

*Friday, 9 February 2024]*

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**PARLIAMENT**

**OF THE**

**REPUBLIC OF SOUTH AFRICA**

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**ANNOUNCEMENTS,  
TABLINGS AND  
COMMITTEE REPORTS**

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FRIDAY, 9 FEBRUARY 2024

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# ANNOUNCEMENTS

## National Assembly and National Council of Provinces

### The Speaker and the Chairperson

#### 1. Classification of Bills by Joint Tagging Mechanism (JTM)

- (1) The JTM in terms of Joint Rule 160(6) classified the following Bills as section 75 Bills:
    - (a) **Repeal of South African Airways Bill** [B2–2024] (National Assembly – sec 75).
    - (b) **Pension Funds Amendment Bill** [B3–2024] (National Assembly – sec 75).
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# COMMITTEE REPORTS

## National Assembly

**1. Report of the Portfolio Committee on Trade, Industry and Competition on the World Trade Organization's Agreement on Fisheries Subsidies, dated 6 February 2024**

The Portfolio Committee on Trade, Industry and Competition, having considered the request for approval by Parliament on the World Trade Organization's Agreement on Fisheries Subsidies, recommends that the House, in terms of section 231(2) of the Constitution, approves the said Agreement.

Report to be considered.

## **2. Report of the Portfolio Committee on Communications and Digital Technologies on the appointment of a Councilor of the Independent Communications Authority of South Africa (ICASA) Council, dated 6 February 2024.**

The Portfolio Committee on Communications and Digital Technologies (the Committee), having considered the letter of the Minister of Communications and Digital Technologies, recommending appointment of Mr Mothibi Ramusi in terms of section 5 of the ICASA Act, 2000 (Act No. 13 of 2000), referred to it by the Deputy Speaker of the National Assembly for consideration and report, reports as follows:

A letter was received from the Minister of Communications and Digital Technologies, informing the National Assembly that after analyzing the current skillset of the Council alongside the qualifications and experiences of the recommended candidates, he recommends Mr Mothibi Ramusi for appointment as per the requirements of section 5(1)(B)(a) of the ICASA Act, 2000 (Act No. 13 of 2000), as amended.

On 6 February 2024, the Committee met to consider and deliberate on the Minister's letter and resolved to support the recommendation of the Minister to appoint Mr Mothibi Ramusi as a Councilor of ICASA in terms of ICASA Act, 2000 (Act No. 13 of 2000).

**Report for information.**

### **3. REPORT OF THE OVERSIGHT VISIT TO THE ARMSCOR DOCKYARD IN SIMON'S TOWN, WESTERN CAPE, BY THE PORTFOLIO COMMITTEE ON DEFENCE AND MILITARY VETERANS ON 13 SEPTEMBER 2023, DATED 07 FEBRUARY 2024**

#### **1. Introduction**

The Portfolio Committee on Defence and Military Veterans (PCDMV) conducted an oversight visit to the Armscor Dockyard at Simon's Town on 13 September 2023, as part of its oversight programme. This formed part of the Committee's Parliamentary Oversight programme over the Department of Defence and the Armaments Corporation of South Africa (Armscor).

#### **1.1 Purpose of the oversight visit**

The primary aim of the oversight visit was for the PCDMV to conduct a site visit to the above-mentioned facility to acquaint itself with the conditions and challenges experienced at this facility, especially in view of the reported rejuvenation of the facility. It was further aimed at facilitating inputs and insights to enhance the Committee's oversight function, as part of its oversight programme for the 2023 calendar year. Moreover, the Committee intended to receive an update on progress with regards to key projects of the DOD undertaken by Armscor, including Project Hoefyster, SA Air Force support contracts and the progress related to the use of funds allocated for the Medium Airlift Capability in 2023/24.

#### **1.2 Committee Members and support staff**

The Delegation comprised of the following people:

##### **Members of the Committee:**

##### **ANC**

Mr. V.C. Xaba (Chairperson)

Mr. TN Mmutle

Ms TI Legwase

Ms MRM Mothapo

Ms PA Phetlhe

##### **DA**

Mr SJF Marais

Mr M Bond

##### **EFF**

Mr T Mafanya

##### **Support Staff:**

Bryan Mantyi

- Committee Secretary

Oliver Ndou - Committee Assistant

### **DOD, Armscor and AGSA representatives**

Mr T Makwetla	-	Deputy Minister
Vice Adm M Lobese	-	Chief SA Navy
R Adm M Nkomonge	-	SA Navy
Adv SP Mbada	-	Armscor CEO
Mr JG Grobler	-	Armscor CFO
Mr M Teffo	-	Group Exec: Acquisition & SCM
Ms F Skweyiya	-	Armscor Board Member
Mr M Peecha	-	Executive Manager Armscor Dockyard
Mr H Green	-	Armscor: Senior Manager Aerosystems
Col T Motloung	-	Liaison Officer SANDF
Col E Meyer	-	Acting DAA
Mr K Lebelo	-	DOD
Mr M Lekgoro	-	PLO (Deputy Minister)
Mr S Dlamini	-	DOD
Ms K Poikanyo	-	Auditor General of South Africa

### **1.3 Programme**

The Portfolio Committee members were welcomed by the Executive Manager of the Armscor Dockyard, the Senior Management of Armscor and the Chief of the SA Navy. The Committee commenced its visit with a tour of the facility. The Committee was taken to the various sections and workshops within the Dockyard, including the Synchro-lift, Submarine Workshop, Gasket Manufacturing Workshop, Dry dock, Dock Control Room, Internal Combustion Engine Workshop, Emission Spectrometer Lab and Chemistry Lab.

Having concluded the walkabout, the Committee proceeded to a meeting with the Ministry, the Chief of the SA Navy; Armscor and the management of the Dockyard. During this session Armscor presented to the Committee on the activities of AB Logistics, Project Hoefyster; the SA Air Force Support contracts, progress related to the use of funds allocated for Medium Airlift Capability in 2023/24 and the management of the Dockyard presented on the Dockyard capabilities and its profitability.

## **2. Tour of the facility**

The tour of the Dockyard started with the Committee being taken to the open waters within the Dock where the SAS Manthatisi was docked. The Committee was informed that there are currently three submarines within the Dock, including the SAS Manthatisi which has successfully completed its maintenance repairs, while the remaining two submarines are currently undergoing refit service and maintenance. Internal engineers are utilised to do the Level 3 maintenance service work. SAS Manthatisi has successfully completed surface trials and is set to undertake post maintenance diving trials.

The Committee was further shown a 53-year-old decommissioned submarine, the SAS Assegai, which has been placed in long term preservation and maintenance for purposes of display at the Navy Museum as a Heritage Site. This submarine is currently being preserved in a collaborative effort between the SA Navy and the Heritage Management Group. In terms of the engineering plan, the work on the submarine will be completed by March 2024, dependent on the efforts to secure funding for the removal of the submarine to the museum site.

The Committee visited the synchro-lift facility which is used to lift vessels when undocking onto the repair grounds. This is a critical asset within the dockyard and it was pointed out that this facility must be kept operational at all material times for the dockyard to function optimally. This facility also presents commercial opportunities for private business within the dockyard.

The Committee proceeded to view the two submarines undergoing maintenance within the workshop. The SAS Charlotte Maxeke and SAS Queen Modjadji were undergoing paint work. The Committee was informed that the two submarines and one frigate are concurrently undergoing refits which have been staggered in various stages to ensure timely completion of all work. All of the work on the SA Navy assets is done on site for patent and security reasons. It was noted that funding constraints and high-level skills shortages pose a challenge to the work of the Dockyard in as far as the refits are concerned. In mitigation, the Dockyard has established the Centre for Refit Skills in order to bridge the gap and guarantee the safety of assets of the SA Navy.

The SA Navy pointed to a need for the Dockyard to establish relations with other stakeholders with a view to move away from Original Equipment Manufacturer (OEM) restrictive procedures. It was noted that the OEM withhold information which is pertinent for the continued maintenance of the platform with a view to limit the repair solely to themselves. This limits the operational readiness of platforms, in some instances as a result of small components which could have been acquired elsewhere at a lesser cost. The Dockyard has equipped its personnel with skills during the acquisition of the platforms but such personnel have reached retirement age and are exiting service. Skills transfer initiatives are underway to equip remaining young engineers with the required skills in order to undertake the refit work.

The Committee observed an internal capability that has been established within the Dockyard with the procurement of a gasket manufacturing machine. The Dockyard has trained an engineer to operate this capability in order to manufacture gaskets that meet the required specifications. This has resulted in savings for the entity and has proven to shorten turnaround times for the completion of maintenance work.

The Committee further viewed the Dry Dock facility. This facility is about 50 meters deep and can accommodate at least two vessels at a time. The facility is utilised for the repair of vessels and was indicated as a major source for revenue. The Committee was also shown the Pump Control Room where the flooding and the de-watering of the dock is operated.

The delegation was also taken into the Internal Combustion Engine Workshop where the work on the engines of the vessels takes place. The workshop is equipped with technology for the ultra-sonic cleaning as well as spray painting of the engine components.

The delegation was taken to the Non-Destructive Testing facility where the functioning of the emission spectrometer lab was demonstrated to the Committee. This lab conducts tests on specimens taken from the vessels in order to detect and ensure protection of vessels from corrosion. In concluding the tour of the facility, the Committee inspected the Chemistry Lab that conducts monthly assessments of samples of fluids taken from the various vessels in order to ensure the engine system functions optimally. Amongst other functions, the lab assesses whether the diesel utilised has not been contaminated and that it meets the required standards.

### **3. Meeting Session:**

#### **3.1. Presentation by Armscor on AB Logistics**

Armscor provided the Committee with information on the financial contributions, costs and operating activities of AB Logistics. AB Logistics includes both the rendering of freight forwarding services and travel booking services. Comprehensive logistics management services are provided to the SANDF, SA Defence Industry and foreign defence forces with regards to military sensitive commodities and hazardous cargo. This service is in support of the acquisition supply chain requirements during import and export process, rendering air, sea, rail, road freight and chartering distribution globally to all stakeholders. As a registered member of the International Air Transport Association, it is responsible for the travel arrangements of the DOD, Ministry of Defence and Military Veterans and Armscor.

For 2022/23 it was budgeted that AB Logistics would have a net positive contribution of R6.9 million considering revenue of R32 million and operating costs of R25.1 million. The actual figures for the 2022/23 financial year resulted in a net contribution of R18.7 million considering revenue of R46.7 million was generated and operating costs of R28 million were incurred. However, a provision of R20.2 million for outstanding amounts owed was made in line with the Armscor Financial Policy which then result in a net shortfall of R1.5 million for the financial year. For the 2023/24 financial year, a positive contribution of R4.3 million is budgeted based on R37 million of revenue and R33 million of operating costs

#### **3.2. Presentation by Armscor on Project Hoefyster**

Armscor provided feedback to the Committee on how far its engagements with Denel, the Department of Defence on Project Hoefyster have progressed subsequent to deliberations with the Committee. The entity reported as follows:

- Project Hoefyster Project Control Board (PCB) was held on 6 April 2023 and recommended that Phase 1 (development) of Project Hoefyster be completed with acceptance of indicated specification deviations, as well as acceptance of the already manufactured 4 Pre-Production Model's (PPM's); and the delivery of 1 Battalion to the SA Army.
- Phases 1 and 2 of Project Hoefyster are contracted separately.
- Implications of PCB decision are:
  - Phase 1 contract to be amended to provide for new agreed completion dates, and possible consideration of penalties.
  - Project Hoefyster Acquisition Plan (currently providing for delivery of 3 Battalions) has to be amended to provide for partial acquisition of production models.

- Phase 2 contract (currently providing for delivery of 3 Battalions) to be subsequently amended to provide for partial acquisition only 1 Battalion.
- Based on the waivers obtained for the deviations from specification, Denel is currently proceeding with work to complete Phase 1 (development) which will culminate in the establishment of a Product Baseline for each of the 5 vehicle variants.
- Indicated Phase 1 completion dates are as follows:
  - Section Variant April 2024
  - Fire Support Variant July 2024
  - Command Variant December 2024
  - Missile Variant March 2025
  - Mortar Variant December 2025
  - All Variants ILS December 2025
- Denel is currently busy with costing the Phase 2 (production) requirement, and has indicated that they will only be in a position to provide definite costs by end of December 2023.

### **3.3. Presentation by Armscor on progress related to the use of funds allocated for Medium Airlift Capability in 2023/24 and current levels of serviceability of the SA Air Force support contracts**

Armscor provided an overview of the progress related to the use of funds allocated for Medium Airlift Capability in 2023/24 and the current levels of serviceability of the SA Air Force fleet.

#### **3.3.1. Progress related to the use of funds allocated for Medium Airlift Capability in 2023/24**

The Committee was informed that:

- The SA Air Force received an allocation of R1 billion from National Treasury during 2023/24 for Medium Airlift transport capability.
- Allocated funds are to be utilised to increase the availability of C130 Medium Transport Aircraft as currently only one of the five C130 aircraft in the fleet is operational.
- Armscor has contracted Marshalls Aerospace in the United Kingdom for major servicing and obsolescence replacement. The work will be conducted at a total cost of R470 million, with completion of the first C130 expected in December 2024 and the second C130 10 months thereafter.
- Armscor has also received a requirement from the SA Air Force on 11 August 2023 for procurement of spares to the total requirement value of R40 Million. The Entity is currently processing contract placement.
- The balance of R490 million will be utilised for the servicing of at least 8 engines for the C130 fleet.

#### **3.3.2. Current levels of serviceability of the SA Air Force fleet**

Armscor gave an overview of current levels of serviceability focusing on platforms that have no service contract in place.

- **Kind Air** - Currently there is no contract in place and the new order placement is in progress with target order placement target date being the 30 September 2023. The order is awaiting approval by the adjudication committee of Armscor.

- **CESSNA CARAVAN 208** - Currently there is no contract in place. National Treasury approved the cancellation on 20 July 2023. Technical discussions are being held between the client and Armscor for avionics upgrades.
- **DAKOTA C47-TP** - Currently there is no contract in place as no valid bids were received. The Dakota C47 TP is a very old aircraft, thus the support for this aircraft is very limited in South Africa and the world. Discussion are being held with SAAF regarding the future usage of the aircraft due to reasons indicated above.
- **BK117** - Currently there is no contract in place. Contractual negotiations have been finalised, and is expected that the new contract will be put in place by the end of September 2023.
- **Super Lynx 300** - Currently there is no contract in place. Contractual negotiations have been concluded and is expected that the new order will be placed by 20 October 2023.

### 3.4. Presentation by Dockyard Management on the Dockyard capabilities and profitability

The Executive Manager of the Dockyard, Mr M Peecha, briefed the Committee and noted the following:

- The annual allocation for the Dockyard is R280 million which includes the secondary transfer payment from Armscor.
- The estimated operating expenditure constitute 92.5% of the revenue. The main cost driver is the direct personnel cost, which then leaves approximately 7% of the budget available for maintenance and operations.
- Proposed solution includes an increase in commercial income generation and optimise operations through innovation and technology initiatives. The estimated commercial revenue is R12 million, subject to docking facility availability and SA Navy requirements.
- Dockyard capabilities include, Maintenance, Repair & Overhaul; Manufacturing; Technical Support; Testing; Engineering Services; Docking; and, Mobile equipment and Information Technology.

The Executive Manager of the Dockyard further highlighted a number of challenges faced by the Dockyard and mitigating steps:

- **Ageing buildings and infrastructure** – The matter is receiving attention at Executive Level to address regarding the limited support from the Department of Public Works and Infrastructure.
- **Availability of Critical Spares** – the Dockyard aims to implement strategic sourcing initiatives with long-term contracting and a panel of service providers.
- **Wharf Cranes** – There are plans to replace the old fleet and implement a long-term maintenance contract.
- **Labour** – There is a need to increase the capacity and strength to support the increasing demand maintenance and repairs due to the aging labour fleet and prioritise new job requirements linked to the current demands.
- **Integrated Planning** – Synchronisation of planning activities between the Fleet and Dockyard.
- **Consistent and stable power generation** – Upgrading and modification of the power generating system.
- **Insufficient Operational Funding** – This challenge can be offset by generating commercial revenue.

## 4. Committee Observations

The following are some of the observations made by the Committee:

- The Committee expressed disappointment with the feedback provided on the progress with Project Hoefyster. The Committee noted with concern that in spite of waivers made in favour of Denel, the entity has sought further concessions on the long overdue first phase of the project. The Committee expressed immense frustration at the failure of the Project Control Board to reach a final decision on matters related to the Project. It was highlighted that the Committee has had numerous engagements with Armscor, Denel and the DOD on the matters of contention related to non-delivery by Denel, yet years later there seems to be no sense of urgency to reach a final decision on the future prospects of the Project. The Committee expressed a view that the Executive Authority of both Departments needs to intervene.
- The Committee further noted that Denel seems to be in a financially precarious position, as the entity has been unable to produce annual audited financial statements for a number of audit years. This is a serious concern for the Committee given that the DOD transfers funding to the entity to ensure it retains the capacity to provide its services to the DOD. The Committee questioned what reassurances have been made to the DOD and Armscor that the funding made available has been utilised for the intended purpose. In addition, it was questioned whether value for money has been derived from such transfers to Denel.
- The Committee expressed serious reservations with regards to the appropriateness of the current funding model between Denel and the DOD.
- Noting the strategic importance of Denel to the sustenance of SANDF capabilities, the Committee again stressed that the entity is currently not located correctly within the Department of Public Enterprises.
- The Committee questioned whether the upgrades to the SA Air Force C130 which are underway in the UK have commenced given the approval which has to be given by the UK government. The Committee was reassured that the upgrades are underway as the necessary approval has been secured.
- The Committee further expressed concern that Denel seems not to have the required capacity to carry out work on the C130s which had to be contracted to a company abroad, whereas the DOD transfers funds (fixed costs) to sustain the capacity within Denel.
- The Committee observed that some of the buildings within the Dockyard are old and have not been properly maintained, resulting in visible roof leaks and cracked walls. The Committee called on the Dockyard management to make use of Defence Works Formation to deal with the maintenance and rejuvenation of buildings.
- The Committee encouraged the Dockyard to maximise opportunities for revenue generation, but warned that such efforts must not be to the detriment of the SA Navy.
- The Committee expressed concern with regards to the compensation of employees' expenditure within the Dockyard, which was noted as excessive and unsustainable.
- The Committee decried the fact that a number of service and maintenance contracts are allowed to lapse and only once they have lapsed are renewal processes convened. The Committee called on the DOD to play a more active role in the management of all contracts. Members reminded the Department of its previous suggestion for a contract management officer within the DOD.

## **8. Recommendations**

The Committee made the following Recommendations:

- Given the failure of the entities as well as the Departments (DOD and Department of Public Enterprises), the Committee recommends that the Executive Authority of both Departments needs to intervene with a view to provide direction to the challenges and charting a way forward on Project Hoefyster.
- Moreover, noting the strategic importance of Denel to the sustenance of the Defence Force capabilities and the sovereignty of the Republic, the Committee recommends that the Ministers of Defence and Public Enterprises should seriously deliberate on the appropriateness of the location of the Entity within the Department of Public Enterprises.
- The Committee recommends that Denel; Armscor; the Department of Defence and the Department of Public Enterprises should review the current funding model with a view to come up with a more viable and sustainable accounting mechanism that results in greater value for money to the Defence Force.
- While the Committee is aware of the funding constraints that the Dockyard is subjected to, the Committee recommends that the Entity prioritises the rejuvenation of its building infrastructure utilising funding made available by Armscor and the DOD. In addition, thereto, the Committee recommends that the Dockyard makes use of available commercial opportunities with the SA Navy taking priority.
- The DOD and Armscor should ensure better contract management of maintenance contracts and ensure that such contracts are renewed or new contracts put in place prior to the expiration of existing contracts.

***Report to be considered.***

## **4. REPORT OF THE OVERSIGHT VISIT TO THE SOUTH AFRICAN ARMY COMBAT TRAINING CENTRE IN LOHATLA, NORTHERN CAPE, BY THE PORTFOLIO COMMITTEE ON DEFENCE AND MILITARY VETERANS ON 28 OCTOBER 2023, DATED 07 FEBRUARY 2024.**

### **1. Introduction**

The Portfolio Committee on Defence and Military Veterans (PCDMV) conducted an oversight visit to the South African Army Combat Training Centre in Lohatla on the 28 October 2023, as part of its oversight programme. This formed part of the Committee's Parliamentary Oversight programme over the Department of Defence.

#### **1.1 Purpose of the oversight visit**

The primary aim of the oversight visit was for the PCDMV to conduct a site visit to the above-mentioned facility to acquaint itself with the conditions that led to the fire that occurred and resulted in the death of six Members of the South African National Defence Force (SANDF). It was further aimed at showing care, compassion and support to the Defence Force and the families of the deceased soldiers. Moreover, the Committee intended to receive an update on actions taken to ensure that a similar occurrence is prevented and measures put in place to mitigate the effects and prevent any loss of life and equipment should such fires occur again.

#### **1.2 Committee Members and support staff**

The delegation comprised of the following people:

##### **Members of the Committee:**

##### **ANC**

Mr. V.C. Xaba (Chairperson)

Mr. TN Mmutle

Ms A Mthembu

##### **DA**

Mr SJF Marais

##### **EFF**

Mr T Mafanya

##### **Support Staff:**

Bryan Mantyi

- Committee Secretary

Oliver Ndou - Committee Assistant

## **DOD representatives**

Lt Gen FM Ramantswana	-	Chief of Staff
Lt Gen LK Mbatha	-	Chief SA Army
Maj Gen Kobbie	-	Director Force Structure
Maj General H. D. Mashego	-	GOC: SA Army Infantry Formation
Maj Gen Dube	-	Division Commander
Maj Gen Nyangasya	-	GOC: Defence Works Formation
Maj Gen Mulaudzi	-	GOC: Army Support Formation
Brig Gen J.K. Thys	-	Div COS: Ex Madulo 1
Col T Motloug	-	Senior Staff Officer: Parliamentary Liaison Officer SANDF
Chaplain SJ Dithipe	-	Division Chaplain
SCWO MP Tladi	-	Sergeant Major of the Army

### **1.3 Programme**

The Portfolio Committee members were welcomed by the Chief of Staff of the SANDF, Lt Gen FM Ramantswana, and the Chief of the SA Army, Lt Gen LK Mbatha. The Generals expressed appreciation for the visit by the Committee as this is indicative of the support of this oversight body. They added that this should serve to motivate the troops during such trying times. The SANDF committed its resolve to continue with Exercise Vukuhlome in spite of the tragic event which took place. This is in pursuit of the mandate of the SANDF, to defend and protect the Republic, a task they noted is taken with the utmost seriousness by SANDF members.

The Committee commenced its visit with a briefing and thereafter undertook a tour of the training area. The Committee was briefed on the objectives of the Integrated Exercise; various Brigades that are deployed within training centre; the sequence of events which lead to the deaths of the six soldiers; soldier's injuries and treatment; equipment losses suffered and the interventions made to mitigate against future occurrences of that nature.

The Committee was thereafter taken to the Training area, where the fire took place, wherein the Members were briefed by Officers Commanding who were present on the fateful day. The Officers Commanding narrated the events which took place on the day, setting out how they detected the fire, what actions were taken to combat the fire and how the soldiers were injured of which six subsequently departed.

## **2. Meeting Session**

### **2.1. Presentation by the Department of Defence on the fire breakout at the SA Army Combat Training Centre**

The Department of Defence briefed the Committee on the sequence of events which led to the fire breakout that resulted in the death of the six soldiers, injuries to a number of soldiers and the destruction of some equipment. The Committee was informed that the SA Army executes Exercise MADULO I (Ex

VUKUHLOME) on an annual basis. This is a SA Army unique combat readiness conventional training exercise to determine the operational capabilities of the SA Army. This year (2023) was no different and forces moved into the SA Army Combat Training Centre as from middle September 2023 to execute the exercise.

Integrated exercise objectives were highlighted as follows:

- Plan and conduct Conventional Operations, using operational planning processes addressing all phases of war.
- Plan and execute joint air ground operations.
- Plan and conduct Military Operations Other Than War.
- Execute inter-agency liaison and cooperation amongst government organisations and NGOs.
- Render operational law support, including Law of Armed Conflict, applying the Sexual Offence and other related matters Act, during Operations as well as attending to operation related incidents.
- Exercise command and staff in media handling.
- Plan, provide and practice the full spectrum of Military Health Support during Operations.
- Validate policies, doctrine and procedures of the Division and Brigade Headquarters.
- Practicing Communication.
- Respond and effectively deal with improvised explosive devices mines, unexploded ordinance and booby traps.
- Safety planning and application.

The SANDF narrated the events of the fire as follows:

- On 06 October 2023 at 11:43, during preparations for the exercise the SA Army Combat Training Centre, personnel became aware of a fire that originated outside the training area.
- The Fire Brigade detachment deployed at the Delta 5 area of the Training Centre, which served as an early warning, alerted the Safety Officer of the fire and also contacted the Kathu Fire Prevention Agency to assist in combating the fire while it was still on the western side of the N14 road.
- The Safety Officer also informed Exercise Control in the base that took over command of the situation.
- The fire that originated outside the training area was fanned by a westerly wind of approximately 73km/h.
- The Fire Brigade at Delta 5 assisted the Kathu Fire Prevention Agency to combat the fire on the western side of the N14 road, but the fire was uncontrollable due to the wind speed and the consistent change of the wind direction.
- The rest of the Fire Brigade vehicles were redeployed to assist in case the fire jumps into the training area.
- At this stage all Units of 46 Motorised Brigade were placed on high alert with the intention of extinguishing the fire. The fire brigade was also deployed to the area and was later reinforced.
- At approximately 13:45 the fire crossed into the training area at a position called Delta 5.
- The fire crossed into the training range five kilometres North of Delta 5 and three kilometres South of Delta 5.
- At this stage the fire was uncontrollable due to the wind speed and the intensity of the fire.
- The fire was engaging on three fronts, from the Northern side of Delta 5 into the deployment area of 2 South African Infantry Battalion, and on the southern side of Delta 5.

- It first moved in a Southerly direction and then into an Easterly direction towards the 121 South African Infantry Battalion deployment area. The fire engulfed and encircled all the deployment areas.
- The fire brigade stationed at Delta 5 fought the fire. They pre-burned an area North of Delta 5 in order to declare it a safe area for forces to evacuate to.
- The rest of the members assisted to fight the fire with fire beaters and water bunkers.
- The fire caused the 46 Motorised Brigade members to retreat to safe areas as they were fighting the fire.
- Although the fire breaks within the training area are maintained, this was not sufficient to prevent the fire from entering the range and spreading rapidly.
- Due to the uncontrollable rapid spreading of the fire it was not possible to remove all the vehicles and the danger it posed for personnel to get in a vehicle.
- The 46 Motorised Brigade and the fire brigade members fought the fire until last light, after which members were grouped for roll call and losses consolidated.
- At roll call the 121 South African Infantry Battalion Commander indicated that there are three losses and 15 minutes later a further two losses were reported.
- A sixth member later passed-on in the Lenmed Kathu Private Hospital.
- All members that sustained injuries (burn wounds and other) were treated on the scene prior to evacuation.

## **2.2. Patient injuries and treatment**

The SANDF provided an account of all Members that were injured and the various treatment processes that were undertaken to ensure the survival of all injured personnel.

- The 46 Motorised Brigade strength at the time of the incident deployed in the area was 1 177.
- Out of this strength only 19 patients were seen over the period 6 to 7 October 2023 at the SA Army Combat Training Centre Level 2 Field Hospital.
- Out of the 19 patients, 5 patients were treated and immediately discharged.
- Fourteen (14) Patients were admitted at the Level 2 Field hospital of which nine patients were later discharged from the Level 2 Field Hospital.
- They were treated for smoke inhalation and minor blisters.
- Out of the 14 patients, there were five patients that had severe burns.
- Due to the nature of their burns, two were directly transferred to 3 Military Hospital in Bloemfontein, from the Level 2 Field Hospital.
- The other three patients with severe burns were transferred and treated at Lenmed Hospital in Kathu, one patient later passed on at Lenmed Hospital.
- The other two patients were later transferred to 3 Military Hospital.
- Out of the four patients at 3 Military Hospital, one patient was discharged and is recovering at home and is withdrawn from the exercise.
- Two patients were later discharged and are continuing with the exercise.
- One patient was transferred from 3 Military Hospital to 1 Military Hospital, and is in a stable condition.
- A total of six members of the SA Army died as a result of the fire.

## **3.3. Equipment Losses**

The SANDF tabulated the equipment losses as follows:

- Casspirs APC x 12
- SAMIL Logistical Vehicles x 14
- 35mm AA Guns x 4
- 10 Ton Trailers x 6
- Water treatment plant x 1
- Most camping equipment (tents, bedding, etc)
- Various signal (radio) systems
- Battle dress, personal equipment and other equipment of 850 members
- Level 1 Medical Facility (containerised medical facility)

### **3.4. Interventions to ensure safety**

The following interventions were developed to ensure the safety of our troops for continuation of the exercise:

- As part of the ministerial priority after the fires at Walmansthal, the Chief Army tasked Project KOBA-TLALA with facilitating the training of SA Army Reserve members as ‘auxiliary’ fire-fighters, specifically to combat grass/bush fires and to augment the existing Regular Fire and Rescue capability at the SA Army training grounds at the SA Army Combat Training Centre, De Brug and Wallmansthal.
- The training was done by an external service provider and they completed ‘wildland’ firefighting training courses.
- The soldiers affected were supported through donations from other Services within the SANDF, own members and especially SA Army Foundation donations.
- The families were supported by the Chaplaincy Service and were also transported to the SA Army Combat Training Centre to identify bodies of the loved ones and attend memorial services.
- The SA Army will continue to grade and maintain firebreaks as well as do pre-burning in areas where shooting is going to take place.
- Grading and cleaning of areas around field bases will continue.
- Building stop walls around each brigade and battalion deployment area will be put in place.
- The Fire Brigades will remain on standby and will be deployed on readiness to respond immediately and work closely with the other role-players and the broader community.
- The SA Army requested a helicopter on standby with a “Bambi bucket”.
- Emergency drills will be done in all bases.
- Soldiers have been re-issued with camouflage uniform, camping equipment (tents, stretchers and mattresses) and units have been re-deployed in the field.

In conclusion, the SANDF committed that the exercise will continue, as 46 Motorised Brigade is the standby Brigade for internal and external eventualities. The replacement equipment has been sourced from various depots and units in order to re-equip the force without delay. To ensure a successful hosting of the exercise, the SANDF further committed to do Continuation and Integrated Training and focus on getting the land forces combat ready. The multi-disciplinary team counselled all the impacted members to debrief them.

The quantity and extent of Prime Mission Equipment and general equipment damage is currently being evaluated. A Board of Inquiry has been convened in order to determine the cause of the incident and to recommend actions to be taken to prevent a reoccurrence, determine lessons that should be taken from the incident and how the SANDF can improve its readiness for future fires. A memorial service was held at SA Army Combat Training Centre on 12 October 2023, as well as at 121 South African Infantry Battalion in Mtubatuba on 18 October 2023. The funerals were executed over the period 21 to 22 October 2023 and a final one was to take place on the 29 October 2023.

#### **4. Committee Observations**

The following are some of the observations made by the Committee:

- The Committee extended its condolences and message of support to the members of the SANDF and the families of the deceased soldiers, as well as those injured during the fire. The Committee highlighted that this was a tragic period for the SANDF seeing that it had lost a total of 13 soldiers within a period of two weeks, during a time when there was no active warfare. The Committee further noted that this happens at a time when the responsibilities and demands on the SANDF are increasing as a result of internal and external deployments.
- The Committee further expressed concern that the fire is reported to have emanated from the adjacent mine. The Committee queried whether the SANDF plans to lodge a legal claim against the mine to recover the losses suffered as a result of the fire. The Committee was informed that the outcome of the Board of Inquiry would determine whether any legal consequences would follow depending on its recommendations.
- The Committee noted the extreme weather conditions that are experienced within the area which can be attributed to global warming; thus, the region is dry and has become prone to wildfires. The Committee questioned the capacity of the DOD fire-fighting brigades to effectively deal with the frequent fires. The DOD acceded that the current fire-fighting capability is wholly inadequate and under resourced to respond to the magnitude of the fires that the region has been subjected to as a result of the extreme weather conditions.
- The Committee noted a need to ensure that the SANDF is equipped in order to respond adequately to the frequent fires within the area.
- The Committee noted that the training area is vast (about 158 000 hectares), which makes it impossible for the SANDF to monitor and detect fires throughout this terrain.
- The Committee queried whether the fire-breaks and pre-burning have been maintained in order to ensure that this provides deterrent to the escalation of fire in the event that a fire erupts. The Committee was reassured that the fire-breaks are maintained annually and had recently been prepared and inspected in preparation for Exercise Vukuhlome. The DOD acceded that due to the intensity and velocity of the fire there is a need to enlarge the normal prescribed diameter of the fire breaks.
- The Committee highlighted the importance of cordial civil-military relations during such disasters, in order to foster collaborations with local communities in dealing with challenges of this nature.
- The Committee queried whether the Department has insurance cover for its equipment in the event of accidental loss? The DOD informed the Committee that none of its prime mission equipment is insured due to inherent dangers associated with the military.

- The Committee applauded the SANDF for the efforts of soldiers in fighting the ferocious fires. The Committee made an observation that due to the capacity constraints, the intensity of the fire and speed of the wind, there is not much that the soldiers present could have done better to prevent the losses suffered. The Committee also noted the instituted Board of Inquiry into the matter and called on the Report to be made available to the Committee once it has been finalised.

## **8. Tour of the facility**

Having concluded the briefing meeting and deliberations on the matters, the Committee was thereafter taken to the vast training area where the fire occurred. The Committee was briefed by Officers Commanding who were present on the scene of the fire. The Officers Commanding narrated the events which took place on the day, setting out how they picked up the fire, what actions were taken to combat the fire and how the six soldiers died.

## **9. Recommendations**

The Committee made the following Recommendations:

- While the Committee is aware of the effects of the current budget cuts on the Department of Defence, the Committee calls on the Department to prioritise the measures instituted to ensure the safety of soldiers at the SA Army Training Centre. The Committee recommends that the Department of Defence must capacitate the fire-fighting unit within the SA Army Combat Training Centre with the required equipment and personnel in order to adequately respond to the frequent fires within the area.
- Noting that the SA Army Training Centre is about 158 000 hectares, the Committee recommends that the Department of Defence utilises technology to monitor the vast terrain within the training area through the use of drones and video-camera surveillance, particularly along the perimeter fence.
- The Committee further recommends that the SANDF revises its standard operating procedures for measures to prevent fires and prevent escalation of fires, including the diameter or size of fire-breaks, the frequency of drills and inspections and related training.
- The Committee recommends that the Department of Defence explores the possibility of instituting a legal claim against the mine, from whom it is suspected that the fire emanated from, provided that culpability has been determined by the Board of Inquiry.

***Report to be considered.***

## **5. REPORT OF THE PORTFOLIO COMMITTEE ON MINERAL RESOURCES AND ENERGY ON PUBLIC HEARINGS ON THE ELECTRICITY REGULATION AMENDMENT BILL [B23 – 2023] HELD FROM 26 SEPTEMBER 2023 – 29 FEBRUARY 2024, DATED 09 FEBRUARY 2024**

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## 1. INTRODUCTION

The Portfolio Committee on Mineral Resources and Energy (hereinafter referred to as the Committee) derives its role from the mandate of Parliament. The mandate of Parliament is based on the provisions of the Constitution of the Republic of South Africa, 1996, which among other things establishes Parliament, as well as the Rules of Parliament.

The role of Parliament through its Portfolio Committees is to:

- Process legislation introduced by the corresponding Minister, or referred to it by resolution of the House, and where necessary initiate legislation.
- Oversee the work of the corresponding Department and associated institutions.
- Make policy recommendations in the portfolio based on wider public consultation where necessary.
- Engage the Executive on related international matters.

In this regard, Section 59 and 72 of the Constitution states that Parliament must openly conduct its business and hold its sittings in public. Parliament is forbidden from excluding the public and the media from the sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society. Thus, Parliament cannot validly make law without considering the need to facilitate some form of public participation. Public participation is the process by which Parliament consults with the people before decisions are made.

In line with its mandate of processing legislation, the Committee conducted Provincial Public Hearings from 26 September 2023 to 29 January 2024 in nine (9) provinces, listed in Table 1. The decision of the Committee to conduct public hearings (both nationally and provincially) was premised on the general principle of the South African Constitution which asserts that South Africa is a constitutional democracy that upholds representative and participatory democracy. The Committee's public participation process was also guided by Parliament Public Participation Model, which provides a legislative framework that fortifies public participation in Parliament.

