompetent to cast aspersions on other fellow members of this House, member Mkhwebane?

The HOUSE CHAIRPERSON (Ms M G Boroto): By?

Adv B J MKHWEBANE: Chairperson, that matter is still before the court for that incompetent person.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, don't come in, hon Mkhwebane.

Mr A H M PAPO: She is accusing members of this House of being thieves.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, I did not get that.

Mr A H M PAPO: The same member was declared incompetent.

The HOUSE CHAIRPERSON (Ms M G Boroto): That is not relevant. I wanted the point of order. The point of order is that hon Mkhwebane you are saying members of this House are thieves. Can you withdraw that?

Adv B J MKHWEBANE: Chairperson, I never said members of the House are thieves. I said, people who are accused of thieving ...

The HOUSE CHAIRPERSON (Ms M G Boroto): ... hon member, I cannot argue with you now ...

Adv B J MKHWEBANE: ... I mean, if a person is accused ...

The HOUSE CHAIRPERSON (Ms M G Boroto): ... I cannot argue with you now. Will you withdraw?

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Adv B J MKHWEBANE: I withdraw. Chairperson, we need to make sure that we don't have a situation where the Members of Parliament are protecting the executive. We will never deal with corruption, we will never deal with maladministration and poor service delivery if we have members of the executive who will come before Parliament and behave as if they are ruling. Those people are the servants of the people and they must hear from us as the Members of Parliament what they expected to be doing. ... [Time expired.] ... Thank you. The people must vote for the EFF.

Afrikaans:

Mnr W W WESSELS: Huisvoorsitter, as lede van die Parlement moet ons eerlik wees dat die Suid-Afrikaanse samelewing se vertroue in hierdie instelling op 'n laagte punt is en daarom is hierdie hersienings van die etiese kode baie nodig. Ons moet etiese waardes in die Parlement herstel. Die mense daar buite moet vertroue in die lede wat verkies is en wat hulle verkies het kan hê en daar moet streng en sterk opgetree word wanneer daar nie eties opgetree word nie. Dit word deesdae 'n alledaagse verskynsel dat optrede wat beweër word oneties is jare neem om ondersoek te word en dan onder die mat gegee word. Ons kan dit nie toelaat nie. Ons verwelkom hierdie

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wysigings aan die etiese kode. Kom ons sorg dat hierdie instelling in die volgende parlementêre termyn in die volgende tyd herstel word, dat ons werklik vertrouwe herstel, dat ons eties optree en dat ons optree om die mense wat ons verkies te dien. Baie dankie.

Ms L L VAN DER MERWE: Chairperson, you called the IFP, but I spoke before the EFF. I just wanted to make that point because you kept on calling us.

The HOUSE CHAIRPERSON (Ms M G Boroto): Oh! Thank you very much. It is because on my paper you follow them, I forgot that you spoke earlier. Thank you for that.

Ms L L VAN DER MERWE: Thank you, Chairperson.

Mr S N SWART: Chairperson, the ACDP welcomes this Report and commends the Joint Committee on Ethics and Members' Interests on this review which is much needed given the allegations that we have dealt with in this Parliament. We also share the views of my colleague who indicated that in the eyes of the public we have lost a lot of our reputation in Parliament due to

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disruptions and due to other issues, notwithstanding the fact that we have worked very hard and done a lot of good work.

However, if one sees in this code of conduct that it sets out minimum standards of ethical conduct relating to, a member must not accept any reward, benefit or gift from any person or body, surely, that stands that one should know when you stand for Parliament you should adhere to certain moral principles. Principles that are set out here and it will be interesting for the members of the public to take this into consideration when they are voting for candidates in this coming election.

Principle number one, selflessness. Take decisions solely in terms of public interest and without regard to personal, financial or other material benefits. Integrity, steadfastly avoiding placing themselves under any financial other obligation to any outside individual organisation when this creates a conflict. Objectivity and carrying out public business, making public appointments etc. Openness, members should be as open as possible about all decisions but there's an obligation for openness and transparency and honesty. Members must declare public interests. So, these are very strict requirements for us, honesty and integrity.

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Chairperson, as the ACDP, we stand as I mentioned earlier for stewardship of state resources or servant leadership and we present such candidates. Vote for the ACDP on 29 May. However, I do want to just say that the ACDP commends the House on the approach on the passing of this Report which will improve the candidates and the Members of Parliament for the next Parliament. I thank you.