**Table 1: ERA Provincial Public Hearings Dates and Municipalities**

Province	Municipality	Dates
Limpopo	<ul style="list-style-type: none"> <li>• Collins Chabane Local Municipality</li> <li>• Greater Giyani Local Municipality</li> <li>• Elias Motsoaledi Local Municipality</li> <li>• Bela Bela Local Municipality</li> </ul>	26 – 29 September 2023
Mpumalanga	<ul style="list-style-type: none"> <li>• Nkomazi Local Municipality</li> <li>• Msukwaliga Local Municipality</li> <li>• Thembisile Hani Local Municipality</li> </ul>	02 – 04 October 2023
North West	<ul style="list-style-type: none"> <li>• Naledi Local Municipality</li> </ul>	06 – 09 October 2023

	<ul style="list-style-type: none"> <li>• JB Marks Local Municipality</li> <li>• Moses Kotane Local Municipality</li> <li>• Ramotshere Moiloa Local Municipality*</li> </ul>	
Northern Cape	<ul style="list-style-type: none"> <li>• Dawid Kruiper Local Municipality</li> <li>• Emthanjeni Local Municipality</li> <li>• Gasegonyana Local Municipality</li> <li>• Sol Plaatjie Local Municipality</li> </ul>	24 – 27 October 2023
Free State	<ul style="list-style-type: none"> <li>• Mangaung Metropolitan Municipality</li> <li>• Matjabeng Local Municipality*</li> <li>• Dihlabeng Local Municipality*</li> <li>• Metsimaholo Local Municipality</li> </ul>	28 – 31 October 2023
Gauteng	<ul style="list-style-type: none"> <li>• Mogale City Local Municipality</li> <li>• City of Johannesburg Metropolitan Municipality</li> <li>• Ekurhuleni Metropolitan Municipality</li> <li>• Tshwane Metropolitan Municipality</li> </ul>	04 – 07 November 2023
Western Cape	<ul style="list-style-type: none"> <li>• Cederburg Local Municipality</li> <li>• Breede Valley Local Municipality</li> <li>• Overstrand Local Municipality</li> <li>• City of Cape Town Metropolitan Municipality</li> </ul>	10 – 13 November 2023
KwaZulu Natal	<ul style="list-style-type: none"> <li>• Newcastle Local Municipality</li> <li>• Okhahlamba Local Municipality</li> <li>• KwaDukuza Local Municipality</li> <li>• Umzimkhulu Local Municipality</li> </ul>	21 – 24 November 2023
Eastern Cape	<ul style="list-style-type: none"> <li>• Matatiele Local Municipality</li> <li>• Mhlontlo Local Municipality</li> <li>• Enoch Mgijima Local Municipality</li> <li>• Nelson Mandela Bay Metropolitan Municipality</li> </ul>	27 – 30 November 2023

\* **Dihlabeng Local Municipality:** Committee had to do a follow up on 26 January 2024 as mobilisation was not done at the time that the Committee had visited the municipality.

\* **Matjabeng Local Municipality:** Committee had to do a follow up on 27 January 2024 as mobilisation was not done at the time that the Committee had visited the municipality.

\* **Ramotshere Moiloa Local Municipality:** Committee had to do a follow up on 29 January 2024 as mobilisation was not done at the time that the Committee had visited the municipality.

## **1.1 Purpose of the Public Hearings**

As mentioned above, public hearings are part of Parliament’s public participation process in which members of the public are given an opportunity to give inputs on a Bill, in this case, the Electricity Regulation Amendment Bill [B23 – 2023]. Members of the public may raise issues, comment, critique/challenge, and make recommendations on the provisions of the Bill. The Committee thereafter drafts a report for each province which will be used during the formal stages of the Bill process when the Committee deliberates on all the inputs it received from provincial public hearings.

## **1.2 Overview of the Electricity Regulation Amendment Bill [B23 – 2023]**

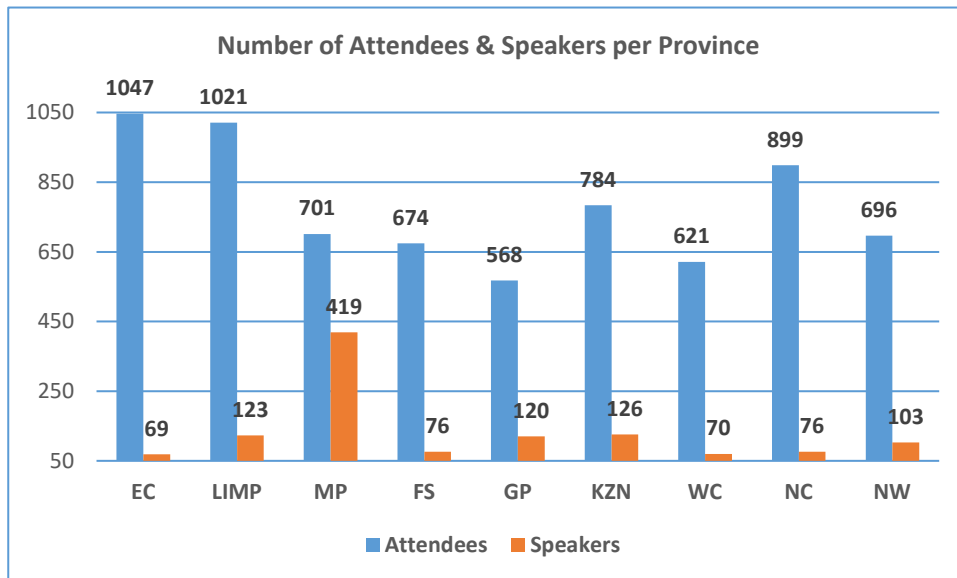
The Bill seeks to: “amend the Electricity Regulation Act of 2006, so as to delete, amend, and insert certain definitions in order to; provide for the application of the Act; to provide for the National Energy Regulator to consider applications for licences and the issue of licences; to provide for revocation and deregistration of licences; to provide for additional electricity, new generation capacity and electricity infrastructure; to provide for the establishment, duties, powers and functions of the Transmission System Operator SOC Ltd and transitional measures; to provide for an open market platform that allows for competitive electricity trading; to assign the duties, powers and functions of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd; to provide for delegation and assignment; to provide for offences and penalties; and to provide for matters connected therewith”.

## **2. STATISTICAL ANALYSIS OF THE PUBLIC HEARINGS**

### **2.1 Number of attendees and speakers**

There were **7 011** participants who attended the public hearings across the nine (9) provinces. Of the 7 011 participants, 1 182 made oral/written submissions to the Electricity Regulation Amendment Bill.

Figure 1 below shows the number of people who attended and those who delivered oral submissions at the public hearings in each province.

**Figure 1: Total Number of Attendees and Speakers per Province**

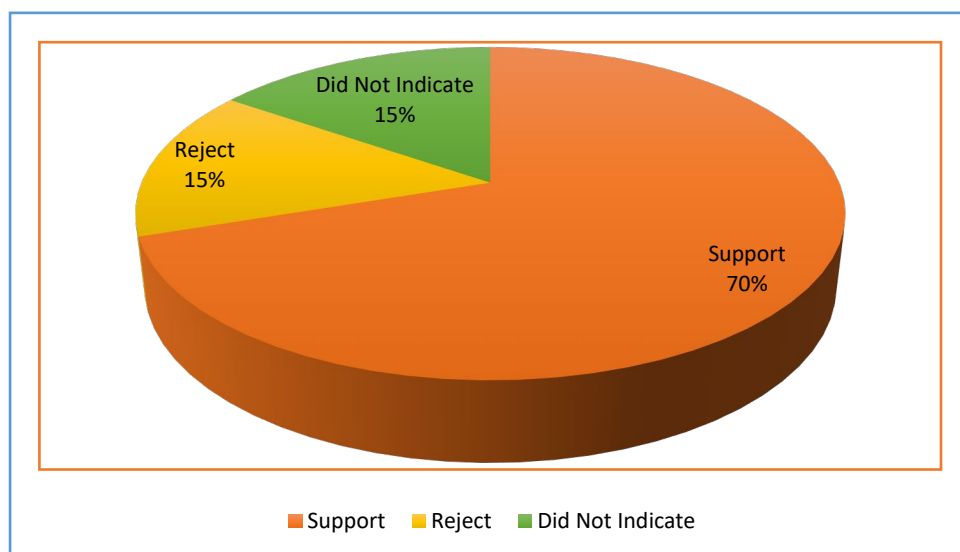
As shown in Figure 1 above, the Eastern Cape Province had the greatest number of attendees (n=1 047) followed by Limpopo at (n=1 021) attendees, Northern Cape (n=899), KwaZulu Natal (n=784), Mpumalanga (n=701), North West (n=696), Free State (n=674), Western Cape (n=621). The province that had the least number of attendees was Gauteng province at (n=568) attendees.

Mpumalanga province had the most speakers (n=419) followed by KwaZulu Natal at (n=126) speakers. Limpopo (n=123), Gauteng (n=120), North West (n=103), Free State and Northern Cape (n=76), respectively, Western Cape (n=70). Eastern Cape Province had the least number of speakers at (n=69).

## 2.2 Speakers views of the Electricity Regulation Amendment Bill

Figure 2 shows that, overall, there were more speakers who were in support of the Electricity Regulation Amendment Bill across the Provinces.

**Figure 2: Speakers' views (%) of the Electricity Regulation Amendment Bill**



As evident in Figure 2 above, overall, the Electricity Regulation Amendment Bill was explicitly supported in the country by 70 percent, fifteen (15) percent rejected the Bill. About 15 percent of the speakers did not indicate whether they support or reject the Bill.

### 2.3 Synopsis of the reasons for support or rejection of the Bill

This section summarises the reasons provided by the participants for either supporting or rejecting the Bill. As stated above, about 70 percent of the participants supported the proposed Electricity Regulation Amendment Bill. Several reasons for the support of the Bill were shared with the Committee and these included the following:

- According to the participants, Eskom has failed to provide electricity to South African citizens. This is illustrated by the persistent loadshedding and corruption that the utility is confronted with. Consequently, participants were of the view that it is opportune time that the market is opened up, to allow Eskom to compete with other electricity generators. Participants are of the opinion that competition would encourage Eskom to be more effective and efficient than is currently the case, and that more players in the electricity generation space will assist a great deal in dealing with loadshedding.
- Participants were hopeful that the Bill will help address electricity infrastructure issues which result in many communities not having access to electricity. The infrastructure issues include overloaded transformers which at times burn, leaving residents with no electricity for months.
- Participants were pleased with the fact that the Bill allows them to self-generate electricity and sell excess electricity to the Transmission System Operator.
- The Bill was also supported by the participants because of the understanding that its implementation would bring about employment creation and business opportunities.
- The expanded powers of the National Energy Regulator of South Africa (NERSA) were welcomed by the participants.

- The Bill was also supported with the understanding that electricity generated by the Independent Power Producers (IPPs) will largely be from renewable sources, therefore in line with the global commitments to reduce carbon emissions, and to mitigate against the adverse effects of climate change.

As shown in figure 2 above, about 15 percent of the participants did not support the Bill, and they cited the following reasons, amongst others:

- From those who opposed the Bill, there was a strong view that the Bill attempts to privatise Eskom under the guise of restructuring and reform. It was submitted that Eskom is failing because Government failed to build new generation capacity on time. It was therefore proposed that the current structure of Eskom must remain, and for Eskom be supported in order to provide enough supply of electricity for the country as opposed to being assisted by the private sector.
- There was also a strong opposition to the introduction of the Independent Power Producers (IPPs). It was submitted that Eskom is being rundown deliberately to make way for the IPPs. There are fears that the interest of the private sector is to make profit, therefore, the price of electricity might be higher instead of being lower as result of the amendments. A related point or an emphasis made was that “the Bill fall short of South Africa’s development goals, undermine constitutional provisions and place profit driven motives as a primary principle in terms of the generation, transmission, and distribution of energy”.
- Moreover, participants of the view that the Bill is drafted in such a way that it promotes green energy. Therefore, there were strong proposals that the coal is abundant in South Africa, it should remain the source for the supply of electricity.
- Participants reported that they lost confidence in NERSA and its ability to protect the communities. It is alleged that its decisions on electricity prices favours the haves at the expense of have-nots.
- It was submitted that Free, Prior, Informed Consent was not practiced in processing the Bill. It was stated that the time between the advertisement for the public hearings and the actual hearing was short. Therefore, this would have limited people in terms of understanding the Bill, to meaningfully participate in the public hearings.

This section dealt with the overview of the reasons for supporting or not supporting the Bill. The subsequent section deals with specific comments or proposals made directly linked to the sections of the Bill.

### **3. KEY EMERGING ISSUES ACROSS PROVINCES**

As alluded to above, this section discusses key comments or proposals directly linked to the sections of the Bill which emerged from the provincial public hearings. Of importance is for the Committee to consider and deliberate on the underlying reasons given for the issue raised. These will need to be responded to by relevant government departments. Thereafter, the Committee based on the responses and at times guided by the Parliamentary Legal Advisor

will have to determine how and which of the issues raised can be incorporated into the Bill. There were also recommendations raised by speakers, which the Committee will also need to consider as it deliberates on the issues raised.

### 3.1 Memorandum on the objects of the Bill

**Summary of the provision:** *Clause 2 of the Bill seeks to amend section 2 of the Act, to substitute the words ‘South Africa’ for the word ‘Republic’.*

It was asked why it is necessary omit "South Africa" and add "Republic". It was stated that this hints at some sinister hidden agenda, like changing the name of the country! It was asked what is wrong with Republic of South Africa (RSA). Thus, recommendation is that the full name “Republic of South Africa” be used.

**Summary of the provision:** Reference was made to clause 3.20(3) in the memorandum. The clause read as follows: *“The proposed insertion of the new section 21(3A), (4A), (4B) and (4C) into the Act seeks to ensure that there will not be discrimination between different generators or customers in relation to dispatching or balancing the system. Balancing the system refers to the process of ensuring that electricity consumption matches the electricity production of the electrical grid (the system) at any moment. Third party access to the transmission and distribution power system will be based on published tariffs, applicable to all eligible customers, and applied objectively, without discrimination between system users. The operation of the system must be transparent, non-discriminatory and in line with market-based procedures”.*

The proposal from the speaker was the competition with Eskom must be as transparent as possible.

### 3.2 Definitions

**Summary of the provision:** *Clause 1 provides definitions. Clause 1 of the Bill seeks to amend section 1 of the Act, to provide for the insertions, amendments, and deletion of certain definitions in section 1 of the Act, in order to assist with the interpretation of the Act. The proposed insertion of new definitions seeks to provide clarity on the meaning of the concepts introduced in the Bill under new provisions providing for a competitive electricity market. The following comments and recommendations were made in respect of the definitions:*

- **Direct Supply Agreement:** It was submitted that although the 2022 and 2023 Amendment Bills introduce a definition of ‘direct supply agreement’, the definition excludes generators, traders, and the system operator as customers. Therefore, it was proposed that the proviso to the definition must include generators and traders. It was also proposed that NERSA should not regulate the prices of private generators or traders where these private generators or traders are selling to other generators or traders. It

was further submitted that the definition should include the Central Purchasing Agency (CPA) and market operator.

- **Physical Bilateral Transaction:** Amendment Bill defines a physical bilateral transaction as a “transaction entered into by generators, customers, and traders for energy production which involves the conclusion of a power purchase agreement through a central purchasing agency to meet demand and supply as required by the system operator”. The speaker was of the opinion that the term ‘physical bilateral transaction’ seemed misleading in the context of the system operator balancing demand and supply, and asked if there are no ancillary services because it is to stabilise the system? Would distributors not wish to have these ancillary services? In a scenario in which the CPA procures electricity to balance demand and supply, is this bilateral? The speaker further submitted that the word ‘physical’ seemed misleading and should be deleted. The speaker therefore proposed that the wording should rather be ‘national bilateral transaction’ or ‘public bilateral transaction’ because it has to do with national interests of balancing the grid. The definition should refer to the CPA, not a CPA.
- **Regulated Transactions:** The 2022 and 2023 Amendment Bills introduce a definition of ‘regulated transactions’ as ‘transaction that requires regulatory approval or oversight, specifically where the exercise of market power is likely or evident (for example network charges). The speaker understood ‘regulated transactions’ to be transactions that have their tariffs set by NERSA. It was submitted that the definition is misleading because it could include any project that needs to be registered. ‘Unregulated’ means private and bilateral, and ‘regulated’ means with a regulated entity like the central purchasing agency. This must be clarified.
- **Transmission Development Plan (TDP):** The 2022 Amendment Bill defines the TDP as the plan for the development of the national transmission power system referred to in sections 34(6), (7), 34(B)(3) and 35(3A) and states that the System Operator is responsible for the development of the TDP (Section 34(B)(2)). The 2023 Amendment Bill deletes this section, as well as the definition of the TDP. Provisions around the mechanics of the development of the TDP have also been deleted. The TDP is referred to in the 2023 Amendment Bill, but it is not defined by name. The speaker recommended that the definition be reinstated with correct cross-referencing.
- **Central Purchasing Agency (CPA):** It was asked how will local municipalities collaborate with the CPA? How will this definition affect the relations between municipalities and Independent Power Producers (IPPs)?
- **The day-ahead market:** The 2022 Amendment Bill expressly proposed the introduction of the ‘day-ahead market,’ which is the platform for trading electrical energy. Market participants shall (a) trade energy in the day-ahead market; and (b) supply reserve capacity in the day-ahead reserve market. The introduction of a day-ahead market was a welcome addition to the 2022 Amendment Bill, as it assists in

creating an open market of electricity trade in South Africa. The 2023 Amendment Bill deleted express reference to a ‘day-ahead market,’ and the definition of the term has been deleted. However, section 34(B)(3)(c)(i) may be sufficiently broad to allow for the market operator to determine the market, which may include a day-ahead market based on what best ‘ensures effective and secure operation of the industry’ and the power to determine appropriate time scales. The speaker requested that there should be clarification regarding the meaning and scope of this provision.

### 3.3 Offences and penalties

**Summary of the provision:** *Clause 30 of the Bill seeks to insert sections 35A and 35B in the Act. The Act is silent and does not have provisions on the delegation and assignment of powers and duties, as well as provisions on **offences and penalties** for contravention of the Act. This omission renders the Act not to be aligned with similar legislation, which contain these provisions. Key areas contained in this clause to which most participants commented on is provision that says that “Any person who is convicted of an offence referred to in subsection (1) shall be liable to a fine not exceeding R1 000 000,00 or to imprisonment for a period not exceeding five years or to both such fine and imprisonment. The contraventions being referred to is when a person (a) operate any generation, transmission or distribution facility; (b) import, or export any electricity; **[or]** (c) be involved in trading[.]; (d) be a market operator; or (e) engage in system operation without the appropriate licence issued by NERSA, These also include any person who makes any false or misleading statement to the Regulator in connection with any matter contemplated in the Act; or without lawful authority, damages, removes or destroys any transmission, distribution or reticulation cable, equipment or infrastructure.*

The proposed penalties in respect of the listed offences were welcomed by the majority of the participants. Varying proposals were made as summarised below:

- **One million fine:** various proposals were brought forward such the penalty fee should be R100 million, R50 million, R20 million, half a million (R500 000) R15 000 thousand.
- **Imprisonment:** Ten years (10) and fifteen (15) years were proposed, whilst few were in support of the 5 years as proposed in the Bill.

It is important to note that some participants were of the view that the fine should be scrapped, and perpetrators be imprisoned for life. Others proposed that the fine should be determined or be relative to the crime committed at particular time – such as it should not be a blanket approach. However, across the nine (9) provinces, emphasis was that punishment for the theft and vandalism of electricity infrastructure should be harsher because of the devastating impact it has on the economy of the country as well as the South African citizens. With regards to cable theft, it was proposed not only those who steal the cables should be arrested, the buyers should also be arrested.

### 3.4 The National Energy Regulator of South Africa

**Summary of the provision:** The Bill confirms that the Regulator or NERSA is the body which oversees the licensing of electricity generation, transmission, distribution, and the import and export activities relating to the trading activities; Ensures that the Regulator has the power to issue, withdraw, suspend and revoke licenses including powers to monitor and place license conditions to ensure compliance; Extends the scope of licensable activities to include market operator and system operators participating in a competitive market; Removes the power for the Regulator to regulate prices but retains the power to set tariffs, and the power to issue rules focused on implementing the national government's electricity policy framework, and the Integrated Resource Plan (IRP 2019); Is amended to align with the transformation of the electricity market so as to ensure returns commensurate to the risk of the licensed activity. The new provisions of section 15(1A) and 15(1B) states that when tariffs are determined they must take into account planned projects that are reflected in the IRP 2019 and the Transmission Development Plan (TDP); Also introduces a dual or hybrid form of determinations, as the Regulator is empowered to set separate tariffs for each of the vertically integrated license activities that emanate from the monopoly market of Eskom; States that a license holder may not charge a customer any tariff other than the tariff set out and approved by the Regulator. However, as a competitive market is being introduced and license holders must be able to set competitive pricing without being bound to tariffs - the ERA Bill provides an exemption in this regard; and Permits a license holder to charge a tariff that has not been set or approved by the Regulator only where that tariff is charged pursuant to a direct supply agreement or is an outcome of a competitive market.

#### 3.4.1 *Electricity pricing*

- A concern was raised about the provision that removes the power of NERSA to regulate prices but retains the powers to set approve tariffs. The fear is that electricity prices may be manipulated – clarity was sought on this.
- Several issues were raised regarding the electricity pricing structure and the frustrations it brings about to the consumers. The inconsistencies in the prices of electricity between customers supplied by Eskom versus those supplied by the municipalities. It was reported that electricity in areas supplied by the municipalities is more expensive than in Eskom supplied areas. Speakers asked if it was not possible for people to choose the supplier of their choice. It was added that spaza shops illegally add a R1 and R2 from the approved electricity price, and this is a problem as it makes electricity even more expensive for the residents.
- It was submitted that the Bill must be clear on how price fixing by colluding cartels will be prevented.
- It was submitted that the NERSA must also be overseen by another structure, to ensure that prices are not manipulated.
- Speakers feared that with the rise of private electricity generation, the ability of NERSA to regulate tariffs in a manner that is affordable for the poor, the working

and middle classes, Small and Medium Enterprises (SMMEs) and the economy; will increasingly be under threat and possibly sacrificed at the altar of profits.

- it was submitted that the scope of NERSA must include consultations when tariffs are being increased and an explanation be provided to the communities on reasons for granting a particular tariff.
- Separate tariffs for residents and businesses were proposed.

### **3.4.2 Licensing, subcontracting**

- The fact that subcontractors will not be required to have licenses but will trade under the license holder (main company) was welcomed. However, there are fears of corruption and collusion, clarity was sought as to how will the subcontractors be monitored.
- It was submitted that subcontracting has proved to be a seriously thorny and highly contentious issue in the country over the past 20+ years - particularly with the likes of Eskom. It was therefore proposed that subcontracting must be clearly defined and limited, or permits can be legally transferred, including accountability. If a permit holder cannot perform the licence/permit must be withdrawn. Accountability and delivery must be key. No uncontrolled subcontracting should be permitted.
- It was submitted that where the holder already has caused problems but has subsequently transferred the right to someone else, the holder must still be held accountable. The speaker suggested that this must be regulated such that the license holder cannot do that until such time as problems are addressed before transferring.
- Reference was made to 3.10.2 and 3.11 on memorandum on the objects of the Bill. The former reads “*Section 11 of the Act requires an application for a license to be advertised. This provision may have unintended consequences where commercially sensitive information of an applicant may be disclosed. The proposed insertion of section 10(3) seeks to provide applicants with an opportunity to request the Regulator to treat their commercially sensitive information contained in an application for a licence confidential and not publicly disclose such information*”. And the latter reads “*Clause 11 of the Bill seeks to amend section 11 of the Act. Section 11 of the Act provides that a Regulator may require that an applicant publish a notice of the application for a license and must consider objections to the application. This provision, however, is silent on how the Regulator may require the applicant to publish a notice and does not provide for timelines within which the Regulator must deal with objections. This has presented challenges whereby applications have been kept in the process for consideration by the Regulator for unacceptably lengthy periods of time. The proposed amendment requires the Regulator to direct applicants to publish the application in writing. The proposed amendment further requires the Regulator to consider objections to applications within 30 days from the date of expiry of the time periods set out for receipt of objections. This seeks to improve the turnaround times for the consideration and finalisation of applications by the Regulator*”. The submission from the participant was that the Bill is silent on how the regulator must deal with

objections. The participant also urged that the issue of protection of commercially sensitive information as proposed in the Bill be relooked at. In relation to this, the speaker cited the issue of the different electricity prices between Eskom and the Municipalities, and the prices that are illegally added by the spaza shops on electricity prices.

### **3.5 Additional Electricity, New Generation Capacity, and Electricity Transmission Infrastructure**

Section 34 is a key section that has been amended significantly. The following comments and proposals were submitted:

- **Vesting contracts:** Section 34B(5)(c)(ii) of the 2023 Amendment Bill provides that it is a function of the CPA to conclude vesting contracts with Eskom generators and/or distribution licensees to manage the transition to a competitive market. The 2023 Amendment Bill defines vesting contracts as a contract between the National Transmission Company South Africa SOC Ltd and an Eskom generator or a distribution licensee, for the sale of a specified amount of electricity at a specified price as a mechanism to facilitate the transition to a competitive market. The speaker wanted an insight into the implications of the conclusion of vesting contracts. She said it is key that Eskom prices are competitive, and that the competitive market is retained. If vesting contracts result in Eskom having a guaranteed off taker, while the private market does not, the competitive market is undermined. The Eskom generation price should be regulated, and the pricing of these contracts must be approved by NERSA. The addition of the words ‘as approved by the Regulator’ would provide clarity in this regard.
- **The Central Purchasing Agency (CPA):** Section 34B (5) refers to a CPA. The speaker questioned how many central purchasing agencies there will be. Should this be amended to the CPA? Section 34B(5)(c) of the 2023 Amendment Bill is inconsistent with the definition of the CPA, which states that this entity is only formed for the duration of the transition to a competitive market. The Central Purchasing Agency’ is defined as an entity assigned to fulfil the role of the wholesale buyer to maintain system integrity during the transition to a competitive electricity market. The speaker proposed that the words ‘during the transition to a competitive electricity market’ be deleted from the definition, so that the CPA is not restricted to performing functions during the transition period.
- **Transmission System Operator (TSO):** It was submitted that the 2022 and 2023 Amendment Bills propose the establishment of the TSO, which will manage the competitive multi-market. The TSO will be responsible for transmission planning, operation, and control of the transmission system and market. The role of the TSO is highly relevant and important for future electricity supply and regulation. Although the establishment of the TSO remains the same in both Amendment Bills, the functions of the TSO differ. The functions of the TSO under the 2023 Amendment Bill are less clearly delineated. Multiple functions (transmission expansion plan, forecasting, and

dispatch schedules) that were included under the role of the TSO in the 2022 Amendment Bill do not appear in the 2023 Amendment Bill. Additionally, Whilst the establishment of the TSO was welcomed by some speakers, there are concerns of corruption, especially that the TSO will be 100% State Owned and a subsidiary of Eskom.

- **National Transmission Company South Africa (NTCSA) SOC Limited:** To avoid ambiguity and any confusion, it was recommended that the proposed NTCSA SOC Ltd be amended to the National Generation, Transmission and Distribution Company South Africa SOC Ltd (NGTDC-SA) as all three functions are envisaged in the draft Bill.
- It was also proposed in Clause 27 where it states the minister **may** make determinations, “may” be changed to “must”.

### 3.6 Embedded generation

**Summary of the provision:** Clause 3 of the Bill seeks to insert the new section 2A into the Act. Pursuant to the Presidential pronouncement of 25 July 2022 and the promulgation of the amendment to Schedule 2 of the Electricity Regulation Act: Licensing Exemption and Registration Notice, 2023, the licensing threshold to apply for and hold a license for generation facilities in terms of the provisions of the Act has been removed and there is now a complete exemption from the obligation to apply, and hold a licence, for generation facilities. Generation facilities are only required to register with the National Electricity Regulator of South Africa (the “Regulator”). The proposed amendments seek to provide clarity and provide the distinction of when the provisions of the Act are applicable and when they are not applicable.

The fact that the Bill allows stakeholders to generate electricity for own use and the ease of doing this that is provided for in the Bill was welcomed by most participants. However, there was a specific comment on this from one speaker. The speaker raised concerns regarding this new provision as follows:

- **Embedded generators no longer need to apply for licenses but only needs to register and they can also sell surplus energy back to Eskom:** The speaker did not agree with this. He argued that this can cause non-compliance in terms of the National Grid Code Compliance and entities/municipalities that might have Power Purchase Agreements (PPA’s) with IPPs can be exposed also to non-grid compliant electricity and he proposed that extra measures be put in place. He added that this can cause extra operational and capital to already struggling municipalities.
- **Not part of the Bill –** The speaker further submitted that he did not see much support for municipalities that envisage entering into a long-term power purchase agreement with IPPs because of the applicable legislation that guide and also limit these processes.

### 3.7. A Local Government Perspective

The migration of consumers to alternative energy solutions, with specificity to renewable energy is on an upward trend due to interrupted energy supply from the national grid. There are advantages and disadvantages to migration from traditional methods of energy producing and consumption, in the main, the “behavioural” change of consumers.

There are some concerns that were raised from a local government point of view relating to alternative energy and renewable energy. It was argued that in local government, there are a lot of aspects that are linked to safety and some related to revenue at a broad level. The below are suggestions that are to be considered to find expression in the proposed amendments from a technical and operational point of view which are more to be reflected in the grid codes.

- Request to consider the insertion of a definition of “**Anti-Islanding**” which means the ability of an EG system installation to instantly and automatically disconnect the generator from the local utility grid whenever there is a power outage or interruption in the utility grid, thus preventing the export of electricity to the utility grid from the Embedded Generator (EG). This promotes safety to the public. This should filter through other relevant documents such as the grid code.
- Request to consider the insertion of a definition of “**Grid impact Study**” which means a study of impact in capacity and load of the main grid when being connected to a new or another source of electricity energy. This will allow local authorities to assess what risks there may be to their networks. This should filter through other relevant documents such as the grid code.
- Request to consider the insertion of a definition of “**Grid-tied**” which means an Embedded Generator (EG) that is connected to the utility electricity grid either directly or through a consumer’s internal wiring is said to be “grid-tied”. The export of energy onto the utility grid is possible when generation exceeds consumption at any point in time. Such consumers would rely on the utility grid to supply them with electricity when their instantaneous generation is insufficient to supply their instantaneous consumption. This aligns to promoting safety of the public. This should filter through other relevant documents such as the grid code.
- Request to consider the insertion of a definition of “**embedded generator**” and suggest that it be defined as follows and find expression in all relevant legislation like the grid code.

**“Embedded Generator”** *An entity that either operates one or more Unit or Units that is connected to the distribution system, or that desires to connect one or more Unit or Units to the distribution system; which include energy conversion device(s), static power converter(s), if applicable and the control and protection gear within customer’s network that operates in synchronism with the utility’s network; (which requires to. Be considered for approval before commissioning.*

- No comment on the definition of “integrated resource plan” however the insertion of a definition of “**local integrated resource plan**” [established by the local sphere of government to give effect to] for electricity generation, which aligns to national policy on electricity planning, which plan specifies the types of energy sources and

*technologies from which electricity may be generated and indicates the amount of electricity that is to be generated from each of such sources or technologies.*

- To consider including the definition of “**bi-directional meter**” and it is suggested that it reads as such “**bi-directional meter**” A meter that separately measures electricity flow in both directions (import and export). Such a meter displays the balance of the imported and exported electrical flow energy in a single register meter (net metering) or displays both imported and exported electrical flow energy in separate registers. We believe that reverse power flow does impact the municipal electricity infrastructure and if there is too much reverse power flow onto the municipal grid / electricity infrastructure, it may have an adverse effect to the safety of officials and the integrity of the electricity network. With increasing levels of distributed renewable energy being brought online, many electric utilities are having to find effective ways to keep the distribution network stable while power is flowing in the reverse direction. Traditional power system networks were designed for accepting power flow from generation to load via transmission and distribution networks. With the shift in the demand for energy, the traditional power system as we know it, is shifting its dynamics to accommodate the renewable energy resources. The penetration of the distributed energy resources on distribution and transmission networks is disrupting the traditional power flow to become bidirectional. This does impact infrastructure such as municipal transformers. Unfortunately, this does link back to the stores component of municipalities therefore procuring infrastructure that can handle reverse power flow would be essential.
- **Power Market Participants:** Clarity was requested regarding the definition of “**Power Market Participants**” in the Bill, clarity is required on how it is that local government fits in this definition as local government is deemed being a participant in the power market. Alternatively, the word “*participant*” must be defined and must include local government. The view is that local government are participants in a power market.

#### 4. ISSUES OUTSIDE THE AMBIT OF THE BILL

A number of issues that were outside the ambit of the Bill were raised. Some of the issues which were outside the ambit of the Bill are summarised below.

- An issue of new Eskom meter boxes that consume too much electricity was reported.
- The issue of damaged transformers and vandalism of electricity infrastructure was a dominant theme. The consequence of these actions is that the majority of residents remain without electricity for a very long period. There were similar concerns in all areas regarding the poor response of Eskom when the communities have logged faults. The Eskom branches are reportedly not responding to people’s challenges. For instance, instead of fixing transformer or upgrading them to enable the increased load due to population growth, Eskom penalises residents, and ask them to pay an amount of R6000 for their electricity to be restored.

- An issue was also raised that farm dwellers remain unelectrified as the farm owners hinder the electrification process.

## **5. CONCLUSION**

The Committee concluded its nationwide public hearings programme on the Electricity Regulation Amendment Bill [B23 – 2023] on 29 January 2024. The public hearings process, in many ways, has enhanced Parliament to be able to deal with the Bill more efficiently, considering the views of the public into account.

## 6. APPENDIX 1: EVIDENCE SCHEDULE

### 6.1 Western Cape Province

<b>Day 1: Western Cape, Cedarburg, Citrusdal, Vicky Zimir Thusong Centre, 10 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Sandra Botha	Elderly Club Representative	Yes	The speaker asks whether it is legal for the municipality to cut off the electricity.
2.	Gert Alfred	Small Scale Farmers Representative	Yes	The speaker supports the penalties provisions related to damage to electricity infrastructure, and hopes that the Bill will be properly implemented
3.	Yolisa Mnyengeza	Small Scale Farmers Chairperson Cederburg	Yes	The speaker suggests that alongside solar should be the Liquefied Petroleum Gas (LPG) that is implemented in the RDP housing, which will assist with the stove and fridge appliances which use a lot of electricity. The speaker continues to suggest that in each community suppliers such as Afrox should be stakeholders, and these companies must subsequently create employment for the local community. The speaker mentions the need for abattoirs to work and mentions that they can only work effectively with sufficient electricity The speaker mentions that the charge of the penalties and offenses for damage to infrastructure must be treason charge not just theft.

4.	Randall September	Manager of Electro-Technical Services in Cederberg Municipality	N/A	<ul style="list-style-type: none"> <li>• <b>Private/licensed holders that wish to utilise the Eskom Grid can do so</b> - The Eskom Wheeling policy therefore needs to be relaxed in order for licensees to use the Eskom infrastructure. Another point is where Municipalities are intended or positioned to enter into a Power Purchase agreement with IPP's this will not benefit the intended purpose of having sustainable power even through load shedding.</li> <li>• <b>Embedded Generators no longer needs to apply for Licenses but only needs to register and they can also sell surplus energy back to Eskom</b> - I do not agree with this. This can cause non-compliance in terms of the National Grid Code Compliance and entities/municipalities that might have Power Purchase Agreements (PPA's) with Independent Power Producers(IPP') can be exposed to also non-grid compliant electricity and must therefore put extra measures in place. This can cause extra operational and capital to already struggling municipalities.</li> <li>• <b>Implementation of Solar/Renewable energy with the all future construction of RDP houses</b> - I agree and would like to thank you for this because it takes away a lot strain from the grid. The problem is just that this comes with an ongoing operational aspect with that and people than have to budget/provide financial assurance for this.</li> <li>• <b>Cable theft. R1 million fine or 5years imprisonment</b> - I do not agree with indicated sanctions because if someone</li> </ul>
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				<p>gets a good legal representative and might not even go to jail or be fined.</p> <ul style="list-style-type: none"> <li>• <b>Not part of the Bill</b> - I do not see much support for Municipalities' that envisage of entering into a long-term power purchase agreement with independent power producers because of the applicable legislation that guide and also limit these processes.</li> </ul>
5.	Wilfred Mayor	Clanwilliam	Yes	The speaker mentions that the monopoly that Eskom has can be diluted to the community. The speaker mentions that as the community is situated in between two rivers and asks whether the rivers can be used as an option to produce electricity from a natural energy source.
6.	Raymond Adams	Citrusdal Electric	N/A	The speaker mentions the risk of pricing not being regulated can cause a disadvantage to the community. The speaker mentions that the equipment for producing renewable energy for electricity is very high therefore the everyday person will not afford this form of electricity without financial assistance. The speaker mentions that the embedded system is the system used in the area and the challenge is that with the Bill it introduces the private sector and it will create a problem for the people in the area to produce electricity alongside the private sector players.
7.	David Goeieman	Clanwilliam	Yes	The speaker mentions that he would like to discuss the challenges around Eskom. The speaker mentions that all persons received free units from Eskom and now this no longer the case and asks why this is the case. The speaker mentions that there is no electricity access, including at the community centre. The speaker mentions the issue of cable theft which is very high in the community. The speaker asks whether Eskom can put systems in place to assist in this crisis

8.	Isaak Goes	-	N/A	The speaker mentions the electricity challenge for pensioners, explaining that the electricity can be cut off without prior knowledge, and that the units of electricity is less than the amount purchased. The speaker also mentions the problem of billing which does not indicate where the electricity goes when the units are less than the purchase price.
9.	Anna Lord	-	Yes	The speaker mentions that they do not have electricity access and the community is forced to go out and gather wood.
10.	Aleta Titus	-	N/A	The speaker mentions forced relocation and that they returned to the area to find nothing available.
11.	Sylvia Lucas	Elandsbaai	Yes	The speaker mentions support of the amendments of the Bill and specifically the aspects related to access to electricity for RDP housing. The speaker mentions that the penalty for damage to electricity infrastructure must be 30 years.
12.	Lulama	Elandsbaai	Yes	The speaker mentions the challenge in the community where electricity is cut due to non-payment however the non-payment is from people who are not employed, it is therefore not deliberate. The speaker mentions that the elder people are greatly impacted by lack of electricity access as the elderly people are now forced to fetch wood themselves.
13.	Mbuyisa Magidela	Clan William / Masekhane Small Scale Farmer	Yes	The speaker supports the Bill provided that the Bill will not negatively impact the community. The speaker mentions that the electricity challenge negatively impacts even access to water. The speaker mentions the need for the license approvals to not be cumbersome or have too much red tape.
14.	Lawrence Smit	Church Leader	Yes	The speaker supports the Bill as introduced.

15.	Anthony Mlata	Community Member	Yes	The speaker mentions that the Bill must include preferential provisions to those that cannot afford electricity due to socio-economic conditions.
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<b>Day 2: Western Cape, Worcester, Zwelethemba Civic Hall, 11 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Mimi Williams	Ward Councillor	Yes	The speaker mentions that she has clarity seeking questions. The speaker ask whether this Bill is about privatisation and the concern is that people will lose jobs if that is the case. The speaker mentions the licensing or bidding and whether this Bill enables a level playing field for all in the electricity sector to generate electricity. The speaker mentions that the municipalities are surviving as a result of Eskom and asks whether the municipality will buy the electricity from Eskom or other parties and for what price. The speaker mentions those involved in electricity infrastructure damage should carry a life sentence. The speaker asks what the Transmission System Operator (TSO) is and what it will do.
2.	Desiree Juup	Ward Councillor	Yes	The speaker mentions the concern of illegal connections in the community. The speaker asks where this must be reported and how must it be handled. The speaker mentions the issue of power cuts due to unpaid rates and electricity and asks whether this is permissible to do by the Municipality.
3.	Rev Nkosi	Holiness Ministries	N/A	The speaker mentions that the Bill is presented to the people within a short space of time and he is concerned as it is a complex Bill. The speaker mentions that Eskom is a parastatal and is operating

				<p>with tax payer's money, and the Bill now is suggesting for Eskom to be independent and operate without government. The speaker mentions that his understanding is that the Bill is introducing new players to compete in the sector, the speaker mentions that before this takes place Eskom must be decentralised in order for the provinces to generate their own electricity. The concern is that it is unclear which stakeholders will be in the sector to compete. The speaker concerned that foreign companies will be the license holders due to the fact that local companies do not have the required skills to operate in the sector. The speaker mentions that the Bill is at a high level and complex therefore it needs time to read and understand it.</p>
4.	Boyce Nyani	Ward 11	Yes	<p>The speaker mentions the issue of loadshedding which negatively impacts the community. The speaker mentions the concern of overcrowding and states that a report on the media stated that there is 19 million foreign nationals. The speaker believes this is more than what is reported because there is more illegal foreign nationals. Therefore, the loadshedding is caused and worsened by the foreign nationals. The speaker therefore asks for interventions from Parliament. The speaker adds that even some shops owned by foreign nationals sell electricity which is problematic when it is installed in the meter boxes. It is either that the units do not register or it is less than the amount purchased. The speaker asks if the Bill addresses this issue. The speaker mentions that the 5 years imprisonment is not enough for those that steal and damage electricity property.</p>

5.	Derek Arries	Langeburg Ward 07 / National Coloured Congress	N/A	The speaker mentions that the damage to infrastructure negatively impacts the community.
6.	Mbara Stemer	ANC	N/A	The speaker mentions the concern that Municipalities do not respond to complaints of electricity by the community. The speaker mentions conflict in the informal settlements due to access and availability of electricity therefore asks for each person to have their own access to electricity or own meter box.
7.	Xolani Cekiso	ANC	Yes	The speaker mentions that he is hopeful that the Bill will work for the people differently than the former Bill. The speaker mentions that he supports that Eskom must have competition which will help the electricity supply. The speaker mentions that the electricity infrastructure damage and stealing of copper cables should be 5 years and it is therefore sufficient as provided for in the Bill.
8.	Arnold Pekeur	Ward 12 Montegoue / National Colored Congress	Yes	The speaker mentions support of the Bill, although has issues. The speaker asks how the Bill will assist the poor especially with regards to building RDP houses. The speaker asks what the plans for renewable energy are. The speaker asks how Black Economic Empowerment (BEE) is going to be implemented in the Bill. The speaker asks whether the new players will be supplying electricity via renewable energy sources and what are the electricity solutions regarding solar and wind. The speaker asks how the IPPs will affect loadshedding, whether it will end as a result of opening up the sector to new suppliers. The speaker mentions that the theft of cables and damage of infrastructure should be treated like arson charges. The speaker mentions the need for severe punishment for cable theft and the scrapyards owners. The speaker mentions that

				there is a fluctuation of tariffs in the month, and this must be addressed and changed
9.	Joseph Jaftha	ANC	N/A	The speaker mentions that he has never had electricity access, as one of the first resident in the area. The speaker mentions that a fire was caused as a result of government's failure to provide access to electricity to the people and people forced to find alternative sources to cook and find warmth.
10.	Mr. Thulani Emmanuel	EFF	N/A	The speaker mentions concerns of certain provisions of the Bill. The speaker mentions concerns of the new players and whether they will be mostly foreign companies. The speaker mentions that to avoid this, the South African government must capacitate local companies to participate meaningfully in the sector. The speaker mentions that foreign companies do not have the development of South Africa in mind so this will be a problem in the long run.
11.	Zolani Hlatuka	-	Yes	The speaker mentions that he comes from a small township and is an entrepreneur and has ideas from this perspective. The speaker mentions the trouble is that he cannot email his idea as he fears that it will be stolen. The speaker mentions that when there is loadshedding there is a need for generators or solar energy which is not affordable for most of the community, however, has a solution to this which he will be happy to present to the relevant platform.
12.	Moses	Zwelethemba	Yes	The speaker mentions that he supports the introduction of competition. The speaker mentions that the SMME's must therefore be capacitated to be able to get licenses and be competitive in the sector. This will also allow for local companies to have the required skills and transfer it in the community. The speaker mentions concerns of different units when electricity is bought from Eskom directly and the Municipality. The speaker mentions that illegal

				connections are prevalent in informal settlements therefore government must ensure electricity access to settlements that develop in the area for more than 3 months.
13.	Jerome Cupid	National Colored Congress	N/A	The speaker mentions that the electricity bought at spaza shops and municipality provides much less units than what is paid for. The speaker also mentions that there is no response for reports of infrastructure damage by the municipality and Eskom.
14.	Phillip	Ward 17	Yes	The speaker mentions the need to look into the BEE status when companies are operating in the sector. The speaker suggests that foreign nationals must be excluded from participating in the competition of electricity sector.
15.	Sabelo Swartbooi	Zwelethemba	N/A	The speaker mentions he struggles to accept the Bill as he believes Eskom has the capacity and ability to provide electricity to the nation. This is noted during the 2 weeks of the Rugby World Cup when there was electricity without loadshedding. The speaker mentions that if this Bill is accepted Eskom will be like the South African Airways (SAA), Post Office etc., which means the community will suffer as a result. The speaker mentions that the Minister of Finance mentions writing off the debt of Eskom which means that the entity will be able to manage its operations moving forward. The speaker mentions that the theft of copper cables must be addressed harshly therefore suggests a much higher sentence than what is suggested in the Bill.
16.	Francina Booysen	Robertson	N/A	The speaker mentions that the Municipality implements power cuts without any prior warning. The speaker mentions that this is concerning for vulnerable persons especially for those that qualify for subsidies which takes a couple of years to register and in the meantime cannot afford electricity, but power is cut off. The

				speaker mentions that the Municipality charges R2000 to activate the account for the meter boxes which is not affordable for grant recipients.
17.	Portia Allam	ANC	Yes	The speaker states the copper cable thieves must be arrested. The speaker mentions that Eskom must have competitors. The speaker mentions the need for youth to be trained and for skills development – that this must be addressed in the Bill. The speaker also mentions that the electricity units bought from spaza shops is less than the purchased price. The speaker mentions that prior warning must be given before power cuts as the lack of communication negatively impacts the community
18.	Anthony Richards	-	N/A	The speaker mentions that serious steps must be taken against those that steal cables and damage infrastructure. The speaker mentions that reports of infrastructure damage are not being attended to by government. The speaker mentions that the number units being deducted from the amount paid for electricity must be explained
19.	Cynthia Tongiwe	Ward 16 Worcester	Yes	The speaker supports the copper cables theft must lead to arrests and must be addressed harshly because its impact is far reaching. The speaker mentions the need for skills development and education on the sector to the youth. The speaker mentions the need for the Portfolio Committee on Mineral Resources and Energy (PCMRE) to look into the sale of electricity by the foreign nationals.
20.	Mlungisi Mnceka	Ward 16 Worcester	Yes	The speaker supports the Bill, however, mentions that there are some fears/concerns. The concern is who exactly benefits from the provisions which are based on past experience is typically those that are already wealthy. The arrest of those that damage and steal cables is welcomed but it is important to look into how to regulate the

				industry to ensure that those that generate electricity are lawfully generating electricity. There is a need to provide a sentence for the companies that are generating energy illegally not just the ones that damage infrastructure and steal cables. The speaker mentions the concern and request interventions of the electricity sold by foreign nationals which is very expensive, and sometimes doesn't work in the meter box. The speaker mentions the need to include monitoring and evaluation clauses in the Bill to ensure that the Bill is working as it supposed to be.
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<b>Day 3: Western Cape, Overstrand, Multi-Purpose Centre Hermanus, 12 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Masibongwe Sihlahla	Ward 12 Councillor	Yes	The speaker mentions that the community faces a lot of challenges as a result of electricity access and significant amounts of loadshedding. The speaker mentions that a number of the economic sectors in the country need transformation. The speaker mentions that the Bill seems to be positive and will bring about the necessary change. The speaker mentions that he is happy to see that the Bill does not privatise Eskom which would be something he would not be able to support given that it will not help the people. The speaker mentions that the Bill will assist in the transformation of the sector and assist the people to be part of the economy therefore supports the Bill.
2.	Dereck van der Spuy	Overberg District / Traditional Leader	Yes	The speaker mentions that he represents the royal house and makes submissions in this regard. The speaker mentions support for the

				legislation as it will promote employment for the youth. The speaker mentions the importance of the royal house to work with the government with regards to land.
3.	Peter Heskwa	Military Veterans/ Traditional House in Overberg Representative	Yes	The speaker mentions support of the Bill only if the penalties and offences provisions are changed from 5 years of the criminal sentence to rather 20 years, and the 1 million fine is changed to a 20 million fine.
4.	Myfannwyn Strauss	South African Civics Organisation (SANCO) Overberg	No	The speaker mentions that people are already struggling with Eskom and electricity. Therefore, the speaker asks what additional players will do differently.
5.	Lukhona Buyephi	Ward 7	Yes	The speaker mentions the South African population requires additional electricity due to the increased demand. The speaker mentions that the new generation capacity and infrastructure is long overdue and therefore supports that the Bill facilitates this. The speaker welcomes the IPP's assisting Eskom as Eskom already has its own challenges.
6.	Gcinile	ANC	Yes	The speaker mentions support if Eskom will take the lead, whilst being supported by the additional role players. The speaker mentions that Eskom does not have the capacity to ensure access to electricity to all, but the additional role players will assist in this regard. The speaker mentions that the stealing of cables and infrastructure damage is a big challenge in the community. The speaker mentions that the big corporates are the ones perpetuating the cable theft and Parliament must look into this. The speaker mentions that R1 million is too little and suggests 2 million.
7.	Gcobani Cetyiwe	SANCO	No	The speaker mentions that Eskom exists with Ministries responsible to look into the electricity crisis therefore the Bill is not relevant to

				the issue of electricity, therefore the suggestion is to use the skills and resources to enhance the existing departments and Eskom.
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<b>Day 4: Western Cape, Langa, 13 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Veronica Mngomezulu	Hout Bay	Yes	The speaker mentions that the community is not aware of the Bill, that sufficient time was not given on the contents of the Bill. The speaker mentions that the jargon of the Bill is technical therefore there is a need for education on the sector and the Bill as well. The speaker mentions that some people such as pensioners are not able to afford electricity and the Bill must address these issues.
2.	Lulamile Mqeke	Hout Bay	Yes	The speaker mentions that the electricity boxes in the community are open and very dangerous especially for children. The speaker mentions that his box sometimes works, and other times does not, and when he reported this, he was told to pay a fee which he can't afford. The speaker mentions exposed or open poles which are dangerous and risks of electrocution. The speaker mentions that the unemployed youth must be trained in the sector.
3.	Myolisi Magitisela	SANCO Khayalitsha	Yes	The speaker mentions that Eskom is facing many challenges. The speaker mentions the need for education on the Bill. The language used in the Bill as it is technical. The speaker mentions that the Bill is not clear on what it will do in the new informal settlements and ensuring access to electricity in this regard. The speaker mentions that many informal settlements are without electricity despite being in the area for many years which needs to change. The speaker

				mentions further concerns of loadshedding, the failure to maintain transformers and the reality in the community of illegal connections of electricity.
4.	Wantu Mize	Langa Resident	Yes	The speaker asks whether community members can claim tax from the purchase of electricity by using the receipts which indicate VAT payment.
5.	Thando Xhelo	Bhunga Street Chairperson	Yes	The speaker mentions that if the Bill brings tangible difference and change then he will support the Bill. The main issue is the affordability of electricity.
6.	Kholekile Mateke	SANCO	Yes	The speaker mentions that the electricity is supplied by both the local municipality and Eskom therefore it must be explained to the community why this is the case in order to know why units will be different even if the purchase price is the same.
7.	Nomahlubi	Khayalitsha Health Forum and School Governing Body Association	Yes	The speaker mentions the concerns of high electricity rates especially for schools which the speaker mentions the billing is based on estimation. Further the electricity infrastructure damage is causing a big issue for children as it is a dangerous risk for electrocution. The speaker mentions the need to strengthen the relationship between law enforcement and the suppliers for electricity generation. Further the Bill must address the infrastructure damage and stealing of cables.
8.	Isanda Magwa	SANCO Khayalitsha	Yes	The speaker mentions the concern of PCO's not being available in the meeting. The speaker mentions that the time of the public hearing is inappropriate that it should be at 15h00 to have more people in the venue. The speaker mentions the need to be educated on the Bill which did not take place appropriately. The speaker mentions that Eskom must come to the community and explain why the electricity purchased is exorbitant.

9.	Msingathi	Health Persons with Disabilities	Yes	The speaker mentions that the meter boxes are installed very high in the homes and for persons with disabilities such as those using wheelchairs it is difficult to load electricity. The speaker further mentions that the housing arrangements including the toilets are not disability friendly. The speaker mentions that the electrical wheelchairs which need to be charged are impacted during loadshedding which means people are not mobile.
10.	Nowam Dllilanga	Hout Bay	N/A	The speaker mentions that the electricity billing she is receiving is too high and much more than she used to pay before. She mentions that she is dependent on the grant and therefore cannot afford electricity. The speaker mentions that the foreign nationals are connecting electricity illegally. The speaker mentions that the youth is unemployed and this situation is on the rise and the reality is that the youth that is unemployed is now having children which forces the grandparents to feed everyone on the grants, therefore the electricity access is important to cook food etc. therefore the electricity must be affordable within this context.
11.	Mr. Marasi	SANCO	N/A	The speaker mentions that the opportunities to open the market is concerning and asks will it not impact the community negatively. The speaker asks whether the subcontractor will charge more than Eskom thereby making electricity more expensive. The speaker mentions the need for law enforcement and to pay attention to the illegal connections of electricity in the community.
12.	Ms. Bulelwa	Langa Resident	N/A	The speaker mentions that the Bill is new and she is hearing about it now, therefore requests that this process be the first of many processes of engagement which would allow for the communities to read and understand the Bill. The speaker mentions that the

				measurements of the population should be considered in the implementation of the provisions of the Bill.
13.	Linda Mothibi	Climate Change Advocacy	N/A	Clause 3.1.2 – Competitive Electricity Market – the speaker asks whether the suppliers will provide renewable energy. Tariff Regulation – the speaker asks what the regulation will entail. 3.5.4. – Government Policy Framework – speaker asks whether a new form of energy is being formed. Clause 6 – the discretionary power rather than mandatory obligation – speaker asks whether this is now discretionary power and why. Explanation of the export and import – speaker asks what is being exported and imported. Confidential disclosure – the speaker asks why this provision is applicable, the speaker states that this should be public information by the license holder.
14.	Cele Esau	Cape Town Unitarian Community	No	The speaker mentions the concern about Eskom telling NERSA about the tariff pricing and not the other way around. The concern is opening up the industry to enable competition with a regulator like NERSA is problematic given that NERSA has already set prices at unaffordable rates and does not assert its authority. The speaker mentions that the have nots will be severely impacted by this Bill. The speaker requests the PCMRE to seriously look into this aspect of competition
15.	Miranda Claassen	-	N/A	The speaker mentions the need to implement enforcement provisions to address the illegal connections and damage to infrastructure.
16.	Ms. Barbara	-	N/A	The speaker mentions that in her home she has an electricity box however it is situated in the neighbours home therefore this causes a problem including the rising electricity rates and access to the box.

17.	Athi Nkosi	ANC / Ward Youth Development Council Khayalitsha	Yes	The speaker supports the competition introduced which will also assist to see where the issue is when it comes to electricity access. The speaker supports the penalties and offences of R1 million fine and 5-year sentence, as the impact of the crime is far reaching. The speaker mentions that Eskom is not responsive in poor communities and failing the people. The speaker mentions that Eskom officials are selling electricity unlawfully which is problematic.
18.	Kholeka Tema	Langa Resident	Yes	The speaker supports the introduction of competition for the sector as Eskom is struggling. The speaker also hopes that this competition will help with the affordability of electricity. The speaker mentions that NERSA needs to be stronger in the regulation of the tariffs. The speaker mentions that the cable theft must be fined but at R500 000 rather than R1 million.
19.	Monwabisi Makoma	Khayalitsha	N/A	The speaker mentions he does not know whether to support or reject the Bill. The speaker mentions concerns of the introduction of competition in the industry. The speaker mentions that he is not convinced that competitors will charge affordable rates for electricity as Eskom is already charging expensive rates. The speaker rejects competition in the sector and believes that Eskom must be the sole provider of electricity.
20.	Michael Zondi	Ward 27/ ANC	Yes	The speaker mentions that before 1994 black homes did not have electricity until democracy and he supports this Bill with this in mind to ensure all people have electricity. The speaker mentions 3 issues: asks how the community will be protected from the Democratic Alliance (DA), and how the regulations of DA will benefit the people as it currently does not in the Western Cape. Asks

				how the small business will be assisted and not be excluded from big business in the sector.
21.	Xolile Tolobisa	Langa	No	The speaker mentions that the competition suggested by the Bill is not genuine and will only benefit those already benefitting from Eskom. The speaker mentions that those stealing cables and damaging infrastructure will not be addressed until there is a united front. The speaker mentions disappointment at not having prior knowledge of the Bill.
22.	Mr. Gxukwana	Mfuleni Ward 114/ SANCO	Yes	The speaker supports any means that will address the issue of loadshedding. The speaker mentions the need for ward committees to be aware of public hearing meetings in order to assist with mobilisation. The speaker supports the penalties and offences provisions. The speaker mentions the need to replace copper with something else to curb cable theft.
23.	Simpiwe Nonkeyizana	ANC	Yes	The speaker mentions that the competition in electricity generation, transmission – asks whether there will be a monitoring of the energy sources used for this to ensure there isn't a monopoly of renewable sources. The speaker asks whether the Bill addresses the conflict on renewables and fossil fuel sources of energy. The speaker mentions that the offences and penalties should be R2 million and sentence should be 10 years rather than as currently suggested in the Bill.
24.	Thembalani Nyamakazi	Ward Councillor	Yes	The speaker mentions that if the Bill is addressing the challenges of electricity, then there is no reason to not support it.
25.	Phumzile Yawo	Langa Resident	No	The speaker mentions that the Government is not taking responsibility and simply outsourcing the problems. The speaker mentions that if Eskom was led properly then the crisis would not exist. The speaker mentions that the Bill will make the rich richer and poor poorer. The speaker mentions that the community doesn't

				have the skills to generate and transmit electricity, therefore those already in the sector in high positions will benefit not the community.
26.	Michael Kosile	ANC	Yes	<p>The speaker supports the Bill as there is a lot of electricity issues in the country.</p> <p>The speaker however mentions concerns of the companies that will compete in the industry and is not convinced that the companies will think about the poor and the vulnerable in the community. Therefore, the request is that the companies must take into consideration the poor people in a similar way that Eskom does with extra units at the end of the month. The speaker mentions that the sentencing should be more than the suggested, and that the illegal connections is a problem that is fixed by ensuring all have electricity.</p>
27.	Thandeka Jayiya	Langa Resident	N/A	The speaker mentions that as a pensioner she receives 65 units but now receives 25 units and communication about this change is not done. The speaker mentions the need to address loadshedding.
28.	Khuliso Nesengani	Business South Africa (BUSA) Unity Africa	Yes	<p><b>Section 34 – Additional Electricity, New Generation Capacity, and Electricity Transmission Infrastructure</b></p> <p>Section 34 is a key section that has been amended significantly in both iterations of the Amendment Bills. We have identified a few changes which warrant attention, including the following:</p> <p><b>Vesting contracts</b></p> <p>Section 34B(5)(c)(ii) of the 2023 Amendment Bill provides that it is a function of the CPA to conclude vesting contracts with Eskom</p>

			<p>generators and/or distribution licensees to manage the transition to a competitive market. The 2023 Amendment Bill defines vesting contracts as a contract between the National Transmission Company South Africa SOC Ltd and an Eskom generator or a distribution licensee, for the sale of a specified amount of electricity at a specified price as a mechanism to facilitate the transition to a competitive market. BUSA needs an insight into the implications of the conclusion of vesting contracts. It is key that Eskom prices competitively, and that the competitive market is retained. If vesting contracts result in Eskom having a guaranteed off taker, while the private market does not, the competitive market is undermined. The Eskom generation price should be regulated, and the pricing of these contracts must be approved by NERSA. The addition of the words ‘as approved by the Regulator’ would provide clarity in this regard.</p> <p><b>The Central Purchasing Agency (CPA)</b></p> <p>Section 34B (5) refers to a CPA. BUSA questions how many central purchasing agencies there will be. Should this be amended to the CPA? Section 34B(5)(c) of the 2023 Amendment Bill is inconsistent with the definition of the CPA, which states that this entity is only formed for the duration of the transition to a competitive market. The central Purchasing Agency’ is defined as an entity assigned to fulfil the role of the wholesale buyer to maintain system integrity during the transition to a competitive electricity market. As BUSA, we propose that the words ‘during the transition to a competitive</p>
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				electricity market' be deleted from the definition, so that the CPA is not restricted to performing functions during the transition period.
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### 6.2 Eastern Cape Province

Day 1: Eastern Cape, Matatiele Local Municipality, Maluti Civic Centre				
	Name	Organisation	Support Yes/No	Reasons
16.	Peter Ndlovu	Economic Freedom Fighters (EFF)	Yes	Supports the Bill because people are dying as a result of loadshedding crisis and believes the Bill will alleviate this.
17.	Khathali Ithabeleng	Ward 01	Yes	Mentions that the fine and imprisonment suggested in the Bill is supported as the level of crime is high and this provision could be a deterrence. The speaker welcomes that the Bill does not privatise Eskom as he believes privatisation will not assist in fixing the electricity challenges and invite additional challenges to the community. The speaker mentions his support of the introduction of competition in the electricity sector as he believes Eskom is clearly not able to provide electricity on its own.
18.	Zolani Masunda	Sosiba Wenkundwa	Yes	Speaker asks how long it will take for those applying for license to generate electricity?
19.	Solomzi Thaka	South African Civics Organisation (SANCO) / Maluti Resident	Yes	The speaker states that he supports the Bill because he believes it can make a change and help the people. The speaker welcomes the ability for individuals to sell electricity back to Eskom or to stakeholders willing to buy from electricity self-generation. The speaker mentions the need for government to help the smaller

				business to also generate electricity or participate in the electricity sector.
20.	Mayibongwe Mhlonyane	Matatiele Resident	Yes	The speaker mentions that the Bill will help the people. However, the speaker mentions as he only received the Bill this morning, his support of the Bill is only to aspects he is aware of which were mentioned in the introduction of the public hearing. The speaker states that the imprisonment and fine provisions relating to persons that damage electricity infrastructure and steal cables is welcomed and highly supported, however recommends that the imprisonment must be increased to 10 years rather than the suggested 5 years.
21.	Shamilla Pather	Green Pastures Energy Company	Yes	The speaker mentions that in order to enable small role players to participate in the sector, the Bill must support the small businesses and must include provisions which mitigate against the red tape that impedes participation for all. The speaker emphasises the need for ease of doing business for the small businesses to fully participate in the electricity sector. The speaker asks; <ul style="list-style-type: none"> <li>- At what point/level individuals can sell electricity back to Eskom or stakeholders from self-generation?</li> <li>- At what level/megawatts (MW) of generation must individuals register for self-generation?</li> </ul>
22.	Lulwando Sithole	Ward 20 Maluti	Yes	The speaker mentions the support of provision which fine and imprison persons that damage the electricity infrastructure, however, mentions that 5 years is insufficient and should rather be a life sentence.
23.	Maile Mapena	Matatiele Speakers Office – Public Participation	Yes	The speaker mentions support of the Bill as he believes that it will enable job creation. The speaker recommends a 10-year imprisonment sentence to individuals that damage electricity infrastructure.

24.

<b>Day 2: Eastern Cape, OR Tambo Municipality, Tsolo Town Hall</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Sibongiseni Qangani	SANCO Deputy Chair in Mhontlo / Ward 17	No	The speaker mentions that Eskom is failing due to the failures of Parliament. The speaker mentions concerns with the Bill as it introduces other private sector service providers (IPPs). The speaker mentions that under the Department of Public Works when service providers became involved the building of roads and infrastructure the service was poor and not for the people, which the speaker believes will most likely become the same situation with electricity if IPPs are involved in electricity sector. The speaker mentions the challenges of loadshedding and lack of electricity access in the community, and she is concerned that the Bill does not address how it will benefit the community, states that the Bill has no provisions indicating this.
2.	Madoda Somhlahlo	SANCO / Ward 7	No	The speaker mentions that the electricity crisis is man-made. States that the increase in housing and people in the township also causes a problem with the transformers as they overburdened. The speaker mentions concerns on the adjudication of the licensing approvals and asks how the people will be able to address their objections to certain service providers or IPP's being used. The speaker makes an example and states that Mtiza electricity that is sold is very high and unaffordable for rural communities however the people have no choice of an alternative. The speaker mentions

				that in the rural areas, the loadshedding severely impacts the people. The speaker mentions that the organisation that he represents (SANCO) has not arrived at a position on the Bill.
3.	Nomafu Tshangana	SANCO	No	The speaker mentions concerns about the service providers that are introduced and a risk to the community, specifically as there is no monitoring of the quality of the services and there is no accountability of the service providers etc.
4.	Zoliswa Ndinga	ATM	No	The speaker mentions that Eskom is failing due to the failing of Parliament. The speaker mentions that the Bill introducing private service providers will not assist Eskom and as Parliament has not been successful in monitoring Eskom, what more for service providers. The speaker mentions that there are people that steal electricity which Eskom is unable to manage and catch the criminals, that needs to be addressed.
5.	Wonga Kauleza	EFF / Ward 07	No	The speaker mentions that the competition in the sector will be for specific people which will increase corruption and not assist in fixing the problem of loadshedding. The speaker asks how the new role players will enable electricity access to the people if they do not have access to the South African network, speaker mentions that there will be too many pylons in the community which is not ideal.
6.	Fanekhaya Madolu	Mthatha Rent Payers Residence Association Representative / KSD Mthatha Ward 8	N/A	The speaker mentions that the Bill is coming very late to the community. The speaker mentions that the middle men are affecting the community as consumers because the pricing is too high. The speaker mentions that the companies that are being introduced must be known. The imprisonment sentence and fine of R1 million, the speaker mentions that the challenge is that it is mostly kids that participate in the cable theft therefore R1 million is too steep.

7.	Khanyisa Dlangana	SANCO / Ward 7	No	The speaker mentions that the challenge is that the coal mines are not operating and have been closed which causes electricity crisis because coal is part of electricity generation. The speaker asks how the private sector companies will assist if the country is not mining coal for electricity generation. The speaker mentions that the National Energy Regulator of South Africa (NERSA) does not serve the people as the pricing is very expensive and the community is suffering as a result of this.
8.	Nomfumaneko	SANCO	No	The speaker mentions that Eskom is failing due to Parliament's failures. The speaker further mentions that loadshedding is man-made as was seen with electricity access without outages during the Rugby World Cup.
9.	Mfikelwa Julu	Ward 6	No	The speaker mentions the challenges of electricity access in the community. The speaker mentions that Eskom has been failing the people and was under the impression that Parliament would intervene and help the people. The speaker mentions concern with introduction of service providers which will be overseen by Eskom as Eskom already does not have the capacity and skills to manage its own affairs.
10.	Eunice Damane	Ward 6	No	The speaker mentions the rejection of the Bill.
11.	Tembile Zibi	Mthatha Rent Payers Residence Association Representative	N/A	The speaker mentions that the penalties for electricity damage is already a crime. The speaker mentions that the open market being overseen by NERSA is concerning given the breakdown of oversight institutions in the country. The speaker states that the Bill must include how to hold NERSA accountable and what must happen if they do not do their job. The speaker mentions that the

				self-generation is good but asks whether the option to sell applies to Eskom only or whether individuals can sell to other service providers. The speaker mentions that the provision that says license holder may transfer a license to another person is concerning where the holder already has caused problems and must be held accountable but has subsequently transferred the right to someone else. The speaker suggests that this must be regulated such that the license holder cannot do that until such time as problems are addressed before transferring. The speaker mentions that the Bill mentions that if the end user has a complaint, the person must go to NERSA, but it does not indicate the process for when the outcome of this is not properly done or adjudicated which can be detrimental to the people.
12.	Phindile Phikeni	Ward 5	No	The speaker mentions that the challenges of Eskom must first be fixed and that introducing the new role players will not fix the issues. The speaker mentions that the Bill is very concerning, and the powers of the Minister are too far reaching.
13.	Michael Mga	ATM / Ward 26	No	The speaker mentions that Eskom has many problems which are mostly man –made, specifically loadshedding. The speaker mentions that the individuals that have caused corruption in Eskom must be held accountable. The speaker mentions that Eskom has the capacity and ability to provide electricity to all in the country. The speaker mentions that the provision on the penalties is good and welcomed. The speaker mentions that lawlessness is rife therefore there is a need to strengthen the arrest of those that steal. The speaker mentions that the Bill introduction of private sector stakeholders will not benefit the people as they do not care about the wellbeing of the people. The speaker mentions that the Bill will

				not benefit the poor people only the selected few. The speaker mentions that NERSA as a regulating body is failing the people and its functions as it was not holding people accountable when there was a scandal of the sale of electricity vouchers.
14.	Bulelani Mzamo	African National Congress (ANC)/ Ward 08 Mhlontlo	No	The speaker mentions the need for the service providers to empower Eskom to deal with all the issues in the community. The speaker mentions that Eskom is in a crisis due to lack of money therefore the money used to find IPP's must be used to strengthen Eskom to assist the entity to ensure electricity access to the people. The speaker mentions that Eskom has the capacity and skill required to provide south Africans with electricity.
15.	Sonwabiso Vava	COSATU/Ward 7	No	The speaker mentions that the people will be poorer with this Bill because Eskom has a policy which subsidises the elders for electricity access which the speaker believes the private sector will not continue with as they are not serving as government entities. The speaker mentions that outsourcing is not the solution to this that the solution is to ensure that Eskom financials are in good standing. The speaker mentions the electricity infrastructure damage is a crime and the penalties are good but the aim must be for rehabilitation and the fine is too steep for rehabilitation. The speaker mentions that the private companies are driven by profit therefore the sale of energy will be high, and the speaker hopes that the provisions will protect the people.
16.	Thembelani Guga	SANCO	No	The speaker mentions that outsourcing has dire consequences for the people and only perpetuates the will of capitalism. Eskom has a leadership problem, and the people are not held accountable such as being let go if they are not doing their jobs. The speaker mentions that outsourcing cannot be the option for everything especially for

				the electricity sector which is key to the country. The speaker mentions that the change of leadership is what is required, to appoint those that are competent. The Bill will only serve the capitalists and the selected ones with the means.
17.	Mfanelo Xwayi	Ward Committee Member	No	The speaker mentions that Eskom has the skills and capacity to fix the challenges and provide electricity to all. The speaker mentions that the Parliament is failing the people because the people in the community have very big electricity issues which have not been addressed for years.
18.	Ntsindiso Noncavu	Coastal Links Eastern Cape / Port St John	No	The speaker mentions the Bill provides the Minister and NERSA too much powers. The Bill is silent on what will happen to the community in terms of the development that comes from the electricity sector, the disputes and specifically the provisions which enable the minister to take land that he/she needs for the sector. The speaker mentions that the community does not have a platform to voice concerns in the sector which is not appropriate.
19.	Sobantu Makhamba	ANC	No	The speaker mentions that Eskom can be fixed independent to introduction of the private sector therefore speaker does not support the Bill.
20.	Fikile Sobahle	SANCO	N/A	The speaker mentions that the Eskom crisis has caused many businesses to close. The section 14 on tariffs needs more discussion, even the entirety of the Bill itself. Therefore, he is unable to support or reject the Bill at this point.
21.	Mbulelo Vunguvungu	ANC	N/A	When we took a decision to electrify a larger amount of people to create a better life for all South Africans, we forgot to build more power stations, if we did we would be able to generate sufficient electricity on the grid. We therefore urge the government to capacitate Eskom to live up to its mandate. The Minister of

				Electricity must be supported financially and otherwise. The personnel at Eskom needs to be capacitated with more skills so that the entity can thoroughly perform. As it stands, I cannot support nor reject the bill.
22.	Ntandokazi Capa	Speaker of OR Tambo Municipality	Yes	<p>The speaker mentions that Eskom must be properly placed in terms of who they are accountable to in Parliament. Suggestion is for Eskom to account to the PCMRE as the committee responsible for the policy of electricity is the DMRE</p> <p>The speaker rejects the IPP's based on past experiences in telecommunications MTN, Vodacom, Cell C etc. as private sector actors which destroyed Telkom an SOE. The speaker suggests investment into the power generation capacity of Eskom and for Eskom to continue to provide electricity. The speaker mentions the risk of NERSA being the only body regulating the sector and the IPPs especially on pricing. The speaker mentions that importance of maintaining the capacity of the state which will diminish with the introduction of IPP's. The speaker supports and welcomes the introduction of the penalties for electricity damage and cable theft. She supports the fine of R1 million and prison sentence.</p> <p>The speaker will support the Bill with amendments mentioned.</p>

<b>Day 3: Eastern Cape, Chris Hani District Municipality, Thobi Kula Indoor Sport Centre</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Mnqophiso Noye	SANCO	Yes	The speaker believes the Bill will help with easing of loadshedding.

2.	Mongezi Seti	Community Member	Yes	The speaker mentions that he believes the Bill will help with easing of loadshedding. The speaker asks for the Bill to be explained to the community as he has only received it this morning.
3.	Phumla Mabhange	Community Member	Yes	The speaker mentions that provisions for damage to electricity infrastructure should carry a 10-year imprisonment.
4.	Abdul Fatan Tshambo	ANC/ Ward 30	Yes	The speaker supports the competition that the Bill introduces as it will enable the community to choose a service provider. The speaker mentions that the provision for damage to electricity infrastructure must carry a 10 years' imprisonment sentence instead of 5 years. The speaker mentions that the government must make sure there is monitoring provisions once the Bill passes
5.	Pastor Mluleki Ranelo	Ward 10	N/A	The speaker mentions appreciation of Parliament coming to the community and enabling participation in the law-making process. The speaker mentions that NERSA should be able to accept complaints directly from the community.
6.	Mtotose Ndyalivene	Councillor Ward 30	Yes	The speaker supports that Eskom will remain State Owned Entity (SOE). The speaker supports the IPP's and the regulation of NERSA in this regard. The speaker supports the R1 million fine but suggests 10 years imprisonment sentence for damage to electricity infrastructure.
7.	Mvusi Mretyana	Councillor Ward 9	Yes	The speaker supports the Bill
8.	Lindokuhle Ndamane	Ward 33	Yes	The speaker supports the competition the Bill suggests but suggest that there must be a company that is created that makes sure that big business buy electricity from them only. The speaker supports the fine but suggest a 15-year imprisonment sentence. The speaker mentions that the sale of electricity back to Eskom from individuals must be carefully monitored to ensure proper process.