Ms J MANGANYE: Chairperson, as we celebrate 30 years of our democracy anchored on an inclusive Constitution, we must be mindful that the people we lead requires from us a level of ethical behaviour. During this term in Parliament, we heard when many call for review of this code of conduct and we have responded positively, led by the ANC, we have proved that, indeed, we are a listening Parliament. This call was genuine because the current policy in use was last reviewed in 2014 and was not addressing the current challenges. Furthermore, the declining trust level in public institutions, including Parliament, demanded this review. The proposed new codes being considered chart a clear path forward, ensuring that the national legislatures rebuild the necessary public trust and confidence in their institution and its public representatives.

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When the South Africans are convinced that their leaders discourage their responsibility ethically, the trust levels will increase and they will believe that this institution is for the people and by the people, it will be strengthened. Hon members ... [Interjections.] ... No, you are not the clock icon. Hon members, social media provide a new terrain for public participation and consultation, like the more than two million South African that made submissions to the Constitution Assembly between 1994 and 1996. This social media platform has ... [Interjections.] ... I've thought that elderly people don't behave like streets ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Manganye, please proceed without bothering with them.

Ms J MANGANYE: Also, because we are a listening Parliament, the reports proposed through stronger penalties against Members of Parliament that breached the code. These penalties are a sign that Parliament and our people will not tolerate any breach of this code of conduct. Hono Chairperson, while the code has minimal ethical standards and ethical behaviour is a personal decision by each one of us.

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As we consider this report, we must be mindful of the guiding words by President Cyril Ramaphosa delivered when he ... sorry, Chairperson, when the Constitution was adopted in May 1996 when he said: "It is my duty to urge all of us in the Assembly, even those who may have reservations, to vote for a democratic and free South Africa." So, Chairperson, I must thank the members who took time to make sure that we review what we thought it was not... even us, after the meeting we had, you would feel that the code that we were using was outdated. So, I plead with these members to make sure that what we have taken a long time to come with, should be implement. Thank you very much.

The HOUSE CHAIRPERSON (Ms M G Boroto): The motion is that the report be adopted. Are there no objections? Anyone on the platform? Nobody. The motion is agreed to.

CONSIDERATION OF REPORT OF INDEPENDENT PANEL ESTABLISHED IN ACCORDANCE WITH RULE 129U TO CONDUCT A PRELIMINARY ENQUIRY RELATING TO A MOTION PROPOSING REMOVAL OF MR MBUYISELO BOTHA FROM OFFICE AS A COMMISSIONER OF COMMISSION FOR GENDER EQUALITY (CGE) IN TERMS OF SECTION 194 OF CONSTITUTION, 1996

READ WITH NATIONAL ASSEMBLY RULE 129R

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, the last item on the Order Paper is the Consideration of the Recommendation of the Independent Panel established in terms of Rules of National Assembly on removal from office in terms of section 194 of the Constitution, of a holder of a public office in the state institution supporting constitutional democracy on a motion from Ms F A Masiko to initiate an enquiry in terms of section 194(1) of the Constitution for the removal of Mr. M Botha from the office as a Commissioner of the Commission for Gender Equality, CGE.

In 2019 the House adopted Rules to provide specific procedures for the Assembly in the event of a motion to remove an office bearer in an institution supporting constitutional democracy. The report of the independent panel is now before the House. The House must decide whether to proceed with an enquiry by a committee of the Assembly or not. At this stage, the House does not proclaim on the culpability of the office bearer or not, but rather whether a committee of enquiry is warranted.

In the present instance, the independent panel established by the Speaker reported on 05 April and the report was subsequently published and distributed. The panel was made-up

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of up of Adv W R Mokhare, SC Adv N Mbangeni and Mr M Gessler. In accordance with Rule 129(Z), the Acting Speaker scheduled, the recommendation on the report for consideration by the Assembly with due urgency as by the Rules.

This matter was discussed and agreed by the Programme Committee. The Independent Panel has recommended that, in terms of the motion and record placed before it, there is a case for the Assembly to proceed with a committee enquiry. The relevant recommendations are contained in paragraph 105 on page 50 of the report.

Hon members, I must again stress that, the matter before the House today is whether to proceed with an enquiry or not. It is not to determine whether the commissioner should be removed from office.

IsiXhosa:

Iyavakala? [Is that clear?]

There was no debate.

Declarations of vote:

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Ms N K SHARIF: House Chair, the Independent Panel Report we are considering today as you mentioned, is to determine if there is evidence of misconduct by Commissioner Botha to be referred to the National Assembly. This report is nothing short of scathing and outlines the charges and prima facie evidence based on the recording of Commissioner Botha 20 July 2021 during a CGE plenary tea break.

The contents of this recording according to this report, is the basis of the charges made before Commissioner Botha and ultimately the recommendation brought forward by the panel, is to refer Commissioner Botha to a committee of the National Assembly, as provided for in the National Assembly Rules, on charges of misconduct.