9.	Simakele Qwele	Insikayethu	N/A	The speaker mentions that he has an interest in the generation aspect and the use of coal. The speaker mentions that the coal must continue to be the main resource used in the electricity generation even by the IPP's. The speaker therefore asks how coal will be managed with the Bill.
10.	Sivuyile Plaatjie	Councillor Ward 32	Yes	The speaker mentions that the imprisonment for damage to electricity infrastructure must be 15 years given the far-reaching impact of the crime specifically when it comes to cable theft. The speaker mentions that the unbundling of Eskom may cause corruption based on the fact that the entity is already struggling, and the other SOE are known to have corruption vulnerabilities.
11.	Noluthando Nqabisa	Speaker Enoch Mgijima	Yes	The speaker mentions that the provisions relating to the tariff regulations is welcomed as the community has been complaining about vagueness, and changes of pricing and tariffs. The generation of income to the municipality through other forms of energy generation such as solar, hydro etc. in the community is welcomed as a possibility looking at the provisions of the Bill. The speaker suggests an imprisonment sentence of 10 years for those that damage and steal electricity infrastructure, and further that those that purchase the illegal items must be sanctioned as well
12.	Lungelwa Ketsekile	Ward 10/ Business Owner/ ANC	Yes	The speaker mentions that she welcomes the ability to sell electricity back to Eskom. The speaker mentions that 10 years imprisonment and if the crime is committed by a foreigner then the person must be deported.
13.	Asanda Sizani	CIlr Ward 2	Yes	The speaker mentions that the high crime rate in the country and therefore the imprisonment must be higher than suggested in the Bill. The speaker mentions life imprisonment for criminality related to electricity infrastructure and cable theft. The speaker mentions

				the high cost of electricity which must be addressed and proposes a system for indigent members of the community.
14.	Papama Medubedube	Enoch Mgijima Councillor	Yes	The speaker mentions the need for the empowerment of Small Medium and Micro Enterprises (SMME's) and local business in order to participate as IPP's. The speaker mentions that the leadership in Eskom must be addressed to ensure that the patriotic leadership are leading the day to day in the entity. The speaker mentions the need to address the corruption to ensure that the people benefit from the work of the IPP's.
15.	Yonela Casa	Ward 10	Yes	The speaker welcomes the promotion of energy mix through the Bill. The speaker mentions that the community has already has a programme that is focused on local community embedded electricity generation therefore the Bill needs to ensure that it is aligned with the local community programmes, and the Municipality must receive additional funding for additional generation at a local level.
16.	Sidwell Felane		Yes	The speaker believes that the Bill will assist with the challenges in Eskom and create job opportunities. The speaker mentions that the Bill must ensure that the units for indigent persons is increased.
17.	Unathi Galada	Acting Mayor	Yes	The speaker welcomes the provisions regarding the imprisonment and fine for damage to electricity infrastructure. The speaker mentions concern of prioritising IPP's and the impact it will have on Eskom as a State Entity. The speaker mentions that there is a need to regulate the IPP's .

**Day 4: Eastern Cape, Nelson Mandela Metro, Babs Madikane Town Hall**

	Name	Organisation	Support Yes/No	Reasons
1.	Nokuzola Mantile	Ward 24	Yes	The speaker mentions the crisis of loadshedding and that it is exacerbated by foreign owned shops that use the electricity for business and overload the transformers. The speaker requests that the power stations in the community must be reopened to provide additional energy. The speaker mentions support of the provisions relating to imprisonment and fine of people guilty of cable theft and electricity infrastructure damage. The speaker mentions that cable theft has a big impact on the community, as robots do not work, street lights does not work and this raises further crime as the streets will be dark.
2.	Linda Festile	Ward 26 / Eastern Cape Environmental Forum	Yes	The speaker mentions the negative impact of loadshedding in the community and it is concerning. Suggests that the Bill must address some of the loadshedding impacts under loss and damage particularly as appliances get damaged when there is loadshedding. The speaker mentions the need for the Bill to be clear on the just transition and how it will enable this through IPP's, as it is not mentioned in the Bill. The speaker mentions that she doesn't support nuclear energy as it is not clean energy. The speaker mentions that in PE there is sun and wind which can be used to generate electricity as a renewable energy rather than nuclear. The speaker mentions support of the Bill only if there is amendments that take into account her suggestions.
3.	Funeka Makaleni	Ward 24	Yes	The speaker asks about those that will supply electricity without a license but are subcontracted to do so – she asks how they will be monitored and what the advantages and disadvantages of this. The

				speaker mentions that the Bill must be implemented to ensure options of the electricity supply.
4.	Sesethu Maseti	Ward 24	Yes	The speaker mentions the problem of loadshedding and that the impact it has on people's lives is the same as those that steal electricity cables. The speaker mentions that NERSA must be responsible for tariffs as the regulator. The speaker mentions concerns of private sector as the IPP's. The speaker mentions that the just transition is a government framework through the Presidential Climate Commission however there is no action in the community. The speaker mentions concerns as the community wants the transition, such as the use of green hydrogen, wind and solar panels for energy. The speaker mentions that the climate change is caused by the coal and the need for the country to leave coal as an energy source.
5.	Vusiwe David	Environmental Forum called Friendly Environment / Ward 46	Yes	The speaker mentions that solar panels need to be installed in newly developed housing as soon as possible. The speaker emphasises the utility of solar panels as a beneficiary of the solar panel program in the community. She says that she is able to have continuous electricity supply
6.	Andile Matsha	Ward 44 / Community Leader	Yes	The speaker mentions that Eskom has not serviced its infrastructure and therefore the power stations are old and not useful. The speaker mentions that the tenders that Eskom puts out is being sabotaged and there is corruption which impacts the ability for the entity to work effectively to the needs of the people. The speaker mentions the need for solar panels and inverters in new development housing specifically RDP's. The speaker mentions that the high master lights are not working therefore it is too dark and risks for the community.

7.	Thozamile Mkhali	Ward 27	Yes	The speaker mentions the need for solar panels to be installed in the houses.
8.	Nomisa Makuleni	Ward 44	Yes	The speaker mentions concerns of corruption that may result as a consequence of the sub-contracting, opening up the sector and the big business that will be involved. The speaker mentions that corruption is a fact in the country and therefore the Bill must have provisions to mitigate this reality. The speaker mentions the cable theft is supported by the foreign nationals and those in criminal activities. The speaker mentions that the provision of the sub-contractors that provide energy must be monitored because the subcontractors will want an equal share to the license holder that they are linked to.
9.	Zola Nyiki	Ward Committee Member /SACP / Electrical Contractor	Yes	The speaker mentions that Eskom must take over electricity supply in the community as the people are failed by the municipalities providing electricity access. The speaker further mentions that there is corruption that is taking place The speaker mentions the leaking of oil of the transformers that are not attended to and that leads to power cuts.
10.	Vuyelwa Boloti	Govan Mbeki Resident	N/A	Mentions the need for the electricity box to be fixed and the speaker is not getting any assistance.
11.	Zobuhle Jingxa	Ward 30 Committee Member	Yes	The speaker supports the Bill, from clause 1 - 30
12.	Mncedisi Thomas		Yes	The speaker supports the provisions related to imprisonment and fine for those guilty of breach of the Act. The speaker mentions the need for investment in the country which is currently being driven away due to crime and electricity shortages.
13.	Siphiwo Mbandla	Ward 59	Yes	The speaker supports the competition and IPP's. The speaker mentions that the municipality is failing the people therefore

				competition may assist the community with better service and options. The speaker mentions that big business wants to leave the country due to loadshedding. The clause 30 – provision for penalties for breach of the Act and specifically the damage of electricity infrastructure damage is supported as the impact of this on the community is far reaching.
14.	Sakumzi Mbaduli	Ward 46	Yes	<p>The speaker mentions the need to create employment opportunities for the youth employment. The speaker mentions that the cables are sold to scrap yards. The speaker supports the Bill as it could help to create jobs. The speaker supports the Bill. The speaker mentions the challenge of corruption in the sector and requests that once the Bill is implemented it must be carefully monitored, and guarantees must be made to ensure that stealing does not take place. The speaker mentions that the impact of cable theft is both the responsibility of the Eskom and municipality causing the loadshedding and those stealing the cables.</p> <p>The speaker mentions that the unemployment rate must be addressed in order to stop the rate of cable theft. The speaker mentions that the wind turbines were allocated for a certain area in the community but has been stopped therefore asks for an intervention from government.</p>
15.	Mzwandile Hote	SANCO	Yes	<p>The speaker supports that the IPP's will be supporting Eskom to perform its function. The speaker mentions that the support of the Bill is only if the government will ensure that electricity is affordable and help the people to have access to electricity. The speaker mentions that NERSA role must be properly defined to ensure that as a regulator it performs its function with the community context in mind in relation to pricing, disputes etc. The</p>

				<p>speaker mentions that the separation of the transmission, generation and distribution must be in aid of electricity must be affordable and accessible to the all, if this is not what people had in mind then the Bill must not pass. The speaker mentions that the solar panels installation in the newly developed housing. The speaker mentions the need for additional workshops on the Bill to ensure that the people are aware of the implications of the Bill fully.</p>
16.	Asanda	ANC	Yes	<p>ANC supports this Bill because the proposed amendments provide the necessary elements to incentivise competition within South Africa’s electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply.</p> <p>The proposed amendments, influenced by the Department of Public Enterprises “Roadmap for Eskom in a Reformed Electricity Supply Industry” entails changes to clause 1-30 that affect the entire electricity industry. Central to the proposed amendments is to create a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by the independent generators direct to customers and to change the current required for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised.</p> <p>The proposed amendments further assign, duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of</p>

				<p>Eskom and ensure that independent generators receive access to transmission resources on a fair basis.</p> <p>The ERA Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds in the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and generate sufficient supply to resolve electricity shortages at the cheapest possible price.</p>
17.	Nomakhaya Vuba	ANC	Yes	The speaker mentions the need for better communication when public hearings take place regarding Bills, suggests the use of social media and local radio. The speaker mentions the need for the Bill to take into consideration the poorest of the poor and pensioner when it comes to pricing and access.
18.	Mervin Schutte	Ward 49	No	The speaker mentions concerns that the Bill does not mention that the poorest of the poor will benefit.
19.	Noziphiwo Teyisa	ANC	Yes	The speaker supports the Bill.
20.	Sithembiso Bonde	NEHAWU	No	NEHAWU rejects this Bill, its contents are merely the legislative rubber-stamping of the current dismantling and privatisation of Eskom underway. The notes below provide Leadership with ammunition to reject this Bill based on the ludicrous claims made by the Neoliberal State.

			<p>The Roadmap for Eskom in a Reformed Electricity Supply Industry, 2019 document is an important point of context for Comrades to appreciate. This document draws reference to the 1998 White Paper on Energy Policy, which commits the State to “restructuring” the Eskom to ensure “competitiveness”. This was the initial 1996 Class Project’s attempt at Neoliberal legislative reform, through the privatisation of the utility in the guise of restructuring.</p> <p>The rationale behind the unbundling of Eskom into three subsidiary businesses (generation, transmission and distribution) is attributed to the changing energy needs of the country, the roadmap also claims that the current configuration of Eskom is no longer suitable to meet the country’s energy needs and has made it susceptible to corruption and state capture.</p> <p><b>REASONS FOR NEHAWU REJECTING THIS BILL</b></p> <p><b>The position of the Federation</b></p> <p>COSATU 14<sup>th</sup> Congress Resolutions on Eskom and energy security include the following: i) The Federation should initiate or support forming a united front across the trade union movements and its allies against unbundling and the expansion of the Renewable Energy Independent Power Producers Procurement Programme (REIPPPP). ii) We oppose the decommissioning and privatisation of coal-based power plants that have not reached the end of their</p>
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			<p>life span. iii) To oppose the Economic Reconstruction and Recovery Plan (ERRP's) "structural reforms" intended to allow for profiteering private sector in public infrastructure, including in the electricity sector, as part of the struggle for building a progressive developmental state.</p> <p><b>The position of the ANC</b></p> <p>The 2019 ANC Elections Manifesto which centred around the "Rebuilding of a capable and developmental state" which has regressively since been displaced by the Neoliberal austerity programme and "structural reforms" opening up public infrastructure for capitalist profiteering. The ANC's 2021 Elections Manifesto, under the theme: Building Better Communities. Together, committed to:</p> <ul style="list-style-type: none"> <li>• Ensure all poor households receive the amount of free electricity allocations that they are entitled to.</li> <li>• Significantly increase the contribution of renewable energy to the country's</li> </ul> <p>energy mix through a diversification of energy sources, and a just energy transition that creates new economic opportunities for workers and communities.</p> <p><b>Placing Profits before the People</b></p> <p>The 1998 White Paper on Energy Policy speaks to the restructuring of Eskom to ensure it has a competitive edge. This Neoliberal rhetoric has carried through to the current 6<sup>th</sup> Administration</p>
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			<p>through the unbundling process of the utility currently underway. The premise that Eskom's generation, transmission and distribution of energy to society and the economy must be based on a principle of competitiveness is anti-developmental and contradictory to the ANC's Manifesto, it places profits before people and, in the context of South Africa's multiple crises as a result of years of Neoliberal fiscal policy, places workers and the poor in an even more desperate and unaffordable situation.</p> <p><b>The Unjust Energy Transition Investment Plan</b></p> <p>NEHAWU is committed to support a just transition towards a low carbon atmosphere as one means to reduce global warming and reduce the catastrophic effects of climate change. NEHAWU rejects the Just Energy Transition Investment Plan (JET-IP) as a private sector led strategy to dismantle Eskom and exclude the public sector in general, including municipalities from the transition to a low carbon economy. COSATU's Policy Framework on Climate Change speaks to a transition in which changes do not disadvantage the working class worldwide, that do not disadvantage developing countries, and where the industrialised countries pay for the damage their development has done to the earth's atmosphere. A just transition provides the opportunity for deeper transformation that includes the redistribution of power and resources towards a more just and equitable social order. What is being proposed through the ERA Bill and through the so-called JET-IP is a framework for privatisation, the premise of shutting down our large and centralized coal-fired power stations as a result of the dawn of</p>
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			<p>what DMRE calls “... a new era of renewable energy technologies” has been proven to be a hollow claim, even by many stakeholders within the International Partnership Group (USA, UK, France and Germany). South Africa’s de-industrialised economy cannot be developed by relying on renewable energy alone, we have approximately three hundred years of coal reserves beneath our soil and the current impact on our communities and workers in closing coal power stations has been devastating. JET-IP is fundamentally unjust. Western countries have committed \$8.5 billion (R128 billion) in funding to the JET-IP, approximately 81% of these funds are Dollar denominated loans, JET-IP will require another R1.5 trillion in the future.</p> <p><b>ERA Bill and Neoliberal Strategy</b></p> <p>The ERA Bill uses the premise of an assumed necessity to restructure Eskom from a centralised “monopolistic” utility to an “open electricity sector” as a means to solve load-shedding and improve energy security. The penetration of the profit-driven private capital into these public spaces would, for example, be facilitated by allowing for competition against the State Owned Entities (SOEs) such as Transnet in freight transport. In electricity generation it is through the expansion of the already operating private Independent Power Producers (IPPs), with a view to create competition against Eskom. So, in order to effect these measures in electricity, despite the ongoing shortage of electricity supply, Eskom is prevented from investing in renewables as the objective is to reduce its current dominant role in supplying electricity, in</p>
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				<p>favour of the incentivised and subsidised IPPs. In addition, some of the coal-fired power stations under Eskom are going to be concessional or placed in the hands of the private sector in terms of their operations. The ERA Bill is therefore part-and-parcel of the Government's Neoliberal strategy in terms of the decarbonisation transition (i.e., the replacement of coal by solar, wind and green-hydrogen) as sources of electricity generation.</p> <p><b>CONCLUDING REMARKS</b></p> <p>NEHAWU rejects any legislative attempts at the privatisation of Eskom under the guise of restructuring and reform. The purpose and objectives of the ERA Bill fall short of South Africa's developmental goals, undermine Constitutional provisions and place profit-driven motives as a primary principle in terms of the generation, transmission, and distribution of energy. Lastly, the new era of renewable energy technologies must not be used as a Neoliberal strategy, influenced by the International Partnership Group, to maintain the systemic colonial extractive and de-industrialised character of our economy. It is for these reasons that NEHAWU rejects the ERA Bill.</p>
21.	Tiny Mtanga	Ward 59 NMMM	Yes	<p>Solar panels: Government must investigate how much electricity is produced, eg, if 25 kilowatt is produced per day, 5kWh should be given to the owner for use, 10 kw for maintenance and services, then the owner can sell 10kw to Eskom or municipality.</p> <p>Solar panels and the rich:</p>

				<ul style="list-style-type: none"> <li>• Buy electricity boxes from the municipality or Eskom</li> <li>• Buy back electricity from Eskom, regulate electricity supply to households ,e.g. 40% for the household and 60% purchase from Eskom.</li> </ul> <p>I support the bill as it is designed to reduce loadshedding.</p>
22.	Sabelo Mabuda	ANC CLLR / ANC	Yes	The speaker supports the Bill.

### 6.3 KwaZulu Natal Province

Day 1: KwaZulu Natal, Newcastle Local Municipality, Show Hall, Newcastle, 21 November 2023				
	Name	Organisation	Support Yes/No	Reasons
25.	Godan Angappan	Former South African Communist Party (SACP) and African National Congress (ANC) activist	No	Speaker mentions that in 2010, while working with Eskom and NERSA, they had disagreements of their own because they had illegal dealings. It is upon this basis that he does not agree with this Bill because he believe it will necessitate more corruption and money laundering. What is concerning though, is the absence of the Mayor of Newcastle because it would have been prudent to have him welcome the Parliamentary delegation and listen to people's views, especially because we are focusing on the subject matter relating to mineral resources as our area is well endowed with minerals.
26.	Lucky Malinga Shabalala	Sisonke Environmental Justice Network	Yes	Speaker supports the Bill but note concerns. The municipality is unable to provide electricity for our communities. Those who stay in farm areas have no access to electricity. The just energy

				<p>transition concept must be done away with. We would rather prefer the mixed energy concept because we have enough coal to power the country as we have also heard via the mainstream media that South Africa is exporting electricity to other countries. We also plead with the government to kindly assist, fix and capacitate municipalities so that proper governance can be realised, which in turn will lead to service delivery. Parliament should come up with a regulation that enforces electricity access to communities through municipalities. Ward Councillors are not assisting the community, so they are as good as non-existent. The National Energy Regulator of South Africa (NERSA) should be firm in terms of regulation especially for the indigent members of society and poor communities. Development is being blocked by private farm owners.</p>
27.	Simangele Cebekhulu	Kanana Community Member	N/A	<p>Speaker mentions that they do not have electricity because of criminal activities. Vagrants chop electric poles down so that they can access and steal cables for resale. There were also electric transformers that were damaged, which Eskom refused to repair to date. Some residents misbehave by refusing to pay for their rates and electricity, but this should not be used as a punitive measure towards law-abiding citizens. We would also like to request that the price of electricity can be decreased, so that government can assist by regulating electricity prices.</p>
28.	Paul Mncwango	Emadadeni Community Member	Yes	<p>We request the government to regulate powers of private farm owners, as farm communities are currently being victimised by farm owners. Pricing should not be the same for farm owners and farming communities, hence we propose that this should be amended. We also do not own the land that we are currently dwelling in, so we request the government to relax land ownership</p>

				regulations so that we can have access to own land. I would like this Bill to be expedited to ensure that it is quickly enacted.
29.	Sipho Hlongwane	NEHAWU	No	Will the unbundling of Eskom not exacerbate the unemployment rate that is already beyond reproach? Where will I get the resources to generate own electricity? Big corporates will be borne out of the unbundling process as Eskom will be out of that process, be privatised. I am thus not supporting this Bill.
30.	Themba Ndlovu	ANC	Yes	I am grateful for the opportunity to voice my choice as to whether I support or reject this Bill. We do not have electricity in my area, and this is due to the faulty transformer that Eskom has not yet come through to repair. I have medication that must be kept chilled as per requirement, but I am unable to do that because there is no electricity. I am also unable to prepare food for myself as there is no electricity. The transformer was initially meant for a few establishments in our area but there has since been no plan to capacitate it or upgrade it to serve the vast number of people residing in the community. Our Councillors are people who have been imposed on us, we do not have a democratic right in our area to elect and nominate own councillors based on our own choice.
31.	Henry Montgomery	South African Civics Organisation (SANCO)	Yes	I am here representing the elderly people from my area. It was reported by an elder that there are people who have been illegally utilised for gender-based violence. What transpired was that an elderly person in the community reported people for alleged illegal connections. She has since been victimised, lives in fear and is even scared to open a criminal case against them because she fears for her life. Mr Akoo (Indian) is allegedly illegally connecting electricity in the Paradise Doryble Flats in Newcastle because he has a lot of houses that he owns in the same complex. This is putting

				<p>the entire community at a disadvantage. The municipality has been advised and numerous requests have been made for a meeting to no avail.</p> <p>Contact details: Ms Thandi Mkhize, cell: 063 484 9290 Mr Henry Montgomery, cell: 0788245162 (SANCO Rep)</p>
32.	Prince Mabaso	ANC, YCL	No	<p>Speaker asks where NERSA was in 2018 and 2019 and what intervention they made with the problem of electricity. Speaker is opposed to the unbundling of Eskom. Ask how the youth will be incorporated into this Bill or the unbundling. With the clean energy, such as wind, if we transition, people in the coal industry will lose jobs.</p>
33.	Bheki Ngwenya	ANC	No	<p>In in his area, Kanana he feels like they are neglected. There is a place that was built before Kanana, the place is by the road, the area was demolished and rebuilt, ours still not built. And the new area has access to electricity, while Kanana still has no electricity.</p>
34.	Themba		N/A	<p>I do not have electricity where I stay. I cannot work anymore because I am 55 years of age. I just need employment.</p>
35.	Kevin Phuthuma	Thorish Themane Foundation	N/A	<p>Looking at most of these amendments, they mostly focus on business, there is nothing mentioned about the indigent, the downtrodden and the poorest in communities. The Chairperson mentioned illegal electricity connectors (Izinyoka) and we feel that these are people who are providing their families with the proceeds of illegal connections and cable theft. Government should think about the disadvantaged groups when making regulations.</p>

36.	Ntsikelelo Ndlovu	Newcastle Local Municipality: Office of the Mayor	N/A	The audience in attendance is not a broad view of the people of Newcastle because others were denied an opportunity by challenges in coordination with Parliamentary Officials. There was an agreement regarding the number of buses that were to ferry 200 community members to the public hearing, but this was not properly coordinated and as such, fewer buses were availed by Parliament to the municipality. The Mayor is currently in an EXCO meeting to try and resolve challenges in the municipality, which is the main reason why he could not attend the session.
37.	Kholeka Ndonga	ANC, SANCO	Yes	We appreciate this Bill because it is a step towards ending loadshedding. We want Parliament to enforce punitive measures and sanction on criminal activities such as illegal distribution of electricity by Eskom contractors and illegal connections in communities. We request that new human settlements should be electrified.
38.	Jabulani Mbatha	ANC	Yes	In Newcastle, we have a coal plant that was closed down even though it has a lot of coal to produce so we need government to assist reopen the coal plant so that more employment can be created while more communities are being powered up.
39.	Bhekinkosi Jele	Ward 24	Yes	We support the Bill. I would appreciate more clarity on the provision of mixed energy. The new system of electricity boxes is not a dignified one for communities. This strips off the dignity of disadvantaged communities. My understanding of a competitive market would also be to dignify communities.
40.	Menzi Buthelezi	Normandin Ward 21	No	I reject the proposed Bill because of the sky rocketing electricity prices for minimal units. Which legislation gives right to community members to generate their own electricity while not owning land?

41.	Busiswa Mthembu	Ward 31	No	Speaker mentions that on 10 July 2023, a transformer burnt down, on the 11 <sup>th</sup> of the same month, Eskom came through to disconnect electricity without any explanation and they only came back in September 2023. They came to disconnect and cut electricity cords and that has been the situation since then. We approached them as a community and we were advised to each pay R6 052.00, which we could not afford. The elderly are also suffering because the medication they use require refrigeration. We humbly request Parliament to assist us with this challenge so that we can at least spend December holidays having electricity.
42.	Jabulile Zulu	ANC, SANCO, Ward 25	N/A	From 2020, we have not had any electricity in our area. We would like the province to assist us with electrification.
43.	Fandozi Ncala	Ward 24	Yes	<p>I support the Bill Because:</p> <ul style="list-style-type: none"> <li>• It seeks to remove the red tape for black people to participate in the mainstream economy.</li> <li>• It seeks to end loadshedding when it indicates that anyone can generate their own electricity and sell the remainder to Eskom.</li> </ul> <p>Eskom must give our communities amnesty when they are caught on the wrong side of the law. Due to the high rate of unemployment, we would like to appeal for the regulation of electricity price. Pricing should be based on the rate of usage per sector.</p>
44.	Vuyisani Gwebani	EFE, Ward 21	No	The lack of electricity problem in Ward 21 is because of the farm owners, not because of the community members so we urge Parliament to intervene in the challenges faced by the Normandien community. We are dissatisfied with the fact that the Bill was only circulated this morning when we got to the venue, which does not

				put us at a vantage point to make meaningful comments on it. The Bill is silent regarding the nationalisation of mines because that is where most electricity could be generated from. I reject this Bill because it has nothing to do with black people and is inconsiderate of poor communities.
45.	Vusumuzi Hlatshwayo	EFF	No	I reject the proposed Bill because it is silent on opportunities for young people to participate in the mainstream economy. Poor communities are always disadvantaged because of lack of infrastructure. There should be schools in rural communities, where the youth would be empowered with technical skills for electricity generation. The National Youth Development Agency (NYDA) that is sked with developing young people, is not living up to its mandate so the funding channelled to that organisation could be repurposed for the development of technical and vocational schools in poor communities.
46.	Vangile Molefe	Former Ward Councillor (Ward 21), current PR Councillor	No	In 2020, the municipality wanted to electrify rural communities like Normandien but could not do so because of white farm owners. I once took the former Premier of KZN (Mr Zikalala) to the area but the delegation that he led failed to reason with the white farm owners. Farm owners are blocking development. We request all power stations that were closed to be re-opened so that we can get access to electricity. Let Eskom provide electricity to Newcastle because the municipality has long settled the debt owed to Eskom. It is only then; will I personally support the Bill.
47.	Khululekani Zikalala		Yes	I support the Bill because it will assist Eskom. Government must regulate the electricity pricing by Eskom. I urge Parliament to come return to us and address challenges faced in farms.

48.	Siphamandla Khumalo		No	I reject the proposed amendment Bill because its proposals are worsening the situation of black people. It is only the white corporates who have the capacity to generate their own electricity. Most parastatals including South African Airways (SAA), Denel and now Eskom have been and are being privatised and no black people benefitted from the sales thereof. Even the Independent Power Producers (IPPs) that have been proposed to us, will provide expensive electricity that is far worse than what Eskom is currently charging us.
49.	Siyabonga Magwaza	NEHAWU	No	It is the position of NEHAWU as a worker-centred trade union to reject this Bill with the contempt it deserves. It is common knowledge that the Eskom challenges are necessitated by corruption. The coal power stations that we have are enough to generate sufficient electricity to power up the entire country. Government wants the power stations to be closed to make way for IPPs that are capitalistic in nature. Electricity challenges just simply require routine maintenance, corruption watch and consequence management.
50.	Lindiwe Monethi	ANC	Yes	We support the fine of 5-year imprisonment for those who steal electricity cables. Coal power stations must continue to operate so that communities could be powered. The transformer in Kanana village had burnt down, we had to each pay R50.00 but even so, Eskom disconnected all those cables without any explanation. To this day, we still do not have electricity because Eskom requires a charge of R650.00 per person for reconnection.
51.	Sfiso Kubeka	Emadadeni Ward 19 Section 7	Yes	Speaker says he has not had electricity since 2021 due to a broken meter box. He says Eskom says they must log a fault through calls for the matter to be resolved. Says that calling is expensive, as it

				takes time when on the line to be assisted, airtimes finished before one could be assisted. He is asking for help.
52.	Sakhizwe Hlabisa	Emadadeni Section 3 Ward 26	N/A	Mentions that there was an issue of broken transformer which Eskom came at fixed and charged R100. The transformer had issues again and Eskom said people my pay R6000 for reconnection. People in his area cannot afford R6000, he request that the amount be reduced to R3000.

<b>Day 2: KwaZulu Natala, Okhahlamba Local Municipality, Khethani Community Hall, Bergville, , 22 November2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Themba Shabalala	Amaswazi Traditional Council	No	<p>I disagree with the current state of the electricity amendment Bill instead we propose that some proposals should be considered before it is put into law. Chapter 1 of the Constitution subsection 1(a) speaks of human dignity, the achievement of equality and advancement of human rights and freedoms.</p> <p>Eskom is limping and we cannot afford to put more load into it. Loadshedding affected equality where only the haves or wealthy people used generators. Poor people remained in the dark and some got robbed when it is dark in their houses or back from their work places across the country (our freedom was affected).</p> <p>Independent Power Producers must be allowed to compete, and we must make sure that underprivileged and qualified graduates are supported by the government to compete fairly with the with the current and experienced power producers.</p>

				<p>Local municipalities must be allowed to produce their own energy and they must be supervised by the national department. Here are the solutions to the energy struggles:</p> <ul style="list-style-type: none"> <li>• In the metropolitan cities which are near the seas must consider in investing in turbines taking advantage of the wind in the sea. Countries in Europe are using this energy e.g UK</li> <li>• We must invest in waste as a source of energy.</li> <li>• We must also invest in solar energy with so much sun in South Africa</li> </ul> <p>Chapter 2 of the Bill Rights, Section 25 subsection (2(a)(b) states that “property maybe exploited only in terms of law of generation application: (a) for a public purpose or in the public interest; and (b) subject to compensation, the amount of which and time and manner of payment of which have either been agreed to by those affected or decided or approved by a court”. This section of the law in our constitution must be applied when these power stations are built in land owners/properties of which are Amakhosi who lost their properties during colonial laws, apartheid and current government. As Amakhosi in this area we can attest to this statement.</p> <p>Lastly, the mighty Springboks has taught us a good lesson that South Africans are stronger when they are working together irrespective of their skin colour. Let’s build our economy with same energy the Springboks displayed in France and when also they paraded the Webb Ellis Trophy.</p>
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2.	Sifiso Mathaza		Yes	I support the Bill and would request municipalities to electrify farm communities as they are currently living in the dark. Private Farm owners must be coerced to allow electrification of farm communities.
3.	Nombali Mchunu	ANC	Yes	<p>I support this Bill because the proposed amendments provide the necessary elements to incentivise competition within South Africa’s electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply.</p> <p>The proposed amendments, influenced by the Department of Public Enterprises “Roadmap for Eskom in a Reformed Electricity Supply Industry” entails changes to clause 1-30 that affect the entire electricity industry. Central to the proposed amendments is to create a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by the independent generators direct to customers and to change the current required for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised.</p> <p>The proposed amendments further assign, duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of Eskom and ensure that independent generators receive access to transmission resources on a fair basis.</p>

				The ERA Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds into the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and generate sufficient supply to resolve electricity shortages at the cheapest possible price.
4.	Anand Rajkumar		No	I do not support the unbundling of Eskom because the problem is not necessarily with electricity generation, it is mainly about governance. Another challenge that needs to be looked at is the theft of infrastructure, which government needs to urgently attend to.
5.	Ndumiso Myeni	NEHAWU	No	<p>NEHAWU rejects this Bill, its contents are merely the legislative rubber-stamping of the current dismantling and privatisation of Eskom underway. The notes below provide Leadership with ammunition to reject this Bill based on the ludicrous claims made by the Neoliberal State.</p> <p>The Roadmap for Eskom in a Reformed Electricity Supply Industry, 2019 document is an important point of context for Comrades to appreciate. This document draws reference to the 1998 White Paper on Energy Policy, which commits the State to “restructuring” the Eskom to ensure “competitiveness”. This was the initial 1996 Class Project’s attempt at Neoliberal legislative reform, through the privatisation of the utility in the guise of restructuring.</p>

				<p>The rationale behind the unblinding of Eskom into three subsidiary businesses (generation, transmission and distribution) is attributed to the changing energy needs of the country, the roadmap also claims that the current configuration of Eskom is no longer suitable to meet the country’s energy needs and has made it susceptible to corruption and state capture.</p> <p><b>REASONS FOR NEHAWU REJECTING THIS BILL</b></p> <p><b>The position of the Federation</b></p> <p>COSATU 14<sup>th</sup> Congress Resolutions on Eskom and energy security include the following: i) The Federation should initiate or support forming a united front across the trade union movements and its allies against unbundling and the expansion of the Renewable Energy Independent Power Producers Procurement Programme (REIPPPP). ii) We oppose the decommissioning and privatisation of coal-based power plants that have not reached the end of their life span. iii) To oppose the Economic Reconstruction and Recovery Plan (ERRP’s) “structural reforms” intended to allow for profiteering private sector in public infrastructure, including in the electricity sector, as part of the struggle for building a progressive developmental state.</p> <p><b>The position of the ANC</b></p>
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			<p>The 2019 ANC Elections Manifesto which centred around the “Rebuilding of a capable and developmental state” which has regressively since been displaced by the Neoliberal austerity programme and “structural reforms” opening up public infrastructure for capitalist profiteering. The ANC’s 2021 Elections Manifesto, under the theme: Building Better Communities. Together, committed to:</p> <ul style="list-style-type: none"> <li>• Ensure all poor households receive the amount of free electricity allocations that they are entitled to.</li> <li>• Significantly increase the contribution of renewable energy to the country’s</li> </ul> <p>energy mix through a diversification of energy sources, and a just energy transition that creates new economic opportunities for workers and communities.</p> <p><b>Placing Profits before the People</b></p> <p>The 1998 White Paper on Energy Policy speaks to the restructuring of Eskom to ensure it has a competitive edge. This Neoliberal rhetoric has carried through to the current 6<sup>th</sup> Administration through the unbundling process of the utility currently underway. The premise that Eskom’s generation, transmission and distribution of energy to society and the economy must be based on a principle of competitiveness is anti-developmental and contradictory to the ANC’s Manifesto, it places profits before people and, in the context of South Africa's multiple crises as a result of years of Neoliberal fiscal policy, places workers and the poor in an even more desperate and unaffordable situation.</p>
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### **The Unjust Energy Transition Investment Plan**

NEHAWU is committed to support a just transition towards a low carbon atmosphere as one means to reduce global warming and reduce the catastrophic effects of climate change. NEHAWU rejects the Just Energy Transition Investment Plan (JET-IP) as a private sector led strategy to dismantle Eskom and exclude the public sector in general, including municipalities from the transition to a low carbon economy. COSATU's Policy Framework on Climate Change speaks to a transition in which changes do not disadvantage the working class worldwide, that do not disadvantage developing countries, and where the industrialised countries pay for the damage their development has done to the earth's atmosphere. A just transition provides the opportunity for deeper transformation that includes the redistribution of power and resources towards a more just and equitable social order. What is being proposed through the ERA Bill and through the so-called JET-IP is a framework for privatisation, the premise of shutting down our large and centralized coal-fired power stations as a result of the dawn of what DMRE calls "... a new era of renewable energy technologies" has been proven to be a hollow claim, even by many stakeholders within the International Partnership Group (USA, UK, France and Germany). South Africa's de-industrialised economy cannot be developed by relying on renewable energy alone, we have approximately three hundred years of coal reserves beneath our soil and the current impact on our communities and workers in closing coal power stations has been devastating. JET-IP is fundamentally unjust.