The entire process starting from the alleged incident until now has been slow and has come at too much of a price. The portfolio committee has been stressing our concerns around the slow process and mishandling of this case since 2021. The fact that the CGE took so long to refer this matter to the National Assembly is unacceptable, and the CGE should ensure that its processes and systems are in place to be able to deal decisively with commissioners that bring the Chapter 9

institution into disrepute, does not uphold the values and commitments of the CGE and who is found to, and I quote:

Grossly failed to meet the standard of behaviour conduct expected by those who hold public office.

Putting Commissioner Botha on suspension for two years and 10 months calculates to over R2 million in salary. This is insane. The CGE must be held accountable for allowing this process to take so long, and the use of taxpayers' monies used from the budget from treasury should never have. The CGE should have referred this matter directly to the National Assembly instead of spending too much time and too much money in court battles with the commissioner on the legality of his suspension.

Not only does this negatively impact the CGE but it negatively impacts those CGE is meant to serve. The Commission for Gender Equality has a mandate given by the Constitution. The mandate and the job of the CGE is exceptionally important in realising gender equality in South Africa and essentially hold both public and private institutions accountable. Commissioners within the CGE must uphold the Constitution and must always

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work in the best interest of the CGE. The findings of the independent panel should serve as a cautionary warning to all current and future commissioners on the dangers of waging battles within a Chapter 9 institution.

House Chair, within these past five years the CGE has found itself in too many controversial scandals and pasted across newspapers for all the wrong reasons. The CGE has seen itself being torn apart by internal factions and internal fighting, and as a result has had to rebuild the institution time and time again. The CGE must get back on track and realign their focus on the most vulnerable in society and give life to its mandate.

I would urge all current and future commissioners to remember why you put your hand up for this very important job in the first place and remember how much we still need to do to realise gender equality in South Africa. House Chair, the DA supports this report. I thank you.

Ms N P SONTI: House Chairperson, just to be clear ...

IsiXhosa:

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... okokuqala siyiEFF ...

English:

... we support recommendation of the panel. Chairperson, the removal of people serving in Chapter 9 institutions must never be taken lightly, because these institutions are at the centre of defending some of the fundamental rights the Constitution bestows onto our people. Such removals must be based on substance and not political witch-hunting, as was the case when this House decided to remove the former Public Protector.

The charges levelled against Mr Mbuyiselo Botha which warranted this enquiry relate more to his volatile character than to corrupt intent on his part. He labelled one commissioner as lacking a backbone and this was considered a serious charge warranting this enquiry. More seriously, he made discouraging remarks about another commissioner for her albinism and was undermining Commissioner Mazabuko's abilities.

There are a number of other charges which clearly demonstrate Mbuyiselo's volatile personality and a character trait that presents him as a bull in a China shop. While these other

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charges can be construed as misconduct for us, it is charged that he made discouraging remarks against Commissioner Mazibuko's albinism and undermined her intellectual abilities. For someone working in an institution such as the Commission for Gender Equality, such conduct from Mbuyiselo is disgusting, and he must bear the consequences of his unruly character.

Commissioners at CGE are expected to prevent and prohibit unfair discrimination and harassment. Promote equality and eliminate unfair discrimination. Prevent and prohibit hate speech. Mr Botha has failed each of the above through his conduct and his lack of collegiality towards his colleagues. We support the recommendation. On 29 May, please vote EFF ...

IsiXhosa:

... bantu baseMzantsi Afrika. Votelani iEFF ngomhla wama-29 kuMeyi. Siyabulela.

Ms M D HLENGWA: Chairperson, firstly, let me pass our condolences to the Eastern Cape people who died just like that, and to the ruling party for ... [Inaudible.] ...

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IsiZulu:

... Sidulisa okukhulu ukubonga sithi, akwehlanga kungehlanga.

English:

The IFP is truly honoured to have been able to contribute to the establishment of the independent panel as attorney Malcolm Gessler, whom we nominated to form part of the panel that undertook the important task of completing an evidence-based investigation and report. Therefore, we wish to thank Mr Gessler as well as Advocate Mokhare and Advocate Mbangeni for the hours they put into drafting this report for our consideration.

At the negotiation table, it was the IFP that ensured the inclusion of the Bill of Rights in our democratic Constitution as part of the Government of National Unity. We were instrumental in transforming the full body of law in South Africa to reflect the value of constitutional democracy.

Therefore, upholding this value and ensuring the rule of law has always been something the IFP has passionately implemented and advocated for.

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Chapter 9 institutions are mandated to ensure that organs of the state live up to the ideas of constitutionalism and are held to account for their action or inaction. Therefore, the commissioners of these institutions should be held to an even higher standard as they are the ones tasked with implementing accountability.