				<p>Western countries have committed \$8.5 billion (R128 billion) in funding to the JET-IP, approximately 81% of these funds are Dollar denominated loans, JET-IP will require another R1.5 trillion in the future.</p> <p><b>ERA Bill and Neoliberal Strategy</b></p> <p>The ERA Bill uses the premise of an assumed necessity to restructure Eskom from a centralised “monopolistic” utility to an “open electricity sector” as a means to solve load-shedding and improve energy security. The penetration of the profit-driven private capital into these public spaces would, for example, be facilitated by allowing for competition against the State Owned Entities (SOEs) such as Transnet in freight transport. In electricity generation it is through the expansion of the already operating private Independent Power Producers (IPPs), with a view to create competition against Eskom. So, in order to effect these measures in electricity, despite the ongoing shortage of electricity supply, Eskom is prevented from investing in renewables as the objective is to reduce its current dominant role in supplying electricity, in favour of the incentivised and subsidised IPPs. In addition, some of the coal-fired power stations under Eskom are going to be concessioned or placed in the hands of the private sector in terms of their operations. The ERA Bill is therefore part-and-parcel of the Government's Neoliberal strategy in terms of the decarbonisation transition (i.e., the replacement of coal by solar, wind and green-hydrogen) as sources of electricity generation.</p>
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				<p><b>CONCLUDING REMARKS</b></p> <p>NEHAWU rejects any legislative attempts at the privatisation of Eskom under the guise of restructuring and reform. The purpose and objectives of the ERA Bill fall short of South Africa’s developmental goals, undermine Constitutional provisions and place profit-driven motives as a primary principle in terms of the generation, transmission, and distribution of energy. Lastly, the new era of renewable energy technologies must not be used as a Neoliberal strategy, influenced by the International Partnership Group, to maintain the systemic colonial extractive and de-industrialised character of our economy. It is for these reasons that NEHAWU rejects the ERA Bill.</p>
6.	Zwelisha Mncube	ESCCA	No	I reject this Bill. How much will the IPPs profit from electricity generation? The Bill is not clear on licensing for IPPs. We are uncertain as to whether the Bill will have an impact on the electricity pricing.
7.	Peter Khumalo	EFF	No	<p>We want to make it clear that, as the people on the ground who are suffering from load shedding every day, we reject with contempt the Bill, and we do so for the following reasons:</p> <p>Our understanding is that this bill is talking about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a bill that gives Eskom additional funding with a condition that says the money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill</p>

				<p>seeks to leave it in the hands of people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayers' money, yet they only come in the last minutes to begin to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established serve to separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Bill, which should be called the Electricity Privatisation Bill, because the bill is only addressing the issue of privatisation of generation of electricity, but it is silent on the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark, sometimes even when there is no electricity blackout, because we cannot afford electricity. Even when the proposed amendment of Section 15 (2) says that the Act will not allow for all these private entities who will not get a license will not charge more than approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices, those who are selling electricity simply pass down cost as administrative to end user, and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality, or Vendor.</p> <p>The Bill has failed to appreciate the basis of South Africa's energy crisis. The primary reason we have electricity blackouts is a simple</p>
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				fact that we did not build new generation on time, and when we started, the workmanship was pure thievery and corruption. That is why today we don't have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for IPPs to find expression even when they add no material value to the grip of the South African economy. We, therefore, stand here to reject the proposed Electricity Regulation Bill and all its misguided established entities.
8.	Sifiso Khumalo	Mazizini	No	I reject the Bill because it has no consideration for poor communities. I also do not support the unbundling of Eskom because there will be no sense of responsibility when things are not going well. We have enough coal to power the nation so there is no need for IPPs because the electricity price will be more costly. The Committee should go back to the drawing board to establish whether this Bill serves the interest of South Africans.
9.	VR Mlotshwa	APEMO	Yes	We agree with the unbundling of Eskom because, as it stands, the entity has failed to provide enough electricity for communities. Communities take this as a failure of Councillors to perform their duties. We only support the Bill on condition that those who reside in farms that are privately owned must be granted an opportunity to have access to electricity whether the farm owner like it or not.
10.	Thami Mazibuko	ANC	Yes	I support the Bill because it seems as though the proposals will assist the community of uThukela and resolve electricity related challenges experienced in the area. Areas that are powered by the municipality constantly have electricity even through loadshedding compared to the Eskom supplied areas. We support the unbundling of Eskom because we will at least have other entities to approach for assistance

				regarding electricity issues as Eskom is basically dysfunctional at the moment.
11.	Thulani Sibeko	EFF	No	We reject the Bill with the contempt it deserves because it is silent when it comes to what poor and disadvantaged communities will benefit from it. The indigents are already finding it difficult to afford the price of electricity. The unbundling of Eskom is also not a solution, as it will only exacerbate the increase in the price of electricity. We expect the Bill to highlight means to curb corruption at Eskom so that the entity can be salvaged instead of being dissolved. The only way forward is to check how do we increase energy generation and how do we curb corruption at Eskom. This Bill is about privatisation, which is why we reject it.
12.	Lindelani Mathebula		Yes	I support the Bill. People must be granted ample time to process the information contained in the Bill so that they can make meaningful contributions to it.
13.	Sibongiseni Chamane	Ward 10	Yes	I support the Bill. If this Bill is enacted as a law of the land, are we still going to see familiar faces being given opportunities for electricity generation or will opportunities be shared equally? There should be clear criteria that will be followed for participation in energy generation so that the youth can also participate. Is there any panel tasked to look into energy supply and load reduction after loadshedding? We trust that young people over the age of 35 will also be given employment opportunities.
14.	Nontle Tshabalala	Deputy Mayor: Thukela Municipality	Yes	I support this Bill because the proposed amendments provide the necessary elements to incentivise competition within South Africa's electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply.

				<p>The proposed amendments, influenced by the Department of Public Enterprises “<i>Roadmap for Eskom in a Reformed Electricity Supply Industry</i>” entails changes to clause 1-30 that affect the entire electricity industry. Central to the proposed amendments is to create a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by the independent generators direct to customers and to change the current required for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised.</p> <p>The proposed amendments further assign, duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of Eskom and ensure that independent generators receive access to transmission resources on a fair basis.</p> <p>The ERA Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds into the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and generate sufficient supply to resolve electricity shortages at the cheapest possible price.</p>
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15.	Nkosingiphile Mlangeni	Inkosi langalibalele ward 2 Loskop Emangweni	No	<p>We want to make it clear that, as the people on the ground who are suffering from load shedding every day, we reject with contempt the Bill, and we do so for the following reasons:</p> <p>Our understanding is that this bill is talking about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a bill that gives Eskom additional funding with a condition that says the money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayers' money, yet they only come in the last minutes to begin to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established serve to separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Bill, which should be called the Electricity Privatisation Bill, because the bill is only addressing the issue of privatisation of generation of electricity, but it is silent on the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark, sometimes even when there is no electricity blackout, because we cannot afford electricity. Even when the proposed amendment of Section 15 (2) says that the Act will not</p>
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				<p>allow for all these private entities who will not get a license will not charge more than approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices, those who are selling electricity simply pass down cost as administrative to end user, and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality, or Vendor.</p> <p>The Bill has failed to appreciate the basis of South Africa’s energy crisis. The primary reason we have electricity blackouts is a simple fact that we did not build new generation on time, and when we started, the workmanship was pure thievery and corruption. That is why today we don’t have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for IPPs to find expression even when they add no material value to the grip of the South African economy. We, therefore, stand here to reject the proposed Electricity Regulation Bill and all its misguided established entities.</p>
16.	Sonto Busisiwe Molefe	ANC	Yes	<p>I support this Bill because the proposed amendments provide the necessary elements to incentivise competition within South Africa’s electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply.</p> <p>The proposed amendments, influenced by the Department of Public Enterprises “Roadmap for Eskom in a Reformed Electricity Supply Industry” entails changes to clause 1-30 that affect the entire electricity industry. Central to the proposed amendments is to create</p>

				<p>a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by the independent generators direct to customers and to change the current required for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised.</p> <p>The proposed amendments further assign, duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of Eskom and ensure that independent generators receive access to transmission resources on a fair basis.</p> <p>The ERA Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds into the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and generate sufficient supply to resolve electricity shortages at the cheapest possible price.</p>
17.	Maneli	ANC	Yes	See ANC submission above
18.	Joy Strydom	ANC	Yes	See ANC submission above
19.	Nombali Mchunu	ANC	Yes	See ANC submission above
20.	Samukelisiwe Khumalo	ANC	Yes	See ANC submission above
21.	Sfiso Mazibuko	ANC	Yes	See ANC submission above

22.	Philani Mazibuko	ANC	Yes	See ANC submission above
23.	Sicelo S Ndlovu	ANC	Yes	See ANC submission above
24.	Ntombifuthi Ndlela	ANC	Yes	See ANC submission above
25.	Velaphi	ANC	Yes	See ANC submission above
26.	Happy Mabaso	AN	Yes	See ANC submission above
27.	Sphesihle Maduna	ANC	Yes	See ANC submission above
28.	Ntombizodwa	AN	Yes	See ANC submission above
29.	Zelda P Shiphlane	ANC	Yes	See ANC submission above
30.	Sphesihle Malaba	ANC	Yes	See ANC submission above
31.	Andiswa Malembe	ANC	Yes	See ANC submission above
32.	Mbuyiseni Buthelezi	ANC	Yes	See ANC submission above
33.	Noluthula E Mabaso	ANC	Yes	See ANC submission above
34.	Maluleke Mdladla	ANC	Yes	See ANC submission above
35.	Abahle Radebe	ANC	Yes	See ANC submission above
36.	Sindisiwe Nene	ANC	Yes	See ANC submission above
37.	Bongani Shezi	ANC	Yes	See ANC submission above
38.	Nozipho Mtethwa	ANC	Yes	See ANC submission above
39.	Londathina Hlomuka	ANC	Yes	See ANC submission above
40.	Nokuthula Zwane	ANC	Yes	See ANC submission above
41.	Thandeka Mazibuko	ANC	Yes	See ANC submission above
42.	Sbongiseni Chamane	ANC	Yes	See ANC submission above
43.	Mziwandile Khumalo	ANC	Yes	See ANC submission above
44.	Nothile Tshabalala	ANC	Yes	See ANC submission above
45.	Mangekho Zikode	ANC	Yes	See ANC submission above
46.	Zamaswazi P Hlatywayo	ANC	Yes	See ANC submission above
47.	Nelisiwe Prudence	ANC	Yes	See ANC submission above
48.	Thabile Thwala	ANC	Yes	See ANC submission above

49.	Nondumiso Hlatshwayo	ANC	Yes	See ANC submission above
50.	Sibusiso Maduna	ANC	Yes	See ANC submission above
51.	Bongekile Cebekhulu	ANC	Yes	See ANC submission above
52.	Kwanele Madondo	ANC	Yes	See ANC submission above
53.	Njabulo Siphesihle	ANC	Yes	See ANC submission above
54.	Mkhathini Nomthandazo	ANC	Yes	See ANC submission above
55.	Mandla Khubheka	ANC	Yes	See ANC submission above
56.	Zinhle Nonhlanhla	ANC	Yes	See ANC submission above
57.	Gwalisile Hlatshwayo	ANC	Yes	See ANC submission above
58.	Nomusa Kheswa	ANC	Yes	See ANC submission above
59.	Nkosingiphile Ndaba	ANC	Yes	See ANC submission above
60.	Londiwe Manqele	ANC	Yes	See ANC submission above
61.	Pretty Simelane	ANC	Yes	See ANC submission above
62.	Sibongile Khubheka	ANC	Yes	See ANC submission above
63.	Thabani Wilson Magagula	ANC	Yes	See ANC submission above

<b>Day 3: KwaDukuza Local Municipality, KwaDukuza Town Hall, 23 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Ken Lever	Institute of Architects of South Africa (KZN)	Yes	I am a registered Professional Architect (SACAP 21515), member of the SAIA-KZN Institute of Architects and a member of the Dolphin Coast Residents and Ratepayers Association DOCRRA  Firstly - I fully support the principle and intent of the Amendments to the Act in allowing and encouraging the participation of the

			<p>Private Sector in the Generation, Transmission and Distribution of Electric Power....and is seriously overdue.</p> <p>To avoid ambiguity and any confusion, I strongly recommend that the proposed National Transmission Company South Africa SOC Ltd be amended to the National Generation, Transmission and Distribution Company South Africa SOC Ltd (NGTDC-SA)...all three functions are envisaged in the draft Bill.</p> <p>I am seriously concerned that there is no clarity in the Bill regarding methods of Generation, using what type of fuel and producing what level of Emissions/Pollution. In the interests of our people, of Southern Africa and the Region, and of the Southern Hemisphere, the use of finite and non-renewable resources such as coal , natural and manufactured gas, <u>cannot be considered or licenced</u>...UNLESS the sequestration and permanent containment of CO<sub>2</sub>, Methane and other harmful pollutants such as Ozone can be proven and guaranteed. Here I am concerned as a resident of KZN at the increased and continuing granting of prospecting licences for Coal in southern Mpumalanga and northern KZN. This will lead to increasing pressure on Government to permit the continuing and increased use of Coal and/or Gas without costly sequestration.</p> <p>The encouragement of the generation of electricity by the private sector must emphasise the harnessing of renewables - Sun, Wind, Wave power, and Biomass among others. If short-cuts or interim measures are necessary or even essential as I suspect then strict, legislated measures and limits must be included in the Bill and Act.</p>
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			<p>The level of registration of small-scale power generation also needs to be defined. Do I have to register my photo-voltaics and 2 diesel generators at my home and independently my panels and generator at my office. Will registration be by Individual or by Place?</p> <p>Why is it necessary in your Memorandum document para 3.2 to omit "South Africa" and add "Republic" ?? this hints at some sinister hidden agenda...like changing the name of the country! What's wrong with <u>RSA</u>??</p> <p>Clause 7 - Subcontracting - subcontracting has proved to be a seriously thorny and highly contentious issue in our country over the past 20+ years - particularly with the likes of Eskom. Subcontracting must be clearly defined and limited or permits can be legally transferred, including accountability. If a permit holder cannot perform the licence/permit must be withdrawn. Accountability and delivery must be key. No uncontrolled subcontracting should be permitted, and certainly Insurance Bonds must be a basic requirement. Look carefully at the Building and Engineering Contract documents (JBCC, FIDIC etc) for guidance.</p> <p>Finally, thank you for the presentation (even though it started 1-hour 35mins after the KDM invitation advised) and the opportunity to address the Parliamentary Panel. My only regrets are that so few professionals, business people or developers attended.</p>
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2.	Nkosi Mbonambi	EFF	No	<p>We want to make it clear that, as the people on the ground who are suffering from load shedding every day, we reject with contempt the Bill, and we do so for the following reasons:</p> <p>Our understanding is that this Bill is talking about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a bill that gives Eskom additional funding with a condition that says the money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayers' money, yet they only come in the last minutes to begin to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established serve to separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Bill, which should be called the Electricity Privatisation Bill, because the bill is only addressing the issue of privatisation of generation of electricity, but it is silent on the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark, sometimes even when there is no electricity blackout, because we cannot afford electricity. Even when the proposed amendment of Section 15 (2) says that the Act will not allow for all these private entities who will not get a license will not</p>
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				<p>charge more than approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices, those who are selling electricity simply pass down cost as administrative to end user, and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality, or Vendor.</p> <p>The Bill has failed to appreciate the basis of South Africa's energy crisis. The primary reason we have electricity blackouts is a simple fact that we did not build new generation on time, and when we started, the workmanship was pure thievery and corruption. That is why today we don't have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for IPPs to find expression even when they add no material value to the grip of the South African economy.</p> <p>We, therefore, stand here to reject the proposed Electricity Regulation Bill and all its misguided established entities.</p>
3.	Sipho Masango	Mandini Municipality	Yes	<p>This Bill is unclear on price fixing by colluding cartels. The Bill is silent on whether it will be local or international companies that will be granted licences for independent power production. If contracts are awarded to multinational companies, the Bill should clarify as to how the transfer of skills will be mandated and how local contractors will be given opportunities to participate in energy production. Communities also need to benefit out of generation capacity increase based on independent power production.</p>

4.	Malusi Gazu	Mandini Municipality	Yes	I partially support the Bill. The Bill is silent on people with disabilities, previously disadvantaged and poor rural communities.
5.	Michelle Brook	Zinkwazi Beach Residents Ratepayers Association Ward 3 Committee Member	Yes	Opening up the supply of power generation to private enterprise and companies is long overdue. The current supplier has allowed their power generation units to fall into total disrepair, as a result of lack of maintenance and expertise. Thus, they are unable to cope with the current and growing demand for electricity. What process will be followed with regards to evaluating, adjudicating, and registering new suppliers? This I ask in particular with regards to nepotism, collusion and competitive pricing. Will the portfolio committee set any preconditions with regards to ownership and operations? How will the general public who are self-generating power for self-use, feed the excess power back into the grid? Will it be financially viable and beneficial for them? Or will the cost be prohibitive, that the average person will not benefit. As with all new positive proposals, due diligence is critical in the development and implementation stages, and to ensure that due process is followed, and that the correct level of technical, managerial and financial skills are appointed. The current breakdown of Eskom and the inability to supply reliable power is having a detrimental effect on the economy and lives of the people. A workable solution is long overdue!
6.	A Sindi Makhoba	Kwadukuza Local Municipality	Yes	I support the proposed Bill because at Ward 3 there are 8 Voter Districts (VDs), one of which does not have electricity. I hope that through this Bill, more households will be electrified after the unbundling of Eskom. It would be appreciated if the Chief Justice and Public Protector would ensure that the multinational companies include local companies in the power production process.

7.	Ashe Sukden	Mandeni Ward 17	Yes	I would propose a fine of R10 million for the vandalization of electricity infrastructure, including cable theft. There is already a market for copper cables so that is why criminals steal cables, while destroying the infrastructure so government needs to look into it, such as ban the sale of copper to scrapyards.
8.	Sikanyenaye Mbambo	Ndwedwe community member	Yes	I support the proposed Bill. Determination of electricity price by IPPs should not be left to them but should rather be regulated by the government so that poor communities can be able to afford electricity. This should also avoid price fixing by cartels.
9.	Zinhle Gcabashe	Maphumulo community member	Yes	The Bill will allow us to have a choice regarding where we want to buy electricity. As per proposed clauses, it seems the price of electricity will also decrease. The implementation of the proposed Bill will provide employment opportunities, increase investment appetite and alleviate poverty. How is government going to ensure that the quality of electricity produced by IPPs is of standard? Will there be proper inspections done to ensure the safety of workers that will be employed in projects?
10.	Ayanda Blessing Madodandile Zulu	NEHAWU	No	NEHAWU rejects this Bill, its contents are merely the legislative rubber-stamping of the current dismantling and privatisation of Eskom underway. The notes below provide Leadership with ammunition to reject this Bill based on the ludicrous claims made by the Neoliberal State.  The Roadmap for Eskom in a Reformed Electricity Supply Industry, 2019 document is an important point of context for Comrades to appreciate. This document draws reference to the 1998 White Paper on Energy Policy, which commits the State to “restructuring” the Eskom to ensure “competitiveness”. This was the initial 1996 Class

			<p>Project’s attempt at Neoliberal legislative reform, through the privatisation of the utility in the guise of restructuring.</p> <p>The rationale behind the unblinding of Eskom into three subsidiary businesses (generation, transmission and distribution) is attributed to the changing energy needs of the country, the roadmap also claims that the current configuration of Eskom is no longer suitable to meet the country’s energy needs and has made it susceptible to corruption and state capture.</p> <p><b>REASONS FOR NEHAWU REJECTING THIS BILL</b></p> <p><b>The position of the Federation</b></p> <p>COSATU 14<sup>th</sup> Congress Resolutions on Eskom and energy security include the following: i) The Federation should initiate or support forming a united front across the trade union movements and its allies against unbundling and the expansion of the Renewable Energy Independent Power Producers Procurement Programme (REIPPPP). ii) We oppose the decommissioning and privatisation of coal-based power plants that have not reached the end of their life span. iii) To oppose the Economic Reconstruction and Recovery Plan (ERRP’s) “structural reforms” intended to allow for profiteering private sector in public infrastructure, including in the electricity sector, as part of the struggle for building a progressive developmental state.</p>
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			<p><b>The position of the ANC</b></p> <p>The 2019 ANC Elections Manifesto which centred around the “Rebuilding of a capable and developmental state” which has regressively since been displaced by the Neoliberal austerity programme and “structural reforms” opening up public infrastructure for capitalist profiteering. The ANC’s 2021 Elections Manifesto, under the theme: Building Better Communities. Together, committed to:</p> <ul style="list-style-type: none"> <li>• Ensure all poor households receive the amount of free electricity allocations that they are entitled to.</li> <li>• Significantly increase the contribution of renewable energy to the country’s</li> </ul> <p>energy mix through a diversification of energy sources, and a just energy transition that creates new economic opportunities for workers and communities.</p> <p><b>Placing Profits before the People</b></p> <p>The 1998 White Paper on Energy Policy speaks to the restructuring of Eskom to ensure it has a competitive edge. This Neoliberal rhetoric has carried through to the current 6<sup>th</sup> Administration through the unbundling process of the utility currently underway. The premise that Eskom’s generation, transmission and distribution of energy to society and the economy must be based on a principle of competitiveness is anti-developmental and contradictory to the ANC’s Manifesto, it places profits before people and, in the context of South Africa's multiple crises as a result of years of Neoliberal</p>
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fiscal policy, places workers and the poor in an even more desperate and unaffordable situation.

**The Unjust Energy Transition Investment Plan**

NEHAWU is committed to support a just transition towards a low carbon atmosphere as one means to reduce global warming and reduce the catastrophic effects of climate change. NEHAWU rejects the Just Energy Transition Investment Plan (JET-IP) as a private sector led strategy to dismantle Eskom and exclude the public sector in general, including municipalities from the transition to a low carbon economy. COSATU’s Policy Framework on Climate Change speaks to a transition in which changes do not disadvantage the working class worldwide, that do not disadvantage developing countries, and where the industrialised countries pay for the damage their development has done to the earth’s atmosphere. A just transition provides the opportunity for deeper transformation that includes the redistribution of power and resources towards a more just and equitable social order. What is being proposed through the ERA Bill and through the so-called JET-IP is a framework for privatisation, the premise of shutting down our large and centralized coal-fired power stations as a result of the dawn of what DMRE calls “... a new era of renewable energy technologies” has been proven to be a hollow claim, even by many stakeholders within the International Partnership Group (USA, UK, France and Germany). South Africa’s de-industrialised economy cannot be developed by relying on renewable energy alone, we have approximately three hundred years of coal reserves beneath our soil and the current

impact on our communities and workers in closing coal power stations has been devastating. JET-IP is fundamentally unjust. Western countries have committed \$8.5 billion (R128 billion) in funding to the JET-IP, approximately 81% of these funds are Dollar denominated loans, JET-IP will require another R1.5 trillion in the future.

**ERA Bill and Neoliberal Strategy**

The ERA Bill uses the premise of an assumed necessity to restructure Eskom from a centralised “monopolistic” utility to an “open electricity sector” as a means to solve load-shedding and improve energy security. The penetration of the profit-driven private capital into these public spaces would, for example, be facilitated by allowing for competition against the State Owned Entities (SOEs) such as Transnet in freight transport. In electricity generation it is through the expansion of the already operating private Independent Power Producers (IPPs), with a view to create competition against Eskom. So, in order to effect these measures in electricity, despite the ongoing shortage of electricity supply, Eskom is prevented from investing in renewables as the objective is to reduce its current dominant role in supplying electricity, in favour of the incentivised and subsidised IPPs. In addition, some of the coal-fired power stations under Eskom are going to be concessioned or placed in the hands of the private sector in terms of their operations. The ERA Bill is therefore part-and-parcel of the Government's Neoliberal strategy in terms of the decarbonisation transition (i.e., the replacement of

				<p>coal by solar, wind and green-hydrogen) as sources of electricity generation.</p> <p><b>CONCLUDING REMARKS</b></p> <p>NEHAWU rejects any legislative attempts at the privatisation of Eskom under the guise of restructuring and reform. The purpose and objectives of the ERA Bill fall short of South Africa's developmental goals, undermine Constitutional provisions and place profit-driven motives as a primary principle in terms of the generation, transmission, and distribution of energy. Lastly, the new era of renewable energy technologies must not be used as a Neoliberal strategy, influenced by the International Partnership Group, to maintain the systemic colonial extractive and de-industrialised character of our economy. It is for these reasons that NEHAWU rejects the ERA Bill.</p>
11.	Nkosindiphile Mbatha		No	The Bill will only empower the rich.
12.	Sibusiso Mbele	Councillor Ndwendwe	N/A	Eskom is facing so many challenges, which we think need government intervention. While we have an appreciation of this, we would like to understand how IPPs will be regulated. Will the unbundling of Eskom not take the country back to apartheid days where a few would be catered for, while disregarding the broader black communities? We appreciate that there must be sanctions but those must be reasonable.
13.	Mcebo Ndwandwe	Ward 21	Yes	Appreciates that the Bill is not opposing Eskom but wants to assist Eskom. New entrants may assist, bring about job opportunities as well. Mentions that in the VD he is from, electricity was cut in 2022 until today. As result people have to fetch wood. NERSA must ensure

				that electricity prices are not rigged, urged that NERSA carefully look into this. Transformer are stolen by big businesses, but people in the community are expected to pay for what they are not responsible for.
14.	Costa Perreira	KwaDukuza Local Municipality Official	Yes	<p><b>Definitions:</b>  <b>Central Purchasing Agency (CPA):</b> how will local municipalities collaborate with the CPA? How will this definition affect the relations between municipalities and IPPs?</p> <p><b>Embedded Generator:</b> What does this mean and how much power does it have? It would be of benefit if local municipalities were to grant licences to Embedded Generators.</p> <p><b>Backup Power</b> must be included and clearly defined in the Bill.</p> <p><b>Off Grid</b> can also be included in the Bill.</p> <p><b>Trade up:</b> Ancillary Services: clarity is required regarding whether the clause includes local municipalities.</p>
15.	Londeka Msane		Yes	There are so many VDs that do not have transformers due to criminal activities. We plead for government assistance by liaising with Eskom to assist those communities. Sanctions: Cable and transformer theft can be eradicated through enforcement of sanctions to both the seller and buyer of illegally acquired transformers or copper cables.
16.	Mpunde Phiri	KwaDukuza community member	Yes	The reason why there is cable theft is because people are not employed so they resort to criminal activities that will make them generate profit for survival.

17.	Lindani Mnqayi		Yes	I support the Bill because the unbundling of Eskom will augment the mandate which Eskom was given. Therefore, IPPs will assist end loadshedding because more power will be produced. Even though we support the Bill, we must register that the price of electricity is too high. NERSA must be regulated by a higher structure because it is the very entity that is responsible for the manipulation of electricity prices.
18.	Sikhumbuzo Mthiyane	Ward 14	Yes	We support the Bill, and we hope it assists Eskom so that we can put an end to loadshedding. Regarding sanctions, 5 years is too minimal a time and lenient a sentence for cable theft and as such, I would propose a 10-year jail sentence. The tender system should not be implemented for IPPs but rather, government should ensure that the multinational companies should employ the youth directly.
19.	Sihle Gxajekwana	ANCYL	Yes	As the youth, we want to be involved in power production, but we do not have funds to operate such businesses, hence we request the government to grant loans to those interested to operate in this space. That will be an investment into the future of this country
20.	Themba Nkosi	Ilembe District (Ward 7)	Yes	We hope the government will regulate electricity generation because if there are no licences required, we will open a window to foreign nationals who will illegally operate in this space. Government must ensure that whoever is generating electricity has the necessary qualifications to do so, so that there will be no lives lost in the process. The IPPs must be regulated so that they can offer affordable tariffs.

**Day 4: KwaZulu Natal: Umzimkhulu Local Municipality, Clydesdale Community Hall, 24 November 2023**

	Name	Organisation	Support Yes/No	Reasons
1.	Zukisani Tshangase	EFF	No	<p>We want to make it clear that, as the people on the ground who are suffering from load shedding every day, we reject with contempt the Bill, and we do so for the following reasons:</p> <p>Our understanding is that this bill is talking about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a bill that gives Eskom additional funding with a condition that says the money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayers' money, yet they only come in the last minutes to begin to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established serve to separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Bill, which should be called the Electricity Privatisation Bill, because the bill is only addressing the issue of privatisation of generation of electricity, but it is silent on the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark, sometimes even when there is no electricity blackout, because we cannot afford electricity. Even when</p>

				<p>the proposed amendment of Section 15 (2) says that the Act will not allow for all these private entities who will not get a license will not charge more than approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices, those who are selling electricity simply pass down cost as administrative to end user, and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality, or Vendor.</p> <p>The Bill has failed to appreciate the basis of South Africa's energy crisis. The primary reason we have electricity blackouts is a simple fact that we did not build new generation on time, and when we started, the workmanship was pure thievery and corruption. That is why today we don't have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for IPPs to find expression even when they add no material value to the grip of the South African economy. We, therefore, stand here to reject the proposed Electricity Regulation Bill and all its misguided established entities.</p>
2.	Nkosinathi Nkonyane	COSATU	No	<p>The Congress of South African Trade Unions (COSATU) notes the tabling of the Electricity Regulation Amendment Bill. The Federation is opposed to the Bill in its entirety and urges Parliament to reject its passage.</p> <p>COSATU engaged on the Bill extensively at NEDLAC. Our fundamental concerns were not addressed by government. We are thus left with no choice but to remain deeply opposed to the Bill.</p>

			<p>We do not believe the Bill will assist in resolving Eskom’s many challenges. We fear that the unbundling of Eskom will at best serve as a distraction and at worse lead to its privatization. Eskom’s division into three separate entities may render it impossible for the utility to adequately plan investments in generation, distribution and transmission. Eskom’s survival is being jeopardized by the entry into the energy generation space of independent power producers (IPPs). The rise of IPPs may reduce the determination of electricity prices to a matter of profit alone and place the price of electricity out of the reach of the poor.</p> <p><b>Context for the ERA Bill</b></p> <p>Government announced its intention to split Eskom into three different entities in September 2019. It made this announcement against the backdrop of repeated and ever-increasing levels of loadshedding that has crippled the economy since 2006. Loadshedding has become worse with each passing year and is estimated to cost the economy up to 2% of gross domestic product growth annually. Eskom generates 95% and transmits and distributes 100%. Its rapid deterioration has had a massive impact on the economy, jobs, businesses and the fiscus. Eskom’s performance has consistently been the greatest threat to the economy. Yet this utility drove South Africa’ industrialisation and economic growth for more than eight decades until it was mismanaged and systematically weakened and crippled, in particular during the decade of state capture. Before then it was a world-renowned utility and regularly</p>
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exported electricity to neighbouring states. Today barely half of its generation fleet is operational on a daily basis.

### **COSATU Response to Electricity Crisis**

Eskom is simply too important to be allowed to fail. It is the life line of the economy. If Eskom is allowed to continue to deteriorate, it will continue to bleed the economy.

COSATU feared that government was not moving with sufficient speed to stabilize and rebuild Eskom in October 2019's Medium Term Budget Policy Statement. The Federation subsequently drafted and tabled the Eskom Social Compact that was then adopted and signed by government, business and labour at Nedlac in December 2020. The Eskom Social Compact sought to mobilise government and social partners around a comprehensive 36 step intervention plan to stabilize and rebuild Eskom. These interventions ranged from slashing Eskom's debt by at least 50%, tackling crime and corruption crippling Eskom, reducing wasteful expenditure, moving towards pre-paid electricity, increasing free electricity for indigent households, investing in Eskom's infrastructure, retaining skilled staff and ensuring a Just Energy Transition.

It did not include the unbundling of Eskom as this was a point of disagreement between government and labour. Many of its elements have subsequently been incorporated into government's energy action plan and are being implemented with varying degrees of success. Monthly engagements take place at Nedlac overseeing its implementation.

			<p><b>COSATU Opposition to the ERA Bill: Unbundling</b></p> <p>COSATU remains opposed to the ERA Bill. We believe that it does not address the root causes of the crises crippling Eskom. Instead, it seems to believe that Eskom is in a crisis because it is a single structure utility when in reality Eskom is in a crisis because of mismanagement, corruption, state capture, wasteful expenditure, criminal activities, cable theft, vandalism, infrastructure neglect and brain drain. Unbundling Eskom will not resolve a single one of these causes of Eskom's crises. Instead, it serves as a meaningless ideological distraction at best, and at worst it will further decapitate Eskom and worker fear, lead to electricity's ultimate privatization. Many of the Bill's provisions deal with unbundling Eskom and its generation, transmission and distribution functions. We fear that this splitting up of Eskom into three different companies will make it virtually impossible for it to properly for an integrated electricity plan that will ensure the economy has the electricity it requires to grow. It will also generate additional costs for the utility, e.g. board, management and administration costs that the state says it cannot afford.</p> <p><b>COSATU Opposition to the ERA Bill: IPPs</b></p> <p>The Federation's other fundamental objection to the ERA Bill is that it provides for the privatization of energy generation. Until recently the generation of energy was the sole prerogative of Eskom. It has over the past few years been opened up to the private sector through</p>
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IPPs. The Bill is now providing a retrospective legislative framework for this. We fear that the rise of IPPs will ultimately lead to the displacement and demise of Eskom. Eskom too has been forced to buy electricity from IPPs at higher tariff levels than it has been allowed to resell the same electricity for. Thus, Eskom has been subsidizing the IPPs at its own expense! Solar and wind energy generation has effectively been ringfenced to the private sector with Eskom lacking the funds to invest in its own new generation capacity and under the Eskom Debt Relief Act, being denied the right to invest in new generation capacity without the permission of the Minister for Finance. COSATU fears that with the rise of private electricity generation, the ability of NERSA to regulate tariffs in a manner that is affordable for the poor, the working and middle classes, SMMEs and the economy; will increasingly be under threat and possibly sacrificed at the alter of profits.

### **Conclusion**

COSATU is opposed to the ERA Bill. We do not feel it addresses any of the causes for Eskom's existential threats. It focuses on unbundling which at best is a distraction and an additional expense as well as an obstacle to Eskom's effective planning, and at worse a precursor to the wholesale privatization of Eskom and electricity. It allows for the de facto privatization or semi-privatisation of generation, in particular solar and wind. This will again weaken Eskom's balance sheet in terms of purchasing and its own generation costs. We urge Parliament to reject this Bill and to compel

				government to instead focus on addressing Eskom's real obstacles to ensuring reliable and affordable electricity.
3.	Zoliswa Ntamane	Kokstad ward committee	N/A	We wish the Committee could visit our area because we have a lot of electricity challenges. NERSA must be regulated to avoid manipulation of electricity prices. I support the 5-year jailtime sanction for those who have been found guilty of cable theft and illegal connections. I am uncertain whether I should support the Bill or not because of the plight of our community, therefore I would need to get a mandate from my constituency.
4.	Sifiso Zulu	Ward 11 resident	Yes	Even though I support this Bill, I would like to submit that Parliament should look into Eskom's infrastructural problems. Parliament should also look into the quality of transformers that are installed by Eskom in communities because when weather conditions are bad, we always experience power cuts.
5.	Mongezi Macela	Koksatd ward committee	Yes	The ruling party tried to power all communities when it took over from the apartheid regime but its downfall was that the power stations were not properly maintained and further capacitated to withstand the load based on the addition of a number of powered households.
6.	Luyolo Ntsevu	Ward 9 resident	N/A	Competition is good because it gives us a choice in terms of where we would want to purchase electricity from. The challenge with the "middle man" makes profit out of selling electricity. An example of this is foreign nationals who charge extra for the price of electricity. Electricity prices are rocketing because of loadshedding, which puts communities at a disadvantage as they cannot afford. Cable theft is a huge challenge affecting us as communities because we lose power. This also affects the elderly who need to prepare meals prior to taking

				their medication. 5-year jailtime is too short a sentence so I propose that the sanction be increased to 10 years.
7.	Victor Ndzimande		No	I do not support the Bill because I do not believe that privatising Eskom will be a solution. I believe Eskom is being deliberately run down to make way for IPPs. The indigent will be unable to afford high electricity prices that will be produced by IPPs. I would propose that the R1m fine should be completely scrapped but rather those who are found on the wrong side of the law must face jailtime.
8.	Kholeka Mncwabe		No	In my opinion, I doubt the proposed amendment will assist us. I would like Eskom to eradicate the electric boxes that are produced and sold by private companies because they necessitate illegal connections, as Eskom has no oversight role over them. Eskom should also ensure that monitoring is thoroughly done when electricity works, and maintenance is being done in communities so that private electric boxes can be eradicated.
9.	Bhekamahlongwa Lukakayi		Yes	Through this Bill, we have been able to realise that Eskom alone, is unable to generate electricity for the entire nation, which is why we welcome the unbundling that will enhance the work of IPPs. NERSA must have control over Eskom even though there will be other power producers introduced. We have streams flowing in our area and we would like to be granted opportunities to generate our own electricity. Or fear is that there is no proper monitoring and evaluation from government's side. Eskom is taking a liberal approach to energy pricing. There must be a way in which Eskom can hold those found on the wrong side of the law to account rather than disconnecting power for the entire community. Those who have been charged for wrongdoing must be brought to book. The sanction could

				be based on the relativity of the criminal act instead of a blanket 5-year jailtime approach.
10.	Thembelani Mbedu	Kokstad	N/A	The issue of electricity affects everyone. Mentions that units of electricity are too small compared to the purchase price.
11.	Mvumeni Dlamini	NEHAWU	No	We do not support the Bill because it does not seek to assist disadvantaged people. Parliament should find a way to empower Eskom instead of privatising the entity. There is a possibility that the people who are destroying Eskom are doing so because they want privatisation.
12.	Xoli Gebashe	COSATU	No	COSATU is opposing the ERA Bill because we believe it does not address the root causes of the crisis, crippling Eskom instead. It seems to believe that Eskom is in crisis because it is a single structure utility, when in reality, Eskom is in crisis because of mismanagement, corruption, state capture, wasteful expenditure, criminal activities, cable theft and vandalism. Unbundling Eskom will not resolve a single one of Eskom's problems. Unbundling Eskom into three different companies will make it impossible for it to properly form an integrated electricity plan that will ensure the electricity it requires to be sustainable. This Bill will lead to electricity privatisation where there will be those who will benefit, and the poor will become poorer. People will lose their jobs we say no to the ERA Bill.
13.	Vuyokazi Shucu	ANC	N/A	We request a community representative that will be responsible to resolve minor electricity challenges. The representative must be employed by Eskom so that minor challenges can be swiftly dealt with.
14.	Andiswa Lukhozi	EFF	No	The treatment that we get from Eskom varies based on how much electricity one buys in a period of a month. This is discrimination

				because as poor communities, we can only afford to buy minimal units compared to others who buy bulk electricity.
15.	Bheki Dlamini	EFF	No	I reject the privatisation of Eskom because IPPs will increase the price of electricity and poor people will be unable to afford it. We implore on the Committee to swiftly address the issue of loadshedding especially because in our area, when power is off, we completely lose network coverage as bandwidth gets affected.

#### 6.4 Limpopo Province

<b>Day 1: Limpopo, Collins Chabane Municipality, Malamulele Community Hall, 26 September 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
53.	Jeffrey Masutha	Community Supporting Forum	Yes	Fully support because it reveals who we are as South Africans and how we can work together. Furthermore, there are numerous sources of energy which can be used for energy especially in Vhembe where we can create our own electricity if the Bill is passed. Supports the Bill as it can enable locals to generate electricity.
54.	Danani Baloyi	Ward 20 – Jim Jones Economic Freedom Fighters (EFF)	No	Understanding of the Bill is that it is about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a Bill that gives Eskom additional funding with a condition that says money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the

				<p>Bill seeks to leave it in the hands of the people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayer's money, yet they only come in the last minute to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established are to serve separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Amendment (ERA) Bill which should be called the Electricity Privatisation Bill, because the Bill is only addressing the issue of privatisation of generation of electricity, but it is silent of the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark sometimes even when there are no black outs because we cannot afford electricity. Even when the proposed amendment of Section 15(2) says that the Bill will not allow for all these private entities who will not get a license will not charge more than the approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices those who are selling electricity simply pass down cost as administrative to end user and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality of Vendors.</p>
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				<p>The Bill has failed to appreciate the basis of South Africa's electricity crisis. The primary reason we have electricity black outs is a simple fact that we did not build new generation capacity on time and when we started the workmanship was pure thievery and corruption. That is why today we don't have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for Independent Power Producers (IPP's) to find expression even when they add no material value to the grip of the South African economy.</p> <p>We therefore stand here to reject the proposed electricity regulation bill and all its misguided established entities.</p>
55.	Dr Lilian Manaka	Ward 23 – Thulamela EFF	No	<p>Understanding of the Bill is that it is about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a bill that gives Eskom additional funding with a condition that says money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of the people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayer's money, yet they only come in the last minute to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established are to serve</p>

				<p>separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Amendment (ERA) Bill which should be called the Electricity Privatisation Bill, because the Bill is only addressing the issue of privatisation of generation of electricity, but it is silent of the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark sometimes even when there are no black outs because we cannot afford electricity. Even when the proposed amendment of Section 15(2) says that the Bill will not allow for all these private entities who will not get a license will not charge more than the approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices those who are selling electricity simply pass down cost as administrative to end user and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality of Vendors.</p> <p>The Bill has failed to appreciate the basis of South Africa’s electricity crisis. The primary reason we have electricity black outs is a simple fact that we did not build new generation capacity on time and when we started the workmanship was pure thievery and corruption. That is why today we don’t have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for Independent Power Producers (IPP’s) to find expression even</p>
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				<p>when they add no material value to the grip of the South African economy.</p> <p>We therefore stand here to reject the proposed electricity regulation bill and all its misguided established entities.</p>
56.	Meshack Mbangula	Mining Affected Communities United in Action (MACUA)	No	<p>Rejects the Bill because the organisation he represents (MACUA) has engaged with Government on the Integrated Resources Plan (IRP2019) in which it was stated that wind and solar are clean energy sources and will work in the residential areas. It was also stated that this will also address the climate change and fossil fuels being a detrimental source of energy, therefore must be prioritised. However, the government continued with the building of Kusile and Medupi coal power stations which was a shocking decision given the climate change mandates and the attempts by MACUA to engage Parliament. Also reject the Bill because the organisation has made attempts with Parliament and Department of Mineral Resources and Energy (DMRE) in order to amend the Mineral and Petroleum Resources Development Act (MPRDA) but to date this has not taken place. Rejects the Bill because the rush for finalising this Bill is driven by money which will benefit the selected few, not all South Africans.</p>
57.	Gudani Tshikhola	MACUA Legal Advisory Office	No	<p>Rejects the Bill because the organisation he represents (MACUA) sent the Chair of the Portfolio Committee on Mineral Resources and Energy (PCMRE) several emails regarding the public hearings. In the email he mentioned that the publication of the hearings was on 16 September 2023 and the first hearing is 26 September 2023 which is unreasonable timeframe for</p>

				<p>persons in rural areas to attend, to understand the Bill, to be workshopped within a short space of time. As a result, most people do not know about the Bill and asks who the public hearing is for. He mentioned that this issue was raised to the Chair repeatedly via email as a concern. Further that as this public hearing continues today the process will be legally challenged by the organisation as it is not inclusive to all affected person given this schedule and short time frame.</p>
58.	Steven Hlungwana	EFF	No	<p>Understanding of the Bill is that it is about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a bill that gives Eskom additional funding with a condition that says money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of the people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayer's money, yet they only come in the last minute to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established are to serve separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Amendment (ERA) Bill which should be called the Electricity Privatisation Bill, because</p>

			<p>the Bill is only addressing the issue of privatisation of generation of electricity, but it is silent of the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark sometimes even when there are no black outs because we cannot afford electricity. Even when the proposed amendment of Section 15(2) says that the Bill will not allow for all these private entities who will not get a license will not charge more than the approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices those who are selling electricity simply pass down cost as administrative to end user and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality of Vendors.</p> <p>The Bill has failed to appreciate the basis of South Africa's electricity crisis. The primary reason we have electricity black outs is a simple fact that we did not build new generation capacity on time and when we started the workmanship was pure thievery and corruption. That is why today we don't have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for Independent Power Producers (IPP's) to find expression even when they add no material value to the grip of the South African economy.</p> <p>We therefore stand here to reject the proposed electricity regulation Bill and all its misguided established entities.</p>
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59.	Olive Netshifhefhe	Ward 29 - Makhado	No	Rejects the Bill because price of electricity is very expensive, and it does not ever drop and therefore there is a concern with the Bill whether people will afford the electricity under this new system therefore rejects the Bill.
60.	Maureen Seshoka	MACUA	No	Rejects the Bill because there is no information, no workshopping of this Bill, so the participation on the public hearing will be limited and cannot be supported. She mentioned she was deeply disappointed in that the Bill does nothing to advance women or at the very least protect women.
61.	Ms. Chauke	Ward 21 Collins Chabane Municipality	Yes	Speaker supports the Bill. He provided context by saying that electricity issue is big in the community specifically black outs, states that the community does not have issues of illegal connections like in other provinces but does have the issue of black outs even when it is not loadshedding by Eskom. The speaker mentioned that this is because there is no control of electricity beyond even generation and transmission. Indicates support of the Bill because of the belief that the Bill addresses this issue to ensure control of the electricity to make sure that all have access to electricity whether black out or not.
62.	Faith Tinstwalo Chauke	Ward 21 Collins Chabane	Yes	Supports the Bill because it will improve the lives of women. The speaker mentioned that the impact of no electricity on women is different than for men especially in rural communities. She stated that when there is no electricity the cooking materials like water and fire wood can only be fetched far away and this has led to rape and assaults of women and girls. Including black outs take place and women only are in the houses, men and criminals come and steal, rape and assault women in their homes.

				Supports the Bill as she believes it will improve access therefore minimise negative criminal impacts on women.
63.	Takalani Rambau	Ward 27 Makhado	Yes	Speaker supports the Bill because it is well presented, however the speaker would like to highlight that in the villages the people report issues of electricity and the response to these complaints are not addressed or very slow which is a problem. Speaker also asked that the government should encourage the youth to pursue careers in engineering which could assist the electricity sector and Eskom and also address the unemployment crisis in the country.
64.	Cynthia Mathelemuge	Ward 3 Makhado Ward Community member	Yes	Fully supports the Bill as it is.
65.	John Malima	South African National Civics Organisation (SANCO)	Yes	Supports the Bill because it will help with pricing and access to electricity. The speaker provided context and mentioned that in his area there is a big crisis of Somalians selling electricity but at a much higher rate. The residents pay a very high rate of electricity for example for R50 worth of electricity people are forced to pay R60. He further asked that offices of the companies dealing with electricity be located in the community itself where electricity can be bought at the right prices which are affordable, and this may also mitigate the illegal connections.
66.	Thembulu Nemokhavhani	Secretary Ward 28 Thulamela	Yes	Fully supports the Bill and adds that certain aspects must be addressed, such as the scope of the Regulators' powers to include consultations when raising tariffs it decided on and explain if the reason given to raise tariffs is the economic conditions of the country. The disputes on electricity challenges – this should be accessible arbitration processes. The clause related to sub-

				contracting – the speaker stated that the subcontracting of maintenance should be regulated to avoid creating an industrial monopoly. Women must be empowered in electricity generation. This will be in line with empowering women in business. Licensing entities to generate electricity – the granting and objection must be treated in courtesy to avoid a similar situation as what is happening in the taxi sector. Competitive market – must align with the economic conditions of the country. Stated that the electricity generation must not be at the cost of agriculture or food security – the Bill must state this in the form of a guarantee. The unbundling of Eskom is supported and must be fast-tracked to start accountability processes for the separate entities. Subsidise the electricity sector to ensure electricity affordability - must be included in the Bill.
67.	Janet Shandukani	Ward 2 – Collins Chabane	Yes	The speaker stated that she read the Bill in English and her home language of Venda and compliments the translation as she understood the Bill in her home language. She supported the Bill fully.
68.	Sydney Maluleka	Ward 31 - Makhado	Yes	The speaker mentioned that he supported the Bill as it is.
69.	Tinyiko Eric Baloyi	Collins Chabane Chamber of Business	N/A	The speaker mentioned that as business, the Bill must be studied properly. Stated that the loadshedding is badly affecting business and most are not recovering from the impact. As a result, the submission by business will be done to provide suggestions and indicate support or not in writing at a later stage but before the due date.
70.	Molly Mutere	Collins Chabane - ANC	Yes	The speaker stated that she supports the Bill. The speaker further stated that in the Limpopo area in general most people buy electricity differently from other provinces which places

				pressure on the people of Limpopo when buying electricity. The Bill must level the playing field to ensure that those buying electricity are not paying much more than others for the same access of electricity.
71.	Bongani Baloyi	Collins Chabane Resident	Yes	The speaker commended the Committee for undertaking this process for an important Bill. However, indicated that he only received the copy of the Bill the morning of the public hearing, therefore participation and comments will be limited. The speaker focussed on the objects of the Bill and stated that the additional electricity and new generation capacity is supported if the understanding is that it will address the electricity crisis in the country. The how part of the Bill is the application of the Bill if it passes, and as a result the speaker will support the Bill only in principle. The request was for time to be given to look further in to the Bill and interrogate the how properly. The speaker indicated that he will make a written submission and he will provide further reasons for his support of the Bill.
72.	Rabella Mafanela	Ward 23 – Collins Chabane EFF	No	<p>Understanding of the Bill is that it is about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a Bill that gives Eskom additional funding with a condition that says money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of the people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from</p>

			<p>infrastructure that was built by taxpayer’s money, yet they only come in the last minute to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established are to serve separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Amendment (ERA) Bill which should be called the Electricity Privatisation Bill, because the Bill is only addressing the issue of privatisation of generation of electricity, but it is silent of the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark sometimes even when there are no black outs because we cannot afford electricity. Even when the proposed amendment of Section 15(2) says that the Bill will not allow for all these private entities who will not get a license will not charge more than the approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices those who are selling electricity simply pass down cost as administrative to end user and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality of Vendors.</p> <p>The Bill has failed to appreciate the basis of South Africa’s electricity crisis. The primary reason we have electricity black outs is a simple fact that we did not build new generation capacity on time and when we started the workmanship was pure thievery and corruption. That is why today we don’t have Kusile</p>
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				<p>and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for Independent Power Producers (IPP's) to find expression even when they add no material value to the grip of the South African economy.</p> <p>We therefore stand here to reject the proposed electricity regulation Bill and all its misguided established entities.</p>
73.	Eric Maluleke	Ward 14 – Makhado Chairperson of Vhembe Electricity Forum	Yes	The speaker stated that the Bill is supported in order for the community to be better serviced.
74.	Emmanuel Magoro	Ward 19 Ward community member	Yes	Supported the Bill. Stated that the introduction of a competitive market is good as Eskom has not managed on its own therefore new entrants will enable better access of electricity.
75.	Victor Sibiya		Yes	Supports and believes that the Bill will address the electricity crisis and suggests that it must be more aligned with other countries. The speaker further stated that in Musina there is good sunlight throughout the year even during winter to which solar farms can be established and this electricity can be distributed to communities. The Bill will also assist the companies that are exporting goods, and decarbonise the economy. The energy generation can also be done using coal which will create job opportunities for the people.
76.	Reuben Mokamu	Ward 23 - Malamulela	Yes	Supported the Bill fully.

77.	Carol Mabasa	Vhembe Ward 13 EFF	No	<p>Understanding of the Bill is that it is about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a Bill that gives Eskom additional funding with a condition that says money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of the people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayer's money, yet they only come in the last minute to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established are to serve separate strategic assets from billions of Eskom debt to make privatisation possible.</p> <p>We reject the Electricity Regulation Amendment (ERA) Bill which should be called the Electricity Privatisation Bill, because the Bill is only addressing the issue of privatisation of generation of electricity, but it is silent of the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark sometimes even when there are no black outs because we cannot afford electricity. Even when the proposed amendment of Section 15(2) says that the Bill will not allow for all these private entities who will not get a license will not charge more than the approved, the reality is that there is no control of electricity</p>
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				<p>prices in South Africa. When the Regulator approves certain prices those who are selling electricity simply pass down cost as administrative to end user and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality of Vendors.</p> <p>The Bill has failed to appreciate the basis of South Africa's electricity crisis. The primary reason we have electricity black outs is a simple fact that we did not build new generation capacity on time and when we started the workmanship was pure thievery and corruption. That is why today we don't have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for Independent Power Producers (IPP's) to find expression even when they add no material value to the grip of the South African economy.</p> <p>We therefore stand here to reject the proposed electricity regulation bill and all its misguided established entities.</p>	
78.	Ramunana Tshanduko	Makhado municipality 28	Local Ward	Yes	In full support of the Bill as he also wants to see the current electricity problem to come to an end as soon as possible. He believes that the purpose of the Bill is to help the Country.

<b>Day 2: Limpopo, Greater Giyani Municipality, Thomo Community Hall, 27 September 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>

1.	Hasani David Ngobeni	ANC	Yes	<p>The proposed amendments provide the necessary elements to incentivize competition within South Africa's electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply. Amendments, influenced by the Department of Public Enterprises' Roadmap for Eskom in a Reformed Electricity Supply Industry, entail changes to Clauses 1-30 that affect the entire electricity industry. Central to the proposed amendments is to create a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by independent generators direct to customers and to change the current requirement for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised. Amendments further assign duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of Eskom and ensure that independent generators receive access to transmission resources on a fair basis. Electricity Regulation Amendment Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds in the Renewable Energy Independent Power Producer Programme (REIPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and</p>
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				generate sufficient supply to resolve electricity shortages at the cheapest possible price.
2.	Rifumo Baloyi	Ward 32	No	Does not support of the Bill because the Eskom unbundling will be costly as can be seen with previous similar government decisions. The privatisation of Eskom is a concern because who will own it and will it benefit the people. The electricity tariffs are already expensive, and this Bill doesn't discuss how this will be managed. The levels of corruption in the country makes people sceptical on whether this Bill be for the people.
3.	Trompies Hlungwana	EFF	No	<p>Understanding of the Bill is that it is about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a bill that gives Eskom additional funding with a condition that says money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of the people whose only interest is profit above all.</p> <p>We reject the proposed Bill because it seeks to privatise Eskom in a manner that there will be few people who benefit from infrastructure that was built by taxpayer's money, yet they only come in the last minute to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established are to serve separate strategic assets from billions of Eskom debt to make privatisation possible.</p>

			<p>We reject the Electricity Regulation Amendment (ERA) Bill which should be called the Electricity Privatisation Bill, because the Bill is only addressing the issue of privatisation of generation of electricity, but it is silent of the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark sometimes even when there are no black outs because we cannot afford electricity. Even when the proposed amendment of Section 15(2) says that the Bill will not allow for all these private entities who will not get a license will not charge more than the approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approves certain prices those who are selling electricity simply pass down cost as administrative to end user and we end up paying different prices depending on whether we are buying our electricity from Eskom, Municipality of Vendors.</p> <p>The Bill has failed to appreciate the basis of South Africa's electricity crisis. The primary reason we have electricity black outs is a simple fact that we did not build new generation capacity on time and when we started the workmanship was pure thievery and corruption. That is why today we don't have Kusile and Medupi working properly. This was made worse by the deliberate collapse of Eskom between 2018 and today to allow for Independent Power Producers (IPP's) to find expression even when they add no material value to the grip of the South African economy.</p> <p>We therefore stand here to reject the proposed electricity regulation bill and all its misguided established entities.</p>
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4.	Matome Letsie	Ward 20 Maphale Village	Yes	Support of the Bill as it is.
5.	Meshack Mbugula	MACUA	No	<p>Rejects the Bill because the organisation he represents (MACUA) has engaged with Government on the Integrated Resources Plan (IRP2019) in which it was stated that wind and solar are clean energy sources and will work in the residential areas. It was also stated that this will also address the climate change and fossil fuels being a detrimental source of energy, therefore must be prioritised. However, the government continued with the building of Kusile and Medupi coal power stations which was a shocking decision given the climate change mandates and the attempts to engage by MACUA to engage Parliament. Also reject the Bill because the organisation has made attempts with Parliament and Department of Mineral Resources and Energy (DMRE) in order to amend the Mineral and Petroleum Resources Development Act (MPRDA) but do date this has not taken place. Rejects the Bill because the rush for finalising this Bill is driven by money which will benefit the selected few, not all South Africans.</p> <p>Rejects the Bill because the organisation he represents (MACUA) sent the Chair of the Portfolio Committee on Mineral Resources and Energy (PCMRE) several emails regarding the public hearings. In the email he mentioned that the publication of the hearings was on 16 September 2023 and the first hearing is 26 September 2023 which is unreasonable timeframe for persons in rural areas to attend, to understand the Bill, to be workshopped within a short space of time. As a result, most people do not know about the Bill and asks who the public hearing is for. He mentioned that this issue was raised to the Chair repeatedly via email as a concern. Further</p>

				that as this public hearing continues today the process will be legally challenged by the organisation as it is not inclusive to all affected person given this schedule and short time frame.
6.	Elliot Maswanganyi	EFF	No	See EFF submission above
7.	Joseph Ramalekae	Development Forum under Greater Tzaneen Municipality Ward 8	Yes	Support of the Bill only if the following suggestions are taken into consideration: Amendment of the registering must be clear on whether it is for locals or foreign nationals. The concern is that if the Bill is open for foreign nationals then speaker won't support the Bill. Speaker asked whether the registration is only for those with capital or does it also include those without capital? If the Bill does not allow for those without capital, then speaker will not support the Bill. Suggestion was that where the registration process include the locals then the locals can use solar and become the competition for Eskom.
8.	Tshepo Baloyi	Giyani Ward 14. ANC YL	Yes	Supports the Bill as it is.
9.	Mashile Phalane	Batlabile Community	Yes	Support the Bill only if the following suggestions are taken into consideration: There is no access to the grid as residents so if the Bill can allow for grid access for communities in order for communities to generate energy from solar and provide this energy to the grid. The IRP2019 is not community led or does not take the community perspectives into consideration as it is capital intensive only. The amendment must include community generation of electricity and community views must be reflected in IRP. The State-Owned Company (SOC) should be accessible to the community and not a big company based far from community, that is to say it must be in the community as provincial/local branches. Licensing and registration must enable local community to

				generate electricity. The National Energy Regulator of South Africa (NERSA) must not undermine the local community and must give local community licenses
10.	Mikateko Christina Mashimbye	Ward 22 Greater Giyani ANC Women's League	Yes	See ANC written submission above
11.	Helome Service Makhubele	ANC	Yes	Supports Bill as is.
12.	Tyani Rabothata	ANC	Yes	Support the Bill because Eskom is not being privatised but rather it is a creation of competition in order to enhance electricity distribution which is supported.
13.	Makhelo Piet Mabenda	ANC	No	Reject the bill because there is shortage of electricity especially since 1994' with a higher demand of electricity. Therefore, the ideal scenario is for solar energy to be used for electricity and the companies suggested in the Bill must assist Eskom in this regard, by creating solar farms. Eskom must just be supported to meet the demand and new companies can do this.
14.	Freddy Mabasa	Freddy Mabasa	No	Reject the Bill because the current price of electricity is already too high and most people do not afford electricity.
15.	J.N Mashele	GGM Ward CCLR	Yes	Supports the Bill as it is.
16.	T.E. Nkuda	GGM Ward CCLR	Yes	Supports the Bill as it is.
17.	Israel Nkuna	EFF	No	See EFF submission above
18.	Cedrick Rikhotso	ANC	Yes	Support of the Bill, because when considering all the sections of the Bill, the creation of competition is the main proposal which is supported. Eskom cannot do all that is required of generation and transmission which is why there is loadshedding therefore the introduction of other companies will be good for public service

				delivery, and the pricing of electricity. Also, the creation of new companies and competition will create jobs and new knowledge of different sources of energy.
19.	Ntakateko Maswanganyi	EFF	No	See EFF submission above.
20.	Allen Rikhotso	Ward 19 Giyani	No	Reject the Bill because the privatisation of Eskom is concerning because it is unclear on who will come in and what will happen to employment, whether the locals will be employed by the new entrants. The loadshedding situation is also programmed to create a picture of a problem which can only be fixed by this Bill and the new companies it proposes. South Africans must not just accept it. There is also a rush with the Bill which came after the BRICS meeting which the speaker believes is too coincidental therefore rejects the Bill.
21.	Cedrick Baloyi	-	Yes	Supports the Bill because it encourages competition which has not been the case for Eskom and led to the current crisis. Any other sector such as telecommunications and airlines have this competition. Without competition a sector will not thrive. The Bill states that NERSA will regulate the price therefore there shouldn't be a fear of overcharging or of not affording when competition comes into the sector. The concern of corruption will be dealt with under the normal criminal laws in the country.
22.	Tammy Constance Mhodi	MACUA	No	Rejects the Bill and argues that Eskom must first be held accountable for their failures before anything else is introduced. The Bill does not do anything for women or address the vulnerabilities of women when there is no electricity. This is a problem not just for loadshedding but also for affordability because most women are not working so they cannot pay for electricity. The

				Bill does not say whether all will afford electricity with new companies.
23.	Steven Msongeya Mathebula	Ward 18	Yes	Support the Bill because the bailouts by government to Eskom has not led to a change therefore the competition will possibly assist with managing the crisis.
24.	Rose Mnyuku	Ward 19	Yes	Support the Bill because it will promote jobs.
25.	M.G Chabalala	Ward 20	No	Reject the bill because the Bill promotes something that requires a lot of money and Eskom already has massive debts so how will these two realities make sense for the people of South Africa as taxpayers. Eskom must stay as it is and deal with its issues. New companies will introduce their own rules and that will not benefit South Africans.
26.	Lehlogonolo Rakwatha	Ward 29 Greater Tzaneen	No	Reject the Bill because Eskom is not incapable of addressing the issues and doing its operational duties. Eskom was affected by the Black Economic Empowerment (BEE) policy. The privatisation will create a situation where people cannot afford electricity for the poor especially. Private companies focus on profits and not the people therefore the Bill cannot be supported.
27.	Moriah Shirinda	Ward 16 Greater Giyani	Yes	Supported because it will enable better access to electricity and be affordable
28.	Steven Sehlwane	SANCO	Yes	Support the Bill because Eskom has had many issues and the amendments will enable Eskom to do its work and encourage working with other role players to assist. The competition will also create jobs and address the unemployment crisis.
29.	Donald Manganya	Ward 17 - Thomo	No	Reject the Bill because Eskom has the capacity to do its work and must be supported.

30.	Tshililo Ramunana	Secretary of SACP Makonde Magoro Branch ward 28 and a Deputy chairperson of Tshiswiswini village Civic	Yes	Fully supports of the Bill as I also want to see this electricity problem to come to an end as soon as possible. I don't think but I believe that the purpose of the Bill is to help our lovely Country.
31.	Felicia Machimana <b>(Written)</b>	Greater Tzaneen Municipality	Yes	Supports the amendment as Eskom is failing to produce enough electricity for the whole country since the community is growing and new ideas being extended. Eskom need competition and other companies that will push them to offer better services.
32.	N/A <b>(Written)</b>	SANCO Phalaborwa Ward 04	No	The Bill encourages privatisation. Privatisation is focussed on profit. It ignores the fact that South Africa is a developing country. We must not forget the role of the SOC in the development of the country. Energy plays a big role in the development of the country. Private hands do not care about the development of the country, their motive is only profit. Let us rather equip Eskom.
33.	Amos Gambo <b>(Written)</b>	Greater Tzaneen Municipality ward 18	Yes	Supports the Bill because Eskom must compete with other institutions. The Bill can create more jobs and skills for South Africans.
34.	David Mojalefa <b>(Written)</b>	Greater Tzaneen Municipality ward	Yes	It is clear that Eskom is now faced with serious challenge of electrify supply, so there is a need to open competition.
35.	Isiah Malebati <b>(Written)</b>	Mopani	Yes	Supports the Bill as it will ease the licensing process that in turn will enable the country to procure energy quickly.
36.	Nkuna R <b>(Written)</b>	Giyani Section A	Yes	See ANC submission above
37.	Ntsako Sekgobela <b>(Written)</b>	Ward 12 Giyani Section A	Yes	See ANC submission above

38.	Nondonga <b>(Written)</b>	Julia	Ward 4	Yes	See ANC submission above
39.	Tinstswalo <b>(Written)</b>	Baloyi	Ward 15	Yes	See ANC submission above
40.	Oanky <b>(Written)</b>		Mopani ward 21	Yes	See ANC submission above
41.	Lawrence <b>(Written)</b>		Ward 15	Yes	See ANC submission above
42.	Mathebula <b>(Written)</b>	Khanyisile	Ward 2	Yes	See ANC submission above
43.	Praise <b>(Written)</b>	Khumbuza	Ward 18	Yes	See ANC submission above
44.	Stine Ngomeni <b>(Written)</b>		Ward 07	Yes	See ANC submission above
45.	Thabo <b>(Written)</b>	Makhubele	Ward 10	Yes	See ANC submission above
46.	Hlamulo <b>(Written)</b>	Baloyi	Ward 10	Yes	See ANC submission above
47.	Vukeya Basani <b>(Written)</b>		Ward 3	Yes	See ANC submission above
48.	Butshabelo <b>(Written)</b>	Mabunda	Greater Giyani	No	As a woman if electricity is privatised it means that it will be very expensive for me as a farmer. This Bill has failed to incorporate clause in it even though it is well known fact that electricity effects women more. This Bill has failed to account for all challenges that the privatisation of electricity will have on women headed families, on businesses that women conduct as most women are in catering, saloons and laundry businesses. I reject this Bill because it is anti-women. Its clauses only seek to empower to empower corporate run by men. I reject this Bill as the advert for public participation was not advertised on the local media houses.
49.	Dixila Nero <b>(Written)</b>	Mabunda	Mopani	Yes	The Bill will bring more generation capacity and competition.

50.	Matome Alfred Lesie	Maphalle Village	Yes	N/A
51.	Alfred Mahlanhle <b>(Written)</b>	Giyani Section A Ward 12	Yes	We must also support Eskom with the corrupt elements that are happening internally and externally. Look at the power stations which has been closed, which need upgrading and start there. Companies which are to help Eskom supply electricity to South Africa should be monitored vigilantly as most or almost South Africans cannot afford basic electricity for their households. NERSA should also protect the people of South Africa in terms of tariff hikes. In South Africa electricity is expensive. This Bill should benefit the people of South Africa and protect the South African based companies.
52.	Bi Chavalala <b>(Written)</b>	GGM	No	The speaker cites the current challenge of loadshedding, high electricity prices, illegal electricity connections, damaged meter boxes which Eskom took long time to fix. Does not believe that the Bill is dressing these issues.
53.	Mabada Freddy <b>(Written)</b>	Mopani	No	Electricity is already expensive, having a middle man will make it more expensive.

<b>Day 3: Limpopo, Elias Motsoaledi Local Municipality, Elsca Motetema Church, 28 September 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Edwin Modepa	Ephraim Mogale Ward 16	Yes	Speaker supports the bill, specifically supports section 1(a) (d) and (e)
2.	Sibongile Mahlangu	ANC	Yes	The proposed amendments provide the necessary elements to incentivize competition within South Africa's electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply. Amendments,

				<p>influenced by the Department of Public Enterprises' Roadmap for Eskom in a Reformed Electricity Supply Industry, entail changes to Clauses 1-30 that affect the entire electricity industry. Central to the proposed amendments is to create a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by independent generators direct to customers and to change the current requirement for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised. Amendments further assign duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of Eskom and ensure that independent generators receive access to transmission resources on a fair basis. Electricity Regulation Amendment Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds in the Renewable Energy Independent Power Producer Programme (REIPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and generate sufficient supply to resolve electricity shortages at the cheapest possible price.</p>
3.	Capu Ngobeni	Ward 31 ANC	Yes	<p>Speaker supports the Bill because the issue of electricity affects the people and business and the Bill can address this challenge with additional companies to help Eskom.</p>

4.	Johanna Mashiya	Ward Comittee	Yes	Speaker stated that there should be outsourcing of companies to assist Eskom as the power cuts causes serious issues in the community.
5.	Meshack Mbugula	MACUA	No	<p>Rejects the Bill because the organisation he represents (MACUA) has engaged with Government on the Integrated Resources Plan (IRP2019) in which it was stated that wind and solar are clean energy sources and will work in the residential areas. It was also stated that this will also address the climate change and fossil fuels being a detrimental source of energy, therefore must be prioritised. However, the government continued with the building of Kusile and Medupi coal power stations which was a shocking decision given the climate change mandates and the attempts to engage by MACUA to engage Parliament. Also reject the Bill because the organisation has made attempts with Parliament and Department of Mineral Resources and Energy (DMRE) in order to amend the Mineral and Petroleum Resources Development Act (MPRDA) but do date this has not taken place. Rejects the Bill because the rush for finalising this Bill is driven by money which will benefit the selected few, not all South Africans.</p> <p>Rejects the Bill because the organisation he represents (MACUA) sent the Chair of the Portfolio Committee on Mineral Resources and Energy (PCMRE) several emails regarding the public hearings. In the email he mentioned that the publication of the hearings was on 16 September 2023 and the first hearing is 26 September 2023 which is unreasonable timeframe for persons in rural areas to attend, to understand the Bill, to be workshopped within a short space of time. As a result, most people do not know about the Bill and asks who the public hearing is for. He mentioned that this issue was raised to the</p>

				Chair repeatedly via email as a concern. Further that as this public hearing continues today the process will be legally challenged by the organisation as it is not inclusive to all affected person given this schedule and short time frame.
6.	Tshebane Nkoane	Ward 13 Ephraim Mogale	Yes	Supports the Bill, specifically section (a) and (d) is particularly supported.
7.	Johannes Mtsweni	Ward 16 Elias Motsoaledi	Yes	Supports the Bill, however asked whether there is certainty with the privatisation, and whether the addition of companies will assist Eskom to allow for access of electricity to all South Africans.
8.	Zakhele Mkwana	Ephraim Mogale	Yes	Supports the Bill particularly (a)(d)(e). Speaker suggested that implementation of the Bill must not just be a matter of compliance.
9.	Seloma Molate	Ward 10 Ephraim Mogale	Yes	Speaker provided context of the community and stated that the community does not use illegal connections for electricity. Most people staying in the wards buy electricity, however they are also the most affected with the pricing.
10.	Caroline Mokanye	Ward Committee Member	Yes	Speaker supports the Bill and suggests that Clause 27 – minister may make determinations should be corrected to state <b>must</b> not may. This will limit the discretion of the Minister to respond to make determinations. If there is any outsourcing of companies especially if they are foreign companies, these companies must empower and employ local youth that are involved in the sector.
11.	Thandi Mable Sibanyoni	Ward 31 Elias Motsoaledi	Yes	Speaker supported the Bill, and made the following suggestion given her context. The speaker mentioned that the grant for elder people mostly goes toward purchase of electricity therefore requests a decrease in the pricing of electricity in order to have a better quality of life.
12.	Medikgake Maduane	Ward 18 Makhuduthamaga	Yes	Supports the Bill and adds that they have a challenge of meter boxes being damaged and Eskom taking long to address and fix the issue.

13.	Setshibiki Thobejane	Ward 18 Makhuduthamga	No	Rejects the Bill because it is poorly drafted and needs a redraft. This is because the Bill refers of new energy players and does not indicate what the new players are bringing to the table. He further added that the open market must be explained on how it will benefit the people, for example are the tariffs going to decrease with them on board? South Africa is in energy crisis therefore the speaker mentioned that the Bill should be specific to how it will address the crisis and not refer to new players. The speaker mentioned that the new Minister of Electricity is not factored in the Bill.
14.	David Mashiane	Ward 9 Ephraim Mogale	Yes	Suggests that Eskom substations must be better managed and fixed - the Bill must include this aspect.
15.	Lehlogonolo Legodi		Yes	Supports the Bill however mentioned a concern about the pricing and whether the Bill enables increase or decrease. The speaker provides context by saying that even with power cuts the community still pays increased rates. Further added that the community also buys electricity from the Municipality which uses a middle man which makes the electricity more expensive with additional tariffs. Therefore, the speaker mentioned that he hopes this is not what is suggested and can be mitigated now in the community as people cannot afford the electricity.
16.	Mogethoa	Ward 14 Elias Motsoaledi	Yes	Supports the Bill because the new role players introduced by the Bill will help the electricity crisis and create jobs. The companies are also taxed and this will be a contribution to the economy of the country. The Regulator must just ensure that the locals are prioritised for employment.
17.	Katherine Mampa	Ward 8 Ephraim Mogale – ANC	Yes	Supports the Bill because electricity access in the country is a problem and the Bill suggests interventions to address the crisis.

18.	Maureen Sheshoka	MACUA	No	Reject the Bill because Free Prior and Informed Consent is not practiced, and the community is not workshopped and therefore they cannot engage properly on the Bill. Just transition and energy are not explained and understandable to the community which are important to understand the Bill, therefore there is a need to revisit the public hearings.
19.	Esrom Tshela	Sekhukhune Ward 11 Ephraim Mogale	No	Rejects the Bill because it does not explain how the people will benefit. The Bill does not explain how the companies will benefit the local community. The information about the Bill is not accessible prior to the hearings and this must be addressed before the Bill is passed, it must go back, and people must be involved from the beginning. The speaker added that the community is affected by electricity and Eskom, therefore they must be involved in drafting so it must go back.
20.	Willie Rantobeng	Ward Committee Member – Ward 14 Regoa Village	Yes	Speaker supports the Bill, makes the following additions: There is a problem with the meter box particularly when the box is damaged Eskom takes a very long time to fix and address issues. The Bill must ensure compliance of addressing the problems experienced for end-users. Maintenance of existing meter boxes must also be addressed including the falling transmission and distribution lines/poles in the community. There is also a term called load reduction which is explained as when there is an overload in an area on the system of the local sub-station therefore a power cut, but it is different to the national loadshedding. This must be addressed because it is a very uncertain process, and detrimentally impacts the community.

**Day 4: Limpopo, Bela Bela Local Municipality, Bela Bela Multipurpose Hall, 29 September 2023**

	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Joseph Ndlovu	Ward Committee Member – Ward 04	Yes	Supports the Bill because Eskom is in the situation it is in today is as result of a lack of skills, and when engineers were meant to be hired other non-qualified people were appointed, and there was corruption. Therefore, NERSA must be empowered to also fix Eskom. Free basic electricity for indigent people and the subsidy for unemployed persons is the same and it should not be the case. There is damage to infrastructure, and copper theft and transformer theft therefore NERSA must be empowered to arrest and hand out fines.
2.	Tshepo Mokoena	Ward Committee Member – Ward 04	Yes	Supports the Bill because it gives NERSA the power to regulates tariffs, classify between residences and business for different rates/tariffs. Insertion of the word customer is supported. NERSA is empowered to monitor Eskom which is supported. The room provided for in the Bill for other power generators is supported.
3.	Zacharia Morudu	Party Leader	No	Rejects the Bill because it is confusing as it is not clear whether a new company will be formed and what happens to Eskom. The concern is that the Bill introduces privatisation which may cause residents to not be able to afford electricity as private companies main aim is to make profit.
4.	Roger Takalani	Ward committee Member 03	Yes	Supports the Bill because it will help people, since Eskom has too much power in the electricity sector, and it is not working. Therefore, if NERSA can be empowered to open the sector to other people and companies it will hopefully make a difference. Suggested to add to the Bill that NERSA must be considerate of poor people and big business which have different electricity needs and the pricing must be fit for purpose with different pricing for different people/business.

5.	Oupa Ndebele	Ward Committee Member Ward 04	Yes	The sections referring to distribution and selling of electricity is supported specifically empowering Eskom to work with Municipalities to enable better access and pricing. Sustainability sections – there must be different sources of energy such as solar energy and also encourage limited usage of electricity in households. Speaker provided context and stated that purchase of electricity in his community is very high and not regulated which is a problem.
6.	Mmolawa Sithole	Disability Forum	Yes	Agree with the amendments as explained to the people. The Bill will improve people's lives.
7.	Lucky Taueatswala	Ward Committee Member	Yes	Supports the Bill because additional companies will enable better access Suggested that the following be added in the Bill: Local graduates must be empowered and employed, and the abandoned power stations must be fixed.
8.	Lasi Maswanganyi	EFF	No	Speaker mentioned that he could not read or write and relied on the speakers' contributions to understand the Bill. Therefore, he asked questions: <ul style="list-style-type: none"> <li>- Does the Bill only apply to Bela Bela and Limpopo or all 9 provinces?</li> <li>- Rejects the Bill as a resident of Bela Bela because the community has a challenge with access and buying electricity from middlemen instead of from Eskom which create unfairness in pricing.</li> </ul>
9.	Flexi Magwashe	Ward 1 Bela Bela	No	Rejected the Bill and stated the following: <ul style="list-style-type: none"> <li>- The Bill must be referred to as Eskom Privatisation Bill.</li> <li>- Privatisation aims to make a profit and not for the benefit of the people therefore the pricing will be a challenge for the people of South Africa who are mostly poor and unemployed.</li> </ul>

				<ul style="list-style-type: none"> <li>- The electricity infrastructure is already in place, which was at cost to taxpayers, therefore are the new companies going to use tax payers infrastructure but not benefit the people?</li> <li>- The Bill does not mention anything about the pricing structure which is concerning.</li> <li>- The approach with the electricity sector must be to empower and improve Eskom as Eskom is not in crisis because the resource of coal is available in abundance, it is the people in Eskom that are the problem.</li> </ul>
10.	Daniel Ledwaba		No	Rejects the Bill because it was drafted without consultation with the people. Many jobs will be lost due to privatisation. This Bill must be rejected because who in the community will be able to get a license and generate electricity – it is capitalistic and not ordinary people
11.	Gudani Tshikota	MACUA	No	Reject the Bill because there was not enough time, workshopping or information to ensure comprehensive contribution to the public hearings. Added that the Bill is anti-poor, it is capitalistic.
12.	Surprise Mashishi	MACUA	No	As a woman if electricity is privatised it means that it will be very expensive for me as a farmer. This Bill has failed to incorporate clause in it even through it is well known fact that electricity effects women more. This Bill has failed to account for all challenges that the privatisation of electricity will have on women headed families, on businesses that women conduct as most women are in catering, saloons and laundry businesses. I reject this Bill because it is anti-women. Its clauses only seek to empower corporate run by men. I reject this Bill as the advert for public participation was not advertised on the local media houses.
13.	Gilbert Moela	MACUA	No	I hereby express concerns over several significant flaws in the Electricity Regulation Amendment Bill [B 23—2023]. This bill, as it

				<p>currently stands, poses serious implications for the electricity sector and the consumers it serves.</p> <p>Firstly, the lack of transparency and stakeholder engagement in the drafting of the Bill is deeply concerning. The absence of proper consultation with industry experts, consumer groups, and other relevant stakeholders undermines the credibility and effectiveness of the proposed regulations.</p> <p>Secondly, the Bill fails to address key issues related to market competition and fair pricing. It lacks adequate provisions to promote healthy competition among electricity providers and protect consumers from potential market abuses, such as price gouging or monopolistic practices.</p> <p>Furthermore, the Bill appears to prioritize the interests of large corporations over the needs and rights of individual consumers. The proposed regulations do not sufficiently safeguard the rights of consumers, particularly in relation to service quality, billing disputes, and access to affordable electricity.</p> <p>Moreover, the Bill neglects to tackle the urgent need for sustainable and renewable energy sources. In an era of growing environmental concerns and the need to address climate change, the lack of provisions supporting the development and integration of renewable energy solutions is unacceptable.</p>
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				In conclusion, while the intention behind the Electricity Regulation Amendment Bill [B 23—2023] may be commendable, it falls short in addressing crucial flaws that could have a detrimental impact on the electricity sector and consumer welfare. We urge policymakers to reconsider the Bill, ensuring it incorporates adequate stakeholder input, promotes competition and fair pricing, protects consumer rights, and embraces sustainable energy solutions. Only through such revisions can we achieve a truly equitable and efficient electricity sector that serves the best interests of all stakeholders.
14.	Charles Molebatsi	Ward Committee Member	Yes	Supports the Bill and add that NERSA must be given the power to regulate tariffs as there is unfairness in how much the poor people pay.
15.	Godwin Sigama	DACFSA ward 04 Bela Bela	No	Rejects the Bill because Eskom has always supplied electricity and built the power stations. The Bill suggests that Eskom is going to be privatised and generate an income for itself at the cost of the people. Added that the Bill must be redrafted.
16.	Mohale Seshoka	Mokopane MACUA/YAMUA	No	Rejects the Bill because he says research (survey) on the Bill was conducted prior to the drafting the Bill. The survey indicated that 60% supported privatisation however his community never participated in this survey and his community would not support privatisation. The Bill is anti-poor and enables the rich to get richer and poor get poorer.
17.	Sipho Ndebele	Ward 4 Bela Bela	No	Rejects the Bill because the failures of Eskom are not addressed. The Bill is not privatisation it is a corruption tactic. NERSA is oppressing people further because the pricing regulation is not clear and it is very different to the pricing set by Municipalities. Eskom has infrastructure that can be improved to generate and provide electricity for people. Eskom must empower locals to generate their own

				electricity such as solar, there is no need to include NERSA for licensing or regulation.
18.	Sebushi Kutu		No	Rejects the Bill because the public hearing was not properly conducted and does not include the relevant community members of the Waterberg.
19.	Maureen Seshoka	MACUA	No	Rejects the Bill because Free Prior and Informed Consent is not practiced, and the community is not workshopped and informed therefore they cannot engage properly on the Bill.
20.	Johannes Phofedi	Ward 7 Tsakane	Yes	Supports the Bill as it is.
21.	Nomsa Javaid	Ward 7 Tsakane	Yes	She has no electricity, the reason she cited is that she is told she stays on a wetland. Despite this fact, she indicated that she fully supports the Bill and however pleads for assistances so that her situation could be rectified.
22.	Jonas Mmeti	Ward 9	No	Rejects the Bill because there is nothing wrong with Eskom, the problem is leadership. Privatisation is being introduced and seems to benefit a select few. No ordinary person can afford a license and generate anything, this is for the select few. This will exclude the locals for employment because the private companies will not employ South Africans.
23.	Girly Malatji	EFF – Ward 2 Bela Bela	No	See EFF submission above
24.	Sylvia Maya	5 Ward Committee Member	No	Rejects the Bill because she is concerned of the jobs and rise of unemployment. Concerned of the existing debt of Eskom which has not been addressed. Suggested that Eskom must be fixed first, address illegal electricity connections, theft of copper cables, and corruption first before any new laws.

### 6.5 Northern Cape Province

<b>Day 1: Northern Cape, Dawid Kruiper Local Municipality, Piet Thole Community Hall, 24 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
79.	Stanley Peterson	Speaker in the Dawid Kruiper District Municipality	N/A	The speaker indicates that the municipality is the main supplier for solar energy but the people are not participating in this sector, in fact they are being blocked and there is no reason why this is the case. The people are jobless in the area and the request is for an intervention to assist. Concern of lack of public education on the Bill and access to the Bill prior to the public hearings to enable people to participate in the law-making process. The speaker mentions the concern of bail outs for public entities which then charges expensive electricity. The speaker feels that the people are paying for the bail outs with the price of electricity.
80.	Martin Basson	Rosedale Upington	Yes	The speaker mentions that from 2021/2022 no electricity statements were given and now there is no access to electricity. The speaker mentions that at a Council meeting they were told that they must now pay. There is no communication to the people on either of these matters from the municipality. The speaker mentions that the municipality as the middleman is causing electricity to be expensive. Recommends that the people buy the electricity directly from Eskom and this should be put in the Bill.
81.	Shaun Isaacs	Ward 02 Kaigariep Municipality	Yes	The speaker mentions that there are solar farms in Northern Cape and Namibia, but it is only South Africa that experiences loadshedding not Namibia. The speaker mentions that there is a negative impact of electricity that is not restored fast enough on beneficiaries of South African Social Security Agency (SASSA)

				grants and the poor. The speaker mentions that this matter has been raised with Eskom, but it continues to not be addressed. The speaker mentions the issue of cable theft and supports that those who steal the cable must be arrested including those who buy the stolen cable – suggests 20 years imprisonment.
82.	Anna de Bruin	Women on Farms	N/A	<p>The speaker mentions that the information on the Bill was only provided today to the community.</p> <p>The speaker mentions support of the Bill provided that it address the concerns of the community.</p> <p>The speaker mentions that it is troubling that the Bill comes when there is no information and education on the Bill. The speaker mentions that the members of the municipality and leaders should be in the meeting to hear the issues of the community The speaker mentions that the Bill side-lines the National Energy Regulator of South Africa (NERSA) which is a good thing because NERSA regulates electricity prices in its own way. However, the replacement of NERSA must address the community issues. The cable theft issue must be clearly stated in the Bill and impose a 20-year sentence and those that are foreigners that are stealing the cables must be extradited and serve sentence and not return to South Africa. The speaker asks what happens to the debt of Eskom with the change that the Bill suggests. The speaker mentions that the change that the Bill suggest must benefit the people and those that have done wrong in Eskom must be held accountable.</p>
83.	Larry Hammer	Rabbonni Outreach Ward 8 Kaigariep Municipality	N/A	The speaker mentions that there are areas in the community that do not have access to electricity for the last 25 years. The speaker mentions that he has addressed a letter to the President to raise the issues that have not been addressed by all levels of government

				regarding electricity access. Requests electricity access that was promised to the people be realised.
84.	Sylvia Tieties	Ward 10	N/A	The speaker mentions that the issue of lack of electricity access is a huge problem that has angered her and the community and asks for the President to be held accountable. She also mentions the challenge of cable theft and a need for this to be addressed.
85.	Goab Samuel Steenkamp	ANC	Yes	The speaker mentions that alternative must be explored with city engineers and that there must be a second generation of electricity. The speaker further mentions that the municipality and Eskom must work together to ensure access to electricity to all, and that all the issues and concerns of the people are quickly addressed. The speaker mentions that the blocking of electricity access should not be accepted as it is wrong and rather warn people before they block electricity.
86.	Phillipus van Wyk	Kakamaas	Yes	The speaker mentions that electricity is purchased directly from Eskom and when there is loadshedding the power is also off for him even though he does not buy electricity from the municipality. The speaker mentions that this is a problem
87.	Jan Esam		Yes	The speaker mentions the paying of R220 to municipality every month and if there is no payment the electricity is cut off. There is not anyone to assist or address this issue which is big problem in the community. It was also mentioned that the price of electricity is too high.
88.	Catherine Peters	Patriotic Alliance/ Kakamaas	N/A	The speaker asks why it is not possible to buy electricity directly from Eskom as she believes that the expensive electricity from the municipality is because of the fees owe by the municipality to Eskom which the people are paying for unfairly.

89.	Johanna Meyers	SMME's Rep	Yes	The speaker mentions that she feels that she does not have a choice but to support the Bill so she will support. The speaker mentions that Parliament is failing the people because laws are passed without taking the community interests/issues in mind. The speaker requests that the Bill as it stays the same so the people can monitor
90.	Meshack Mbangula	MACUA	N/A	The speaker mentions that the process is tick box as most of the speakers are discussing everything except the Bill itself. The people should be given the time to study and know the Bill before indicating support or rejection of the Bill.
91.	Elizabeth Williams	Kakamaas	N/A	The speaker mentions that she is in the public hearing to hear discussions about electricity that she has never received from government
92.	Lesley Basson	African National Congress (ANC)	Yes	The speaker mentions concerns of not addressing the Eskom debt and putting in place these changes which if left unaddressed will come back negatively on the community, the Eskom debt somehow must be addressed. The speaker mentions that the people must also pay for the electricity as it compounds the situation of the debt.
93.	Esther Spaanerberg	ANC	N/A	The speaker mentions that many of the people in attendance spoke of not understanding the Bill which must be addressed by Parliament. The Bill includes the infrastructure building for electricity that will take place in 20 years, and this is concerning as this is a long period. The speaker also mentioned concerns of the purchase of electricity which is not the same as the units which was promised to be changed to the amount bought that will equal the number of units.
94.	Anna Pita	ANC	Yes	The speaker mentions that she hopes that the Bill focuses on the poor and that it will be managed and implemented properly. The speaker also mentions the price of electricity vis-a-vis the units

				available. The speaker mentions that affordability is an issue in the community which the Bill must address.
95.	Themba Malan	ZFM District Municipality	Yes	The speaker mentions that the challenge sometimes is that the government will implement solutions and the community will boycott the solutions. The speaker mentions that the end of loadshedding must soon come as communicated recently on the television
96.	Marius Phillips	ZFM District Municipality	N/A	The speaker mentions that we have electricity issues in the country is because people do not pay for electricity. The speaker asks whether it is possible to charge more to businesses in order to subsidise the poor and indigent people.

<b>Day 2: Northern Cape, Emthanjeni Local Municipality, De Aar Town Hall, 25 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Skhosana Kingsley Mosea		Yes	The speaker mentions the issue of cable theft and the need for the arrest of those illegally stealing the cables. The speaker asks for an understanding of loadshedding and what is causing it especially an explanation to the elder generation.
2.	Buyani Malini	Economic Freedom Fighters (EFF)	No	The speaker mentions that there is a number of solar farms in the area including turbines in the area, the speaker asks why loadshedding is also affecting the areas that use these alternative sources of energy.
3.	Anton Tobius		Yes	The speaker mentions concerns of loadshedding even though there is wind and solar farms in Northern Cape – therefore the speaker asks why there is still loadshedding

4.	Nontobeko Mkhontwana	Public Participation Co-ordinator	Yes	The speaker mentions concerns of vandalism of infrastructure and recommends that policing must be intensified around power stations. The speaker mentions that Eskom must not be privatised.
5.	Kenneth Chaso		N/A	The speaker mentions that he needs help as he is an orphan.
6.	Martha Booyesen	Patriotic Alliance	No	The speaker mentions that the Bill must be scrapped. The speaker adds that the Bill will only benefit the rich and not the poor. The speaker mentions that in 2010 a solar farm was opened with the promise that this farm will assist with ending loadshedding – this has not taken place. The speaker asks that the Bill incorporates the solar and wind farms which are in abundance in Northern Cape to enable poor people to have access and afford electricity.
7.	Primrose Bushula	EFF	No	The speaker mentions concerns regarding cable theft in the community and recommends for it to be a criminal offence. Suggests 5 – 10-year sentencing including for the buyers. The speaker mentions concerns of the indigent policies that must be monitored to ensure that it is fair. The speaker asks whether it is possible to buy electricity directly from Eskom rather than municipality.
8.	Riluaan Smith	Democratic Alliance (DA)	Yes	The speaker supports the Bill but with reservation. The speaker states that the Bill criminalises cable theft but does not criminalise those that participate in corruption. The speaker mentions that there are challenges of electricity supply from other entities outside of Eskom such as from Independent Power Producers (IPPs). The speaker recommends that the cable theft sentence must be 15 years. The state entities are failing the people and Eskom should be privatised in its entirety.

9.	Atta Maria Kock	Emthajeni Resident / ANC	Yes	The speaker mentions the loadshedding problem and asks whether it is possible to switch from Eskom power to alternative sources of solar and wind when loadshedding is supposed to take place.
10.	Jacqueline Elizabeth Jantjies	ANC	Yes	The speaker mentions the loadshedding problem and the confusion of the sudden changes of stages/levels of loadshedding. The speaker asks how this is the case and how it can be addressed because of the negative impact of no electricity.
11.	Mr. Bosman	SANCO	Yes	The speaker mentions that in ward 05 a substation was built, and the manager Mr. Brunt said that security needs to be employed there because when there is no electricity the power station is vandalised, and people cut the poles that distributes electricity illegally.
12.	Nosipho Carolina Kowo	ANC	Yes	The speaker mentions that Eskom does not alert people before electricity is cut for loadshedding. The speaker also mentions that water is taken or rationed. In both aspects people are still expected to pay, and the rates are very expensive. The people are in deep trouble with this situation.
13.	Mzukisi Olifant	ANC	Yes	The speaker mentions that the salaries from the Community Work Programme (CWP) are too little and asks for an intervention. The speaker also mentions the lack of access to water and rationed water. The water that the community receives from Jojo tanks is not good as it causes diarrhoea, and the children get sick.
14.	Johannes Ally		Yes	Mentions that he used to work in construction and states that they installed the transformers in the community and there was no loadshedding after this. The speaker mentions the Eskom Laboratory Enterprise and asks what happened to this entity, and what is happening with the Chief Executive Officer (CEO) of Eskom

15.	Bongiwe Patosi	ANC	Yes	The speaker mentions that Eskom should be assisted administratively by other companies/entities. The speaker mentions that when there is a housing development it should be in an area where there is a dedicated power station designated to provide power to the housing development. The speaker also mentions the need to include electricity education and skills so local youth can participate in the sector. The speaker mentions that South Africa is very rich in resources and requests that alternative ways to generate electricity be explored.
16.	Elrico Calvin van Rooyen	CWP	N/A	The speaker mentions that he cannot buy electricity as the meter box is burnt, and he has raised this issue, and it is yet to be addressed.
17.	Jackie Uithaler	NCOPF	Yes	The speaker asks whether it is possible for inverters to be put in individual households. The speaker emphasizes that implementation of interventions is very important and this should be communicated to the people.

<b>Day 3: Northern Cape, Gasegonyana Local Municipality, Wrenchiville Hall, 26 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Nkagisong Rori	South African National Civics Organisation (SANCO)/ Ward 6	Yes	The speaker mentions that previously there was a request to Parliament that Bills must come to the community from the very beginning and views from the start must inform the draft bill. Thus, it must not come as already a draft Bill.

2.	Boitshoko Moseki	SANCO/Ward 2	No	The speaker rejects the Bill because the community is experiencing a number of challenges including the cable theft which is mostly because of the youth unemployment. The speaker mentions that the community is hopeful that Eskom will provide electricity even though there is loadshedding issues that has impacted the community but there is a big risk to giving electricity generation, and transmission to private sector to provide electricity. The speaker mentions that the youth unemployment is very high which causes vandalism and theft of electricity infrastructure.
3.	Mmoloki Seochawareng	SANCO/Mandela Park	No	The speaker rejects the Bill because Eskom has been an issue in the community and key issues have not been addressed for a long time. The speaker mentions that cable theft has been an issue for a long time and asks why this Bill comes now to resolve this issue. The speaker mentions that electricity access is a problem in the community because there are settlements that are new with electricity whereas the older settlements are still without and ask why this is the case.
4.	Sibongile	Ward 11	N/A	The speaker mentions that the community has a challenge with Eskom as the billing has changed. The speaker mentions that she is unemployed and cannot afford electricity which is problematic when the billing has changed.
5.	Itumeleng Mokang	Ward 2	N/A	The speaker mentions that the challenge is with electricity supplied by the Municipality, which is more expensive, does not become activated. Even after loading the electricity, and the units does not equal the money spent on electricity. The speaker also mentions that at some point the municipality stated that there is no electricity access because the municipality owes Eskom, but the people have paid for prepaid electricity and must get access.

6.	Cecilia Dithupa	Ward 2	Yes	The speaker asks who is currently hosting the public hearings as she has an issue that needs Land Reform. She states that there are people who are not allocated with water and electricity however they are living in areas that the Municipality says that must stay and live.
7.	Kegenogile Sarah	Ward 2	No	The speaker state that she understands that an amendment means an existing Act exists and therefore states that the people's views should have been taken into consideration to see whether the current Act actually works. The speaker states that the Act was enacted in 2006 and NERSA was empowered to regulated electricity which the speaker states is a form of the private sector which has caused the problems for the community. The speaker mentions that private sector must be rejected, electricity must be a government mandate. She states that it is better to experience loadshedding than to not have any electricity at all which private sector will do or create for the poor people in the community. The speaker states that the next time Parliament comes, the community must be informed ahead of time of the hearings, and information on the Bill must be more than just a summary and people must be given time to study the Bill.
8.	Joel Comole Tlale	Ward 2	Yes	The speaker mentions that it is well known that there are electricity challenges in the country but the Bill shows that the there is a path/vision for improvement. The speaker mentions that there is no electricity in Barbatus (area), that this challenge has remain unaddressed and some people have been blocked from public resources. This has caused serious challenges in the community, mostly elderly persons. The speaker states that SANCO has been the intervening body and requests Eskom to engage with them further to address the issue.

9.	Tshidiso Mulutsi		N/A	The speaker mentions the challenges of lack of electricity supply in the community especially for the elderly, children and persons with disability. The speaker therefore states that stable electricity must be implemented. The speaker mentions the same challenge for water, the roads etc. in the community and states that public service is very poor.
10.	Olebile Agosi	Ward 11	No	The speaker mentions that the state/government has failed the people. The speaker mentions that this Bill has failed the people on consultation as most were not aware of this public hearing and the Bill itself. The speaker mentions that Parliament coming to the community on this Bill re addressing the electricity issue is not for the people because the Bill talks about private sector and unbundling which will negatively impact the poor.
11.	Boitumelo Setunguane		N/A	The speaker mentions the issue of wild fires that impact on the electricity infrastructure and whether there can be mitigating factors for such. The speaker mentions the issue of number of units vis a vis amount used to purchase of electricity from the foreign nationals – says there is a huge discrepancy that needs to be addressed.
12.	Orapeleng Maulelo		Yes	The speaker mentions that the municipality is failing the people because the municipality rates and the price of electricity is much higher, and consideration must be given to people having the option to buy from the Eskom. The speaker mentions that Eskom distributes electricity differently based on the transmission lines and this impacts the end users.
13.	Boigotlo Gorogang	Ward 5	Yes	The speaker mentions that Eskom has ruined peoples' daily lives, and the challenges are so far reaching, and Eskom never addresses

				these issues. The speaker mentions that the challenge of cable theft has been an issue, and no one is addressing this especially where there is hanging cables which still have electricity and dangerous to the people.
14.	Pulane Selemogo	Ward 15 Joe Moroleng	Yes	The speaker mentions challenges of electricity boxes installed in the community recently. The boxes require people to go into each other's houses to load electricity units because it is not installed in each household. The speaker further states that the units and the money spent is not the same which is unfair because sometimes it is more than half that is taken by the meter box and less electricity as a result.
15.	Taolo Tsabang	Kaugung Ward 11	No	The speaker mentions that electricity is a basic human right and because of this rejects the Bill. The speaker emphasises that the government must stand up for the people and do what is right.
16.	Aobakwe Pitso	Allendale Joe Morolong	Yes	The speaker supports the competition that the Bill suggests in order to create some competition for Eskom and give the people better service. The speaker mentions that the amount purchased for electricity and the units received is very unfair and there is nowhere to complain or nowhere to go so competition will be good so people can go to a company that will better for the people. The speaker mentions that he is pleased that Parliament has come to Northern Cape in Kuruman as not many people come to the province.
17.	Lorato Molale	Joe Morolong	N/A	The speaker mentions the challenge of units and that the units being less than cost/purchase price. The speaker mentions challenge of Eskom not being accessible to complaints by the community. The speaker asks for Eskom to investigate all the complaints and attend

				to issues of the people. The speaker mentions that the cable theft must be highly criminalised as it impacts the community.
18.	Tshegofatso Gaetshele	Joe Morolong Ward 01	Yes	The speaker mentions that the Bill represents the best interests of the people. The speaker mentions that it is the minerals that are used for electricity generation therefore asks whether it is possible to use alternative sources such as water, sun, wind etc.
19.	Thandi Keaketsi	Ward 02	Yes	The speaker mentions that the municipality and Eskom are inconsiderate to the people and do not address issues of the people. The speaker mentions that the electricity meter box has not been operating and that issue has not been addressed.
20.	Ruta Lepotlako			The speaker mentions that the challenges of lack of electricity
21.	Alexandra Mosea	Ward 02	No	The speaker mentions that this Bill was not properly workshopped, information was not shared, and Free, prior and informed consent (FPIC) was not applied, especially for the people in rural areas that still have no idea about the Bill. The speaker asks who this Bill is for, and the risk that this Bill is giving the country to private sector. The speaker states that the Bill shows that south Africa is not a country, but a business and president is not a president but a CEO. The speaker mentions that if the Bill is passed despite his rejection of it then the Bill must include that; the impact of loadshedding on the people must be compensated such as compensation for food that is spilit, appliances damaged etc. including when people who pass away due to lack of electricity, the people must be held accountable, and families must be compensated.
22.	Eric Mosemane	Ward 14	Yes	The speaker mentions that in his community when there is no electricity the clinic closes and people are suffering. This is ward 14.

23.	Dimpho Thobega	Ward 14 Joe Morolong	Yes	The speaker mentions challenges with the meter boxes that are recently installed. The new boxes need electricity to load electricity and when it has a low batter no one can load electricity. The speaker mentions that there is knowledge of a specific area in the community when there is heavy wind the cables detach and hang loose from the poles and Eskom has not addressed this issue which is dangerous. The speaker asks whether this Bill will contribute positively to the community. The speaker mentions that loadshedding impacts the schools as well and learning stops as a result.
24.	Diane Kamanyane	MACUA/ Morolong	Joe No	The speaker mentions that time was not given to understand and read the Bill, nor was the public hearings properly advertised. The speaker mentions that the crisis of loadshedding is well known, and this Bill seeks to address this therefore the expectation was for people to be told properly before the public hearings. The speaker mentions that it is only with the interruptions of the Chair and guidance of the Chair during this hearing that has enabled people to be informed therefore how can Parliament states that public hearings are properly done and not tick box.
25.	Patricia Moruwakwi	Ga Segonyane	Yes	The speaker mentions that loadshedding has negatively impacted people's lives and Eskom is the reason therefore the competition that the Bill suggests maybe improve the situation. The speaker mentions that new meter boxes that are implemented are simply not working for the people and complaints are not being addressed by Eskom at all. It makes people think what the reason for these new meter boxes is because people pay and try and load electricity and cannot gain access to electricity so what is the point the speaker asks. The speaker mentions that the solar electricity in the

				community is R4500 and must be bough cash in full which is not affordable to many people.
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<b>Day 4: Northern Cape, Sol Plaatjie Local Municipality, Kimberley Town Hall, 27 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Michael Besean	Thusong Advisory Center Representative	Yes	The speaker mentions that it would have been beneficial to have access to the full Act and compare with the amendments. The speaker supports the competition in the Act. 3.5.3 clause – the price regulation, the speaker asks for the Bill to bear in mind the unemployment rate in the country.
2.	Puso Meruto	Rise Mzansi Provincial Organiser	Yes	The speaker understands and support the idea of competition but also raises the following concerns: Collusion vulnerabilities of price fixing and the looting of the already stressed state coffers. The speaker supports the criminalisation of cable theft and infrastructure damage but mentions that the challenge of scrap yards keep popping up in the community. The speaker mentions that it is sad that the hall is empty especially because the electricity prices in Northern Cape, Kimberly are the highest in the country.
3.	Mane Ndumba	Platfontein	Yes	The speaker mentions issues of loadshedding in Platfontien which negatively impacts the community, and there has been a situation of young children stealing cables and harassing the elderly in the community.
4.	Lolinda Alfredo	Platfontein	No	The speaker mentions that most of the houses in Platfontien do not have electricity. The speaker mentions that most people go into the woods, and this sometimes causes fighting due to scares resources.

5.	Tlotlo Lobelo	ANC	Yes	The speaker mentions that the Electricity Regulation Amendment Bill is an urgent piece of legislation that is central to the joint efforts of business and government to solving our current electricity crisis we find ourselves in. At the core of this Bill is the desire to create a competitive market. This will ensure access by all to the transmission and distribution of electricity as well. The speaker mentions that she feels that the transformation of South Africa's electricity sector is long overdue. In this regard the amendment of the electricity act is vital. We support this Bill and need it to be passed as a priority. The speaker welcomes the reforms to end the energy crisis once and for all as electricity is a basic human need as enshrined in the Constitution.
6.	Roaan van Zyl	OSHPROV/NOCCI	N/A	The speaker wants clarity on which government will be part of the privatisation, and whether business will be part of this process?
7.	Olebogeng Gaoratse	MACUA	No	The speaker mentions rejection of the Bill because there is no communication on the hearings and no information sharing on the Bill to effectively contribute.
8.	David November		Yes	The speaker mentions that the community is suffering specifically the cost of electricity. Therefore, the request is for Parliament to monitor this issue because it is unclear why or if Northern Cape is the only province that this taking place. The speaker mentions that the issue of loadshedding is not communicated with the community therefore the community is complaining about the high prices of electricity and loadshedding.
9.	Rabecca Kapunda	Platfontein	Yes	The speaker mentions the challenge of the informal settlement in Platfontein where people are making illegal connections because there is no electricity in the community. The speaker mentions that when illegal connections are done other people will steal even the

				illegal connection because the community has no electricity. The speaker mentions that the community or area is very dark, and it causes many problems for the community members when there is no electricity.
10.	Khuliso Nesengani	Business Unity South Africa	Yes	<p><b>Section 34 – Additional Electricity, New Generation Capacity, and Electricity Transmission Infrastructure</b></p> <p>Section 34 is a key section that has been amended significantly in both iterations of the Amendment Bills. We have identified a few changes which warrant attention, including the following:</p> <p><b>Vesting contracts</b></p> <p>Section 34B(5)(c)(ii) of the 2023 Amendment Bill provides that it is a function of the CPA to conclude vesting contracts with Eskom generators and/or distribution licensees to manage the transition to a competitive market. The 2023 Amendment Bill defines vesting contracts as a contract between the National Transmission Company South Africa SOC Ltd and an Eskom generator or a distribution licensee, for the sale of a specified amount of electricity at a specified price as a mechanism to facilitate the transition to a competitive market. BUSA needs an insight into the implications of the conclusion of vesting contracts. It is key that Eskom prices competitively, and that the competitive market is retained. If vesting contracts result in Eskom having a guaranteed off taker, while the private market does not, the competitive market is undermined. The Eskom generation price should be regulated, and the pricing of these contracts must be approved by NERSA. The</p>

				<p>addition of the words ‘as approved by the Regulator’ would provide clarity in this regard.</p> <p><b>The Central Purchasing Agency (CPA)</b></p> <p>Section 34B (5) refers to a CPA. BUSA questions how many central purchasing agencies there will be. Should this be amended to the CPA? Section 34B(5)(c) of the 2023 Amendment Bill is inconsistent with the definition of the CPA, which states that this entity is only formed for the duration of the transition to a competitive market. The central Purchasing Agency’ is defined as an entity assigned to fulfil the role of the wholesale buyer to maintain system integrity during the transition to a competitive electricity market. As BUSA, we propose that the words ‘during the transition to a competitive electricity market’ be deleted from the definition, so that the CPA is not restricted to performing functions during the transition period.</p>
11.	Gundani Tshikota	MACUA/WAMUA	No	<p>The speaker mentions that the attendance is very poor. The speaker mentions that the Portfolio Committee on Mineral Resources and Energy (PCMRE) is conducting the hearings improperly, and providing the positive aspects of the Bill only, and tacitly encouraging people to support the Bill. The speaker further mentions the press statements which only focus on the acceptance on the Bill and never touch on the negative aspects of the public hearings or those that reject the Bill. This the speaker states that that the Committee creates a narrative that the public hearings are going well, which is not the case. The speaker asks what criteria</p>

				the PCMRE uses to state that the people accept the Bill as with the hearing the organisation has attended there has been people who reject and are not captured in the press statements. The speaker mentions that the organisation rejects the electricity tariff provision which mentions risk commensurate with the licensing activities. The reason being that this will not enable poor black people to afford electricity. The speaker mentions that the Bill does not address the gender impact that the electricity crisis brings. The speaker requests that the PCRME must be neutral and the press statement must reflect the actual event.
12.	Veronica Williams	Ward Committee Ward 21/Patriotic Alliance	N/A	The speaker mentions that the units available and purchase price is unfair and provides examples of when electricity is purchased in different stores the units differ although the cost is the same. The speaker therefore request the Bill to regulate this aspect.
13.	Rethabile Moloji	Rise Mzansi	Yes	The speaker mentions that the price of electricity is high, and the units are too low and does not sustain households for a month. The speaker mentions syndicates in the community which impact access and have illegal connections. The speaker mentions that businesses specifically small businesses cannot sustain themselves with the electricity crisis.
14.	Glen Peter Lang	Sol Plaatjie	Yes	The speaker mentions that one must look at the gas sector because when electricity goes up so too does the gas. The speaker mentions that the Eskom tariffs are less than municipality tariffs. 3.10.2 – advertise of license application which may exclude commercial sensitive information. The speaker mentions that this should be relooked at because it could cause problems. 3.11 – applicants publish notice for license and objections. The speaker mentions that it is silent on how the regulator must deal with objections it just

				includes the timeline. 3.15.5 – the tariffs approved by the regulator in line with the license condition. The speaker mentions the practical context to say that in the community the Pakitsan shops pricing differs and not regulated even in certain cases where people call the shops after hours there is a fee that people pay. The speaker further mentions that the issue of units and price paid for electricity, that it can be addressed if the administrative fee is communicated so people know what will be Glen and what will go to the company for administration.
15.	Onthatile Namelang	ANC	Yes	The speaker mentions that communication should be more effective to ensure all voices are captured. The speaker supports the Bill because he believes the Bill attempts to address the electricity crisis.
16.	Reynold Jonathan Joou	Patriotic Alliance	No	The speaker mentions that there is so many technical terms and this can be confusing for the ordinary man on the street including himself, therefore rejects the Bill. There is confusion on who will administer the tariffs, the regulation and all therefore it is better to deal with the issue as it is now without further confusion. The speaker mentions that the electricity crisis is caused by Eskom therefore asks who is going to award the license to the companies and how will we make sure that the problems of Eskom does not continue and the stealing. The speaker mentions that with private sector it is difficult to negotiate than with Eskom. Speaker gives an example of a private company (Karpowership) that has docked in the Durban shore that was intended to provide electricity and also provides electricity to other countries, when the countries did not pay the company

				switched off the electricity. He illustrates that this could be what is awaiting South Africa with the competition that the Bill suggest.
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### 6.6 Mpumalanga Province

Day 1: Mpumalanga, Ehlanzeni District Municipality, Ka Maqhekeza Community Hall, 02 October 2023				
	Name	Organisation	Support Yes/No	Reasons
97.	Thomas Nkuna	Ward 14 Mzini	Yes	Supports the Bill and further pleads that the poor, and elderly must be taken into consideration as this demographic of the community is suffering greatly. The Bill must therefore take into consideration the impact of electricity, both lack of access and pricing on the poor and elderly.
98.	Khuliso Nesengani	Business Unity South Africa (BUSA)	Yes	<p><b>Definition of Direct Supply Agreement</b>            BUSA submits that although the 2022 and 2023 Amendment Bills introduce a definition of ‘direct supply agreement’ The definition excludes generators, traders, and the system operator as customers. The proviso to the definition must include generators and traders. The National Energy Regulator of South Africa (NERSA) should not regulate the prices of private generators or traders where these private generators or traders are selling to other generators or traders. It is further submitted that the definition should include the Central Purchasing Agency (CPA) and market operator.</p> <p><b>Definition of Physical Bilateral Transaction</b></p>

			<p>Amendment Bill defines a physical bilateral transaction as a “transaction entered into by generators, customers, and traders for energy production which involves the conclusion of a power purchase agreement through a central purchasing agency to meet demand and supply as required by the system operator”. BUSA is of the opinion that the term ‘physical bilateral transaction’ seems misleading in the context of the system operator balancing demand and supply. Are there no ancillary services because it is to stabilise the system? Would distributors not wish to have these ancillary services? In a scenario in which the CPA procures electricity to balance demand and supply, is this bilateral?</p> <p>BUSA further submits that the word ‘physical’ seems misleading and should be deleted. It is therefore proposed that the wording should rather be ‘<i>national bilateral transaction</i>’ or ‘<i>public bilateral transaction</i>’ because it has to do with national interests of balancing the grid. The definition should refer to the CPA, not a CPA.</p> <p><b>Definition of Regulated Transactions</b></p> <p>The 2022 and 2023 Amendment Bills introduce a definition of ‘regulated transactions’ as ‘transaction that requires regulatory approval or oversight, specifically where the exercise of market power is likely or evident (for example network charges). BUSA understood ‘regulated transactions’ to be transactions that have their tariffs set by NERSA. It is submitted that the definition is misleading because it could include any project that needs to be registered. ‘Unregulated’ means private and bilateral, and</p>
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				<p>‘regulated’ means with a regulated entity like the central purchasing agency. This must be clarified.</p> <p><b>Definition of Transmission Development Plan (TDP)</b>          The 2022 Amendment Bill defines the TDP as the plan for the development of the national transmission power system referred to in sections 34(6), (7), 34(B)(3) and 35(3A) and states that the System Operator is responsible for the development of the TDP (Section 34(B)(2)). The 2023 Amendment Bill deletes this section, as well as the definition of the TDP. Provisions around the mechanics of the development of the TDP have also been deleted. The TDP is referred to in the 2023 Amendment Bill, but not by its defined name. BUSA recommends that the definition be reinstated with correct cross-referencing.</p> <p>Section 34 – Additional Electricity, New Generation Capacity, and Electricity Transmission Infrastructure Section 34 is a key section that has been amended significantly in both iterations of the Amendment Bills. Below are changes that warrant attention:</p> <p>(i) The role of the Transmission System Operator (TSO)</p> <ul style="list-style-type: none"> <li>✓ The 2022 and 2023 Amendment Bills propose the establishment of the TSO, which will manage the competitive multi-market. The TSO will be responsible for transmission planning, operation, and control of the transmission system and market. The role of the TSO is highly relevant and important for future electricity supply and regulation. Although the establishment of the TSO remains the same in both Amendment Bills, the functions</li> </ul>
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				<p>of the TSO differ. The functions of the TSO under the 2023 Amendment Bill are less clearly delineated. Multiple functions (transmission expansion plan, forecasting, and dispatch schedules) that were included under the role of the TSO in the 2022 Amendment Bill do not appear in the 2023 Amendment Bill.</p> <p>(ii)The day-ahead market</p> <ul style="list-style-type: none"> <li>✓ The 2022 Amendment Bill expressly proposed the introduction of the ‘day-ahead market,’ which is the platform for trading electrical energy. Market participants shall (a) trade energy in the day-ahead market; and (b) supply reserve capacity in the day-ahead reserve market. The introduction of a day-ahead market was a welcome addition to the 2022 Amendment Bill, as it assists in creating an open market of electricity trade in South Africa.</li> <li>✓ The 2023 Amendment Bill deleted express reference to a ‘day-ahead market,’ and the definition of the term has been deleted. However, section 34(B)(3)(c)(i) may be sufficiently broad to allow for the market operator to determine the market, which may include a day-ahead market based on what best ‘ensures effective and secure operation of the industry’ and the power to determine appropriate time scales. BUSA requests that there should be clarification regarding the meaning and scope of this provision.</li> </ul>
99.	Vusi Nkosi	Ward Community Member	No	Does not believe that Independent Power Producers (IPPs) will support with the electricity challenge. Believes that Eskom and NERSA are colluding on electricity prices.

100.	Samuel Vusi Ngobeni	Ward Councillor	No	Rejects the Bill, because he is concerned about who the investors are and what they will be doing, as the Bill is unclear. The concern raised is that in the community people complain of the price of electricity and the pricing may be higher with private investors referred to in the Bill. The speaker believes that those that have been looting Eskom are those that will be recognised as IPP's with this Bill. Concerned about how this Bill and the IPP's will impact the coal mines. The TSO owned by Eskom is concerning as Eskom is already struggling therefore how will this company be managed differently.
101.	Winne Mabila	African National Congress (ANC)	Yes	States that since 2016 her community has not had electricity; therefore, the illegal connections have become the norm in the community. The request is for Eskom to enable access to electricity.
102.	Sindisiwe Madonsela	ANC	N/A	No electricity in Ward 9 therefore living with illegal connections which is the norm in the community. The request is for Eskom to enable access to electricity.
103.	Mhlongo Zakhele	ANC YL	No	Rejects the Bill because the speaker states that the Bill discusses the privatisation of Eskom which is rejected. The speaker states that the privatisation will result in Eskom not functioning much like South African Airways. Privatisation is a short-term solution to fixing the Eskom which in 10-15 years to come will negatively impact South Africans. Since 1994 Eskom has been able to supply electricity to the people therefore it must be capacitated to do its job not partial privatisation.
104.	Nkopodi Mphahlele	Business Unity South Africa	Yes	See BUSA submission above.

105.	Vusi Nkosi	Community Member - Nkomazi	N/A	Speaker states that he does not support the privatisation of Eskom, the request is for Eskom to provide access of electricity to the community of Nkomazi.
106.	Steven Shabangu		Yes	Speaker supports the Bill but has reservations: Speaker state that there's climate change considerations that must be taken into account. Renewables will be of great use in the electricity sector. Speaker also notes modernisation, industrialisation and new technology which indicates that times are changing and the old way of doing things cannot be the norm in the sector. Speaker mentions that Eskom requires competition in order to ensure that the electricity sector works to the benefit of the people of South Africa. The powers given to NERSA, specifically the tariffs, must be carefully managed to ensure that the end users still have electricity.
107.	Vasco Shabangu	Ward 07	No	Speaker states that the consultations should have followed a climbing ladder process which includes municipality, local and national consultation with people. This did not take place therefore the speaker does not support the Bill
108.	Nothando Magagula	Ward 14	No	Rejects the Bill because electricity is a big problem in South Africa and Eskom is known for being corrupt and looting. The concern is that the Bill with the privatisation will enable those looting to be legitimised and continue looting. Speaker believes that working with Eskom will result in progress.
109.	Shirly Msimango	Likusasa Matsulu Business Forum – Ward 28	No	Rejects the Bill because the current situation is that the electricity at the Spaza shops pricing is not consistent and keeps changing. This is a big problem as not all can afford electricity. The speaker mentions that Mpumalanga produces coal which is used for

				electricity and coal must continue to be used to also assist the community that work in the coal mines.
110.	Justice Sibozza	CLLR	No	Rejects the Bill because the indigent policy exists to give people free electricity which does not take place therefore the question is what exactly is taking place in Eskom. The illegal connections are taking place in the community as a result of Eskom ineffectiveness.
111.	Comfort Khumalo	ANC YL	No	Reject the Bill because Eskom must continue to do its job using the coal and power stations, and repair and maintain those that are no longer working. The Bill seems to try and introduce the green energy which other countries are forcing in South Africa to use with the new players which will impact the use of coal and the community of Mpumalanga.
112.	Sabelo Ngwenya	Ward 15 Maputo	N/A	The speaker moans the ineffective Eskom and the inability for the government to hold Eskom to account.
113.	Sibongile Mazibuko	ANC	Yes	Speaker supports the Bill, further mentions that the youth in the community with qualifications must be employed to assist the crisis that Eskom is in with the lack of electricity supply. In Mpumalanga with the abundance of coal, Eskom has the capacity to generate electricity.
114.	Joyce Mbuyane		No	Reject the Bill because the Committee that empowers Eskom should have included the community in the consultation before drafting the Bill to see whether the community has the ability to be a player to generate electricity and participate in the electricity sector.
115.	Elizabeth		Yes	Supports the Bill as it is.

<b>Day 2: Mpumalanga, Gert Sibande District Municipality, Mayors Parlour Hall, 03 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Jay Sibanyoni	Ward 9 Community Member	Yes	Supports the Bill because Eskom has become a burden to the community and State, as seen with the millions of rands given and the people do not benefit. Therefore, the competition created by the Bill is supported. When private companies come in the operations will be using Eskom infrastructure, this ideally should mean that the money paid to Eskom will be used by Municipalities to fix the problems of electricity access.
2.	Palesa Tshabalala	ANC Member	Yes	Supports competition proposed by the Bill to enable better quality of life for women. The proposed amendments must ensure compliance and enable corruption proof provisions to ensure the people of South Africa benefit.
3.	Mankomo Mnisi		Yes	The separation of generation, transmission and distribution is supported to enable better access and it will enable accountability. NERSA regulation of tariffs which separates the business and residence pricing is supported. Adds that the Bill should encourage employment of the local youth.
4.	Mahlodi Rakitla	SACP	Yes	Specifically supports the Department of Public Enterprises (DPE) Eskom roadmap. Adds that the tariffs must be separated to ensure that business and residents do not pay the same rates. Speaker requests that the Department of Education includes skills training on electricity at school level.
5.	Sinethemba Mbatha	GMM	N/A	The speaker mentioned that the Bill is unclear regarding the subsidies to be provided to persons in rural communities requiring access to electricity.

6.	Philani Mngomezulu	MACUA	No	Consultation with the community for the public hearings was extremely poor.
7.	Faniso Nhlabathi	Chief Albert Luthuli Municipality	No	Eskom is capable and just needs to be capacitated enough.
8.	Khethukuthula Nkosi	ANC Ward 12 Mkhondo	N/A	Speaker states that the youth must be educated on illegal connections and the danger and risk associated with it. The speaker mentions that in the community the price of electricity is very high which has contributed to the illegal connections and electricity bridging. Speaker requests that Eskom installs additional transformers to ensure access to electricity
9.	Zethu Hlatswayo	Ermelo – NUM National Spokesperson/ MACUA	No	Rejects the Bill because electricity is already expensive, there is no access of electricity and therefore asks why Eskom is being sold. Adequate information, notice of the hearings and workshopping was not done therefore the Bill is rejected.
10.	Themba Zwane	ANC	Yes	Speaker supports, however complains that the community in Govan Mbeki has had electricity challenges since 2012. Speaker supports the open market and competition. The proposed changes will also create jobs.
11.	Thulani Manana	MACUA	No	Rejects the Bill because consultation for the public hearings did not go well as can be seen with the attendance. Further adds that he as a resident heard about the meeting via social media instead of being told by the municipality as is the normal process. Speaker suggests that the public hearings must be redone to ensure proper consultation. States that Eskom privatisation will be a problem in the community.
12.	Sbonelo Mhlanga	Ward 9	N/A	Speaker mentions poor consultation prior to the public hearings. The speaker asks what the benefits of the proposed amendments are, further asks whether the same issues will persist even when

				the Bill is passed. States concern that new problems may arise with this Bill. States that if the Bill will not cause harm, then he can support the Bill, however if not then he will not support.
13.	Lucky Nkosi		N/A	Speaker asks what are the benefits of this Bill for Mpumalanga that houses the power stations specifically for the children.
14.	Thembinkosi Ndlovu		No	Rejects the Bill
15.	Meshack Mbangula	MACUA	No	Rejects the Bill
16.	Thulani Thomas Mahlangu	Govan Mbeki	Yes	Speaker supports the Bill and makes the following suggestions: Cable theft impacts all persons especially those differently abled. There are persons that require electricity to live and have mobility. Therefore, the cable theft must be dealt with effectively
17.	Themba Jele	Ward 15 Chief Albert Luthuli	No	Rejects the Bill because the consultation process was poor, information only came a day before and the Bill was emailed in the evening. Therefore, these public hearings cannot constitute proper consultation, therefore rejects the Bill.
18.	Miki Nkosi	Ward 13 Mkhondo Municipality	No	Speaker is concerned of privatisation and whether access to electricity will take place because electricity is needed. The need for additional companies is also needed however the concern is the corruption in South Africa that most people are aware of and how this will impact the new companies. Speaker states that there should be a way for assisting Eskom without privatisation.
19.	Vusi Khumalo	Ward community member	Yes	Speaker supports the Bill because Eskom will have additional companies to assist with electricity generation.
20.	Tselane Kuputsa		Yes	Speaker states that the additional companies to assist Eskom is welcomed as the loadshedding has increased. The cost of electricity is also very expensive and possibly competition will assist with lowering the price residents are paying.

21.	Themba Mavuso	Ward 16	No	Speaker mentions disappointment in the logistics of the public hearings which he states only had one taxi from Mkhondo – this limits participation which the speaker does not support. Speaker asks what has gone wrong at Eskom because the problem seems to be the Municipality that does not pay Eskom. Asks whether the privatisation will result in no loadshedding.
22.	Lungile Angel Maseko	Gert Sibande Ward Committee Member	Yes	Speaker states that in the community there is loadshedding by Eskom and load reduction by Municipality which is negatively affecting households in the community as the whole day could go without power with both processes. The speaker mentions that the changes must take into consideration those that are not working especially the pricing of electricity. The speaker suggests that the Bill enables youth employment.
23.	Comfort Maseko		Yes	Speaker supports the Bill and further adds that not enough information was given to the public prior to the public hearings. The speaker asks whether the Bill enables Eskom to fix the electricity infrastructure. Does the Bill allow the Municipality to generate electricity? Further asks how the Bill enables the duties of market and system operator? The speaker requests that the education and skills training to enable young people to be marketable in the electricity sector.

<b>Day 3: Mpumalanga, Nkangala District Municipality, Kwaggafontien Community Hall, 04 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Sophie Mtsweni	Ward 3 Thembisile Hani – Ward	Yes	Supports the Bill but does not agree with the establishment of a new company. Eskom has the framework to play the role required to

		Committee Member/ African Transformation Movement (ATM)		produce and distribute electricity. Mines and other industries who are charged cheaper tariffs for electricity must be looked at. People can't pay high tariffs for electricity, yet mines and other industries are charged less. Power stations must be maintained and serviced to provide power. When NERSA is deciding on the pricing of electricity, they must consider people which are dependent on social grants.
2.	Margret Mahlangu	Thembisile Hani Ward 3/African Transformation Movement (ATM)	Yes	See ATM submission above.
3.	Tshepo Masilela	ANC - Ward 31 Thembisile Hani	Yes	Proposed amendments provide the necessary elements to incentivize competition within South Africa's electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply. Amendments, influenced by the Department of Public Enterprises' <i>Roadmap for Eskom in a Reformed Electricity Supply Industry</i> , entail changes to <b>Clauses 1-30</b> that affect the entire electricity industry. Central to the proposed amendments is to create a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by independent generators direct to customers and to change the current requirement for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised. Amendments further assign duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of

				Eskom and ensure that independent generators receive access to transmission resources on a fair basis. Electricity Regulation Amendment Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds in the Renewable Energy Independent Power Producer Programme (REIPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and generate sufficient supply to resolve electricity shortages at the cheapest possible price.
4.	Sfiso Msiza	Ward 11 JS Moroka/ South African Communist Party (SACP)	Yes	Speaker supports the Bill because of the introduction of competition in the sector. Emphasises that it is important for Eskom to have competition in generation, transmission, and distribution
5.	Immanuel Mahlangu	ANC Youth League (ANC YL)	Yes	See ANC submission above.
6.	Blatjie Mthimunye	Ward 16	Yes	Supports the introduction of competition of the sector which will improve the access of electricity and loadshedding.
7.	Tebogo Phehla	Ward 29 JS Moroka	Yes	Supports the Bill however asks whether this proposed change will impact on employment.
8.	Mashiane	Ward 6 JS Moroka	Yes	The speaker states that the Bill is good however has questions: Asks how the Bill will protect the poor consumers. How will the Portfolio Committee on Mineral Resources and Energy (PCMRE) protect people from the independent parties which are more focused on profit. The Bill must address the above two questions to protect the people. How are the prices going to be controlled? Currently the

				price increase is very high, and people complain to NERSA, but nothing takes places therefore how will the PCMRE protect the people.
9.	Nicholas Skhosana	Ward 31 / Traditional Leaders	Yes	Speaker supports the Bill because of the competition in the sector that the Bill proposes. The speaker mentions that the NERSA pricing and tariffs is a problem
10.	Nomsa Mtsweni Mahlangu	Executive Mayor – SALGA Mpumalanga	N/A	Speaker mentions that the submission will be done however for now mentions the following: In the beginning of the Bill, it is mentioned that certain sections will be removed which are not listed in the Bill which is not correct.
11.	Petros Jabu Sibayoni	JS Moroka SACP, / ANC/SANCO/ Siyabuswa Parliamentary Constituency Office	Yes	Speaker supports the Bill, however, mentions that the implementation must be done properly. Mentions that when NERSA decides on pricing and tariffs there is no hearing with the community, or the public engagement is virtually which is inaccessible to the people that will be most affected by the pricing. Speaker asks about section 7 and states that there is reference of a minister and the whole Bill speaks to 3 different ministers so which minister is empowered in s7 (1) (a) – (e) which discusses the terms of a license.
12.	Bongani Collet Sikhosana	Ward Committee Member JS Moroka Ward 14	N/A	Speaker asks how the distribution between the service providers take place. The speaker states that he asks this because some people experience loadshedding while other do not experience loadshedding. The concern is that the poor will be affected if this part is not fairly implemented. The speaker suggests that the community members should be able to determine which service provider can provide the distribution of electricity.
13.	Given Shabangu	Kwaggafontien PCO	Yes	Speaker supports the Bill however laments the logistical arrangements of the public hearings therefore provides some

				<p>suggestions: Asks that the information is disseminated ahead of time. Workshopping takes place with the community.</p> <p>On the Bill itself: The speaker supports the competition of the sector but suggestions that a committee must be establish the setting on tariffs and pricing, and to assist Eskom as a state entity. The Speaker also mentions that the stronghold of Eskom is the use of coal therefore this must remain untouched and work in line with renewables that is introduced by the Bill. This will protect the current employment in the country and encourage new employment opportunities with the renewables.</p>
14.	Victor Shabangu	SANCO – Ward 16	Yes	Speaker supports the Bill because the competition introduced by the Bill will assist the effectiveness of electricity supply.
15.	Mabovane Jiyane	Connections for Developing Communities Pty Ltd	Yes	The speaker supports the Bill because of the introduction of competition in the sector.
16.	Thandeka Skhosana	Prospect NPO/ Ward 26	Yes	The speaker supports the Bill and adds the following: Eskom is ineffective and does not respond to the community complaints and issues regarding access to electricity. Supports the introduction of competition as Eskom has not assisted in the community.
17.	Rose Kgomo	ANC Nkangala Ward 29	Yes	The speaker supports the Bill and states that addressing the crisis of Eskom is long overdue. Clause 3.20(3) ( <i>in the memorandum</i> ) the competition with Eskom must be as transparent as possible.
18.	Daniel Malebye	Chairperson of ANC Branch Nkangala	Yes	Speaker supports the open market as proposed in the Bill and asks for empowerment provisions of women and youth to be included in the Bill
19.	Bernard Vusi Mtshaise	Thembisile Hani Councillor Ward 24	Yes	Supports the Bill and states that Eskom should have long gone due to the crisis that has taken place and lack of access of electricity.

116.	Sibusiso <b>(Written)</b>	Simelane	Ward 24 Nkangala	Yes	<p>Proposed amendments provide the necessary elements to incentivize competition within South Africa's electricity market and augment generation capacity which is currently below optimal or desired level to ensure security of energy supply. Amendments, influenced by the Department of Public Enterprises' Roadmap for Eskom in a Reformed Electricity Supply Industry, entail changes to Clauses 1-30 that affect the entire electricity industry. Central to the proposed amendments is to create a competitive electricity market together with open transmission access. In other words, the Bill seeks to open the electricity market for the sale of electricity by independent generators direct to customers and to change the current requirement for electricity to only be generated by Eskom. As such, Eskom would compete with independent generators but will not be privatised. Amendments further assign duties, functions, and responsibilities of the Transmission System Operator SOC Ltd to the National Transmission Company South Africa SOC Ltd. This is intended to split the generation and transmission functions of Eskom and ensure that independent generators receive access to transmission resources on a fair basis. Electricity Regulation Amendment Bill is necessitated by the fact that the total generation capacity on offer through successive bidding rounds in the Renewable Energy Independent Power Producer Programme (REIPPP) is not enough to address urgent electricity shortages. Put differently, the REIPPP is not sufficient to bring about an adequate level of independent generators participation and generation capacity. In this context, the proposed amendments would bring about the desired level of competition and generate sufficient</p>
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				supply to resolve electricity shortages at the cheapest possible price.
117.	Orio Mahelwane	Ward 24 Nkangala	Yes	See ANC submission above
118.	Baloyi Mogato	Ward 24 Nkangala	Yes	See ANC submission above
119.	Emmah T Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
120.	Malebo Hlungwane	Ward 24 Nkangala	Yes	See ANC submission above
121.	M Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
122.	Sbu Kgaladi	Ward 24 Nkangala	Yes	See ANC submission above
123.	Christina Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
124.	Alfred Mazibuko	Ward 7 Nkangala	Yes	See ANC submission above
125.	Pinky Mohlangu	Ward 24 Nkangala	Yes	See ANC submission above
126.	Themba Masilela	Ward 24 Nkangala	Yes	See ANC submission above
127.	Vanessa Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
128.	Agnes Mokwena	Ward 24 Nkangala	Yes	See ANC submission above
129.	Queeneth Ntuli	Ward 24 Nkangala	Yes	See ANC submission above
130.	Lucas Ramashlela	Ward 24 Nkangala	Yes	See ANC submission above
131.	Lettie Ngobeni	Ward 24 Nkangala	Yes	See ANC submission above
132.	Ouma Leksau	Ward 24 Nkangala	Yes	See ANC submission above
133.	Sbongile Mokwena	Ward 24 Nkangala	Yes	See ANC submission above
134.	Zanele Nconqwane	Ward 24 Nkangala	Yes	See ANC submission above
135.	Maatha Matseke	Ward 24 Nkangala	Yes	See ANC submission above
136.	Johannah Phetla	Ward 24 Nkangala	Yes	See ANC submission above
137.	Johannes Jiyane	Ward 13 Nkangala	Yes	See ANC submission above
138.	Bongani Jiyane	Ward 13 Nkangala	Yes	See ANC submission above
139.	Jan Skosana	Ward 13 Nkangala	Yes	See ANC submission above
140.	Mabena Musawenkose	Ward 13 Nkangala	Yes	See ANC submission above

141.	Lettah Mahlangu	Ward 13 Nkangala	Yes	See ANC submission above
142.	Sfiso Sindane	Ward 13 Nkangala	Yes	See ANC submission above
143.	Shirley Sepagwena	Ward 13 Nkangala	Yes	See ANC submission above
144.	Egness Skosana	Ward 13 Nkangala	Yes	See ANC submission above
145.	Mandla Shabalala	Ward 13 Nkangala	Yes	See ANC submission above
146.	Zandile Mashiane	Ward 13 Nkangala	Yes	See ANC submission above
147.	Smangele Mashiane	Ward 13 Nkangala	Yes	See ANC submission above
148.	Nomangisi Nkabinde	Ward 13 Nkangala	Yes	See ANC submission above
149.	Emmah Masilela	Ward 13 Nkangala	Yes	See ANC submission above
150.	Nelisiwe Kabini	Ward 13 Nkangala	Yes	See ANC submission above
151.	William Skosana	Ward 13 Nkangala	Yes	See ANC submission above
152.	Mukhethwa Musyuelele	Ward 13 Nkangala	Yes	See ANC submission above
153.	Moses Ntuli	Ward 13 Nkangala	Yes	See ANC submission above
154.	Martin Lehutja	Ward 13 Nkangala	Yes	See ANC submission above
155.	Thabang Nkoana	Ward 13 Nkangala	Yes	See ANC submission above
156.	Kenneth Mahluala	Ward 19 Nkangala	Yes	See ANC submission above
157.	Busisiwe Masango	Ward 13 Nkangala	Yes	See ANC submission above
158.	Caroline Mtethwa	Ward 11 Nkangala	Yes	See ANC submission above
159.	Rebecca Mahlangu	Ward 7 Nkangala	Yes	See ANC submission above
160.	Simon Sinobana	Ward 7 Nkangala	Yes	See ANC submission above
161.	Johannah Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
162.	Lindi Mahlangu	Ward 7 Nkangala	Yes	See ANC submission above
163.	Thabo Masilela	Ward 27 Nkangala	Yes	See ANC submission above
164.	Bongani Masibuko	Ward 27 Nkangala	Yes	See ANC submission above
165.	Dumiso Mthembu	Ward 27 Nkangala	Yes	See ANC submission above
166.	Mongezi Meshabane	Ward 27 Nkangala	Yes	See ANC submission above

167.	Mpho Mashimaite	Ward 27 Nkangala	Yes	See ANC submission above
168.	Rose Masanabo	Ward 10 Nkangala		See ANC submission above
169.	Phindile Ntuli	Ward 7 Nkangala	Yes	See ANC submission above
170.	Martha Nkosi	Ward 7 Nkangala	Yes	See ANC submission above
171.	Sibongile Mahlangu	Ward 7 Nkangala	Yes	See ANC submission above
172.	Zodwa Mahlangu	Ward 7 Nkangala	Yes	See ANC submission above
173.	Elsie Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
174.	Maria Skosana	Ward 7 Nkangala	Yes	See ANC submission above
175.	Solomon Maila	Ward 24 Nkangala	Yes	See ANC submission above
176.	Cecilia	Ward 7 Nkangala	Yes	See ANC submission above
177.	Vusi Ntuli	Ward 7 Nkangala	Yes	See ANC submission above
178.	Hlope Skhosana	Ward 7 Nkangala	Yes	See ANC submission above
179.	Portia Kubheka	Ward 7 Nkangala	Yes	See ANC submission above
180.	Tshepo Kabini	Ward 7 Nkangala	Yes	See ANC submission above
181.	Sanna Ntuli	Ward 7 Nkangala	Yes	See ANC submission above
182.	Sibusiso Ntuli	Ward 7 Nkangala	Yes	See ANC submission above
183.	Tato Nkoana	Ward 7 Nkangala	Yes	See ANC submission above
184.	Ouma Molma	Ward 7 Nkangala	Yes	See ANC submission above
185.	Sinah Mahlepele	Ward 7 Nkangala	Yes	See ANC submission above
186.	Phumzile Skosana	Ward 7 Nkangala	Yes	See ANC submission above
187.	Siphiwe Ntuli	Ward 7 Nkangala	Yes	See ANC submission above
188.	Jim Mtsweni	Ward 7 Nkangala	Yes	See ANC submission above
189.	Armina Moyeni	Ward 26 Nkangala	Yes	See ANC submission above
190.	Thandeka Mofokeng	Ward 26 Nkangala	Yes	See ANC submission above
191.	Philip Msiza	Ward 15 Nkangala	Yes	See ANC submission above
192.	Maria Masimola	Ward 15 Nkangala	Yes	See ANC submission above
193.	Petrus Mbonani	Ward 15 Nkangala	Yes	See ANC submission above

194.	Wendy Mahlangu	Ward 15 Nkangala	Yes	See ANC submission above
195.	Gwezi Skosana	Ward 15 Nkangala	Yes	See ANC submission above
196.	Simphiwe Masanabo	Ward 15 Nkangala	Yes	See ANC submission above
197.	Zandile Mabena	Ward 15 Nkangala	Yes	See ANC submission above
198.	Johanna Makhubo	Ward 15 Nkangala	Yes	See ANC submission above
199.	Betty Jiyaua	Ward 17 Nkangala	Yes	See ANC submission above
200.	Stephen Nkosi	Ward 17 Nkangala	Yes	See ANC submission above
201.	Moses Masongo	Ward 17 Nkangala	Yes	See ANC submission above
202.	Maria Masongo	Ward 17 Nkangala	Yes	See ANC submission above
203.	Noel-Joel Modise	Ward 17 Nkangala	Yes	See ANC submission above
204.	Mxolisi Modise	Ward 17 Nkangala	Yes	See ANC submission above
205.	Dumazile Makhubu	Ward 17 Nkangala	Yes	See ANC submission above
206.	Maina Rakgalakane	Ward 17 Nkangala	Yes	See ANC submission above
207.	Dumisane Shabangu	Ward 17 Nkangala	Yes	See ANC submission above
208.	Ester Mahlangu	Ward 17 Nkangala	Yes	See ANC submission above
209.	Bessy Masoga	Ward 17 Nkangala	Yes	See ANC submission above
210.	Sibongile Kambule	Ward 17 Nkangala	Yes	See ANC submission above
211.	Fuduka Mtshweni	Ward 17 Nkangala	Yes	See ANC submission above
212.	Fikile Mgyai	Ward 17 Nkangala	Yes	See ANC submission above
213.	Busi Sikhosana	Ward 17 Nkangala	Yes	See ANC submission above
214.	Dineo Mtsweni	Ward 17 Nkangala	Yes	See ANC submission above
215.	Thabo Mtsweni	Ward 17 Nkangala	Yes	See ANC submission above
216.	Margareth Sesoko	Ward 17 Nkangala	Yes	See ANC submission above
217.	Anna Maseko	Ward 17 Nkangala	Yes	See ANC submission above
218.	Maria Mahlangu	Ward 17 Nkangala	Yes	See ANC submission above
219.	Danie Mashele	Ward 17 Nkangala	Yes	See ANC submission above
220.	Sthembiso Sibanyoni	Ward 17 Nkangala	Yes	See ANC submission above

221.	Themba Mtsweni	Ward 17 Nkangala	Yes	See ANC submission above
222.	Johanna Mahlangu	Ward 17 Nkangala	Yes	See ANC submission above
223.	Bongani Buthelezi	Ward 17 Nkangala	Yes	See ANC submission above
224.	January Mahlangu	Ward 17 Nkangala	Yes	See ANC submission above
225.	Alfred Motshiane	Ward 17 Nkangala	Yes	See ANC submission above
226.	Motjatji Meliah	Ward 17 Nkangala	Yes	See ANC submission above
227.	Ndala Z	Ward 17 Nkangala	Yes	See ANC submission above
228.	Thoko Mahlangu	Ward 18 Nkangala	Yes	See ANC submission above
229.	Bisiziwe Ndlovu	Ward 18 Nkangala	Yes	See ANC submission above
230.	Themba Sibanyoni	Ward 18 Nkangala	Yes	See ANC submission above
231.	Sarah Minisi	Ward 18 Nkangala	Yes	See ANC submission above
232.	Thomas Mnyakeni	Ward 18 Nkangala	Yes	See ANC submission above
233.	Mavis Masonga	Ward 18 Nkangala	Yes	See ANC submission above
234.	Godfrey Mahlangu	Ward 30 Nkangala	Yes	See ANC submission above
235.	Abram Nhlapho	Ward 30 Nkangala	Yes	See ANC submission above
236.	Nompilo Theta	Ward 30 Nkangala	Yes	See ANC submission above
237.	Brenda Msiza	Ward 18 Nkangala	Yes	See ANC submission above
238.	Valentia Mahlangu	Ward 18 Nkangala	Yes	See ANC submission above
239.	Johannes Mahlangu	Ward 18 Nkangala	Yes	See ANC submission above
240.	Martha Thembi	Ward 18 Nkangala	Yes	See ANC submission above
241.	Nonhlanhla Sibanyoni	Ward 18 Nkangala	Yes	See ANC submission above
242.	Cynthia Ratau	Ward 18 Nkangala	Yes	See ANC submission above
243.	Julia Mokoena	Ward 18 Nkangala	Yes	See ANC submission above
244.	Thoko Mabena	Ward 18 Nkangala	Yes	See ANC submission above
245.	David Mokoena	Ward 18 Nkangala	Yes	See ANC submission above
246.	Thembi Mtsweni	Ward 18 Nkangala	Yes	See ANC submission above
247.	Jim Nkosi	Ward 18 Nkangala	Yes	See ANC submission above

248.	Anna Mantja	Ward 18 Nkangala	Yes	See ANC submission above
249.	Sophy Mahlangu	Ward 18 Nkangala	Yes	See ANC submission above
250.	Mahlodi Moepi	Ward 18 Nkangala	Yes	See ANC submission above
251.	Gift Sithole	Ward 18 Nkangala	Yes	See ANC submission above
252.	Piet Mahlangu	Ward 18 Nkangala	Yes	See ANC submission above
253.	Ntombi Msiza	Ward 18 Nkangala	Yes	See ANC submission above
254.	Josephina Maswanganyi	Ward 18 Nkangala	Yes	See ANC submission above
255.	Tebogo Sikhaule	Ward 18 Nkangala	Yes	See ANC submission above
256.	Thembi Mahlangu	Ward 18 Nkangala	Yes	See ANC submission above
257.	Irene Masanga	Ward 18 Nkangala	Yes	See ANC submission above
258.	Mondlela Mahlangu	Ward 18 Nkangala	Yes	See ANC submission above
259.	Mathoma Ntuli	Ward 18 Nkangala	Yes	See ANC submission above
260.	Sinidibwa Mbalula	Ward 22 Nkangala	Yes	See ANC submission above
261.	July Ngobebe	Ward 22 Nkangala	Yes	See ANC submission above
262.	Mpumi	Ward 29 Nkangala	Yes	See ANC submission above
263.	Nomvula Mnguni	Ward 22 Nkangala	Yes	See ANC submission above
264.	Julia	Ward 20 Nkangala	Yes	See ANC submission above
265.	Themba Matlala	Ward 20 Nkangala	Yes	See ANC submission above
266.	Jeanette	Ward 20 Nkangala	Yes	See ANC submission above
267.	Elsie S bongile	Ward 20 Nkangala	Yes	See ANC submission above
268.	Ntokozi	Ward 20 Nkangala	Yes	See ANC submission above
269.	Rebecca Masuku	Ward 20 Nkangala	Yes	See ANC submission above
270.	Charles Mkhau	Ward 20 Nkangala	Yes	See ANC submission above
271.	Nthabiseng Mashfane	Ward 3 Nkangala	Yes	See ANC submission above
272.	Lucy Sikhosana	Ward 3 Nkangala	Yes	See ANC submission above
273.	Maria Kgobe	Ward 3 Nkangala	Yes	See ANC submission above
274.	Evelina Mokoena	Ward 3 Nkangala	Yes	See ANC submission above

275.	Selina Mokalapa	Ward 3 Nkangala	Yes	See ANC submission above
276.	Peter Mahlangu	Ward 3 Nkangala	Yes	See ANC submission above
277.	Sibongile Monkwe	Ward 3 Nkangala	Yes	See ANC submission above
278.	Leah Phahlane	Ward 3 Nkangala	Yes	See ANC submission above
279.	Promise Kutumela	Ward 3 Nkangala	Yes	See ANC submission above
280.	Malose	Ward 3 Nkangala	Yes	See ANC submission above
281.	Pretty Masilela	Ward 3 Nkangala	Yes	See ANC submission above
282.	Linkie Shabangu	Ward 3 Nkangala	Yes	See ANC submission above
283.	Andris Skosana	Ward 3 Nkangala	Yes	See ANC submission above
284.	Francina Buda	Ward 3 Nkangala	Yes	See ANC submission above
285.	Steven Mahlangu	Ward 3 Nkangala	Yes	See ANC submission above
286.	Kedibone Chauke	Ward 3 Nkangala	Yes	See ANC submission above
287.	Jack Makobe	Ward 3 Nkangala	Yes	See ANC submission above
288.	Precious Mohlala	Ward 3 Nkangala	Yes	See ANC submission above
289.	Ntombifuthi Mahlangu	Ward 3 Nkangala	Yes	See ANC submission above
290.	Macy Mmako	Ward 3 Nkangala	Yes	See ANC submission above
291.	Bawinile Mzobe	Ward 3 Nkangala	Yes	See ANC submission above
292.	Princess Mngomezulu	Ward 3 Nkangala	Yes	See ANC submission above
293.	Aubrey Molepo	Ward 3 Nkangala	Yes	See ANC submission above
294.	Frans Mabula	Ward 3 Nkangala	Yes	See ANC submission above
295.	Nomvula Maseka	Ward 2 Nkangala	Yes	See ANC submission above
296.	Busisiwe Kgoma	Ward 2 Nkangala	Yes	See ANC submission above
297.	T I Skosana	Ward 2 Nkangala	Yes	See ANC submission above
298.	Nancy Ndala	Ward 2 Nkangala	Yes	See ANC submission above
299.	Edwin Hlongwane	Ward 2 Nkangala	Yes	See ANC submission above
300.	Tshep Molope	Ward 2 Nkangala	Yes	See ANC submission above
301.	Lebo Mlambo	Ward 2 Nkangala	Yes	See ANC submission above

302.	Sphiwe Mabena	Ward 2 Nkangala	Yes	See ANC submission above
303.	Meshack Mnguni	Ward 2 Nkangala	Yes	See ANC submission above
304.	Jona Tsege	Ward 2 Nkangala	Yes	See ANC submission above
305.	Lucky Lukhele	Ward 2 Nkangala	Yes	See ANC submission above
306.	Lehlohonolo Masemola	Ward 2 Nkangala	Yes	See ANC submission above
307.	Maria Malaza	Ward 2 Nkangala	Yes	See ANC submission above
308.	Tumelo	Ward 2 Nkangala	Yes	See ANC submission above
309.	Dipolelo Mampau	Ward 2 Nkangala	Yes	See ANC submission above
310.	Thandi Ntuli	Ward 2 Nkangala	Yes	See ANC submission above
311.	Monica Gumede	Ward 2 Nkangala	Yes	See ANC submission above
312.	Thembi Komane	Ward 2 Nkangala	Yes	See ANC submission above
313.	Nomthandazo Mahlangu	Ward 2 Nkangala	Yes	See ANC submission above
314.	Sibongile Masondo	Ward 2 Nkangala	Yes	See ANC submission above
315.	LM Mokwena	Ward 2 Nkangala	Yes	See ANC submission above
316.	Thembi Simelane	Ward 2 Nkangala	Yes	See ANC submission above
317.	Diana Rapotu	Ward 2 Nkangala	Yes	See ANC submission above
318.	Merlen Motebele	Ward 2 Nkangala	Yes	See ANC submission above
319.	Sello Shilakwe	Ward 2 Nkangala	Yes	See ANC submission above
320.	Nomvula Mahlangu	Ward 2 Nkangala	Yes	See ANC submission above
321.	Bernard Mtshaise	Ward 24 Nkangala	Yes	See ANC submission above
322.	Zanele Skosana	Ward 24 Nkangala	Yes	See ANC submission above
323.	Rose Skosana	Ward 24 Nkangala	Yes	See ANC submission above
324.	Nhlanhla Thomo	Ward 24 Nkangala	Yes	See ANC submission above
325.	Busiswe Skosana	Ward 24 Nkangala	Yes	See ANC submission above
326.	Prudence Nhlapo	Ward 26 Nkangala	Yes	See ANC submission above
327.	Prudence Nkabinde	Ward 25 Nkangala	Yes	See ANC submission above
328.	Popp Masilela	Ward 27 Nkangala	Yes	See ANC submission above

329.	Sarah Ramoba	Ward 27 Nkangala	Yes	See ANC submission above
330.	Phumzile Mahlangu	Ward 27 Nkangala	Yes	See ANC submission above
331.	Simon Mabhena	Ward 27 Nkangala	Yes	See ANC submission above
332.	Annah	Ward 31 Nkangala	Yes	See ANC submission above
333.	Kenneth Sindane	Ward 28 Nkangala	Yes	See ANC submission above
334.	Thuli Sindane	Ward 26 Nkangala	Yes	See ANC submission above
335.	Rebecca	Ward 28 Nkangala	Yes	See ANC submission above
336.	Masongo	Ward 26 Nkangala	Yes	See ANC submission above
337.	Elijah Thulani	Ward 26 Nkangala	Yes	See ANC submission above
338.	Jabulani Kabini	Ward 10 Nkangala	Yes	See ANC submission above
339.	Elliot Jiyane	Ward