The important work done by the Commission for Gender Equality is a testament to what can be achieved if we have a transparent and accountable watchdog in our constitutional democracy. Any people who may be guilty of tarnishing the institution's good reputation should, therefore, bear the consequences of their actions. Considering that the independent panel's finding statement ... [Interjections.] ... yes, the IFP accepts the report. Thank you. [Time expired.]

Mr W W WESSELS: House Chairperson, we support the report. No further declaration.

Mr C MDLETSHE: No declaration.

IsiZulu:

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USIHLALO WENDLU (Nk M G Boroto): Hhawu! Ungawusabi umbhobho lowo. Uwubeke emlonyeni sikuzwe kahle.

English:

Mr C MDLETSHE: No declaration, Chair.

Mr S M JAFTA: No declaration, Chair.

Ms F A MASIKO: Hon House Chair, hon members of the House, the Commission for Gender Equality, CGE, stands as a cornerstone in our nation's pursuit of gender equality and social justice. Over nearly three decades, it has been a driving force behind transformative change, advocating for legislative reforms and policy shifts that uphold the principles of equality and dignity for all.

The impact of the Commission on Gender Equality resonates throughout our society, which is evident in the tangible outcomes of its advocacy efforts through submissions to Parliament, government and civil society. The CGE has been instrumental in challenging discriminatory laws and policies, paving the way for a more inclusive legal framework. Its tireless advocacy has helped to rectify the system's

injustices and ensure that the rights of all citizens, regardless of gender, are protected and upheld.

However, recent events have brought to light serious allegations against Mr Botha, a commissioner of the Commission of Gender Equality. The report outlines multiple charges of misconduct levelled against Mr Botha, supported by prima facie evidence. These charges range from disrespectful and demeaning statements towards fellow commissioners, which compromises the integrity and effectiveness of the Commission for Gender Equality.

Each charge is backed by specific evidence and supported by relevant legal frameworks, including constitutional provisions and legislations such as the Promotion of Gender Equality and Prevention of Unfair Discrimination Acts. Furthermore, the report highlights how Mr Botha's conduct breaches various constitutional provisions, including sections 1, 9, 10, 181, 193 and 195. Moreover, it emphasises how these actions contravene legislative frameworks aimed at promoting equality and preventing discrimination.

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These matters underscore the seriousness of the allegations and their implications for the integrity of the Commission for Gender Equality and its mandates. The cumulative effect of the charges against Mr Botha demonstrates a pattern of behaviour incompatible with the responsibilities of a Commissioner of Gender Equality. While certain charges may not individually constitute gross misconduct, their collective impact paints a concerning picture of Mr Botha's fitness to hold office.

This holistic approach to assessing the allegations ensures that the gravity of the situation is fully appreciated and considered. In light of these serious allegations, the importance of accountability and integrity within our institutions cannot be overstated. The report underscores the imperative of holding public office bearers accountable for their actions, particularly those entrusted with roles within institutions supporting constitutional democracy.

By recommending further action, the report emphasises the need to maintain the highest standard of integrity and accountability within the CGE. Based on this assessment, the report recommends that the charges of misconduct be referred to Section 194 Committee of the National Assembly for further

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inquiry in accordance with Parliamentary Rules. This recommendation reflects the seriousness of the allegations and the need for a thorough and impartial investigation to determine the appropriate course of action.

It underscores the commitment to due processes and fair treatment while upholding the principle of justice and accountability. The allegations against Mr Mbuyiselo Botha underscore the importance of upholding the highest standards of integrity and accountability within the Commission for Gender Equality. As we deliberate on this matter, let us reaffirm our commitment to ensuring that the CGE remains steadfast in its mission to advance gender equality and uphold the rights of all citizens. Only by addressing these allegations with diligence and transparency can we uphold the principles of justice and fairness upon which our democracy is built. The principles of the ANC are deeply rooted in the vision of building a nonsexist and prosperous society where every individual, regardless of their gender, can live freely and enjoy their rights without being hindered by anyone.

The vision we have is centred around the empowerment and liberation of women. We want to ensure that women have the

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same opportunities, freedoms, and protections as men. The Commission for Gender Equality is one of the ways we can achieve these goals. Therefore, it is essential to protect them with utmost care. The ANC supports the report. I thank you.

Question put: That the Report of the independent panel which recommends that the Assembly proceed to conduct an enquiry into the proposed removal of Mr Mbuyiselo Botha from Office as a commissioner of the Commission for Gender Equality, CGE, on the specified grounds be agreed to.

Question agreed to.

Report accordingly adopted and referred to a committee for formal enquiry in terms of section 194 of the Constitution, 1996 read with National Assembly Rule 129Z.

The House adjourned at 14:15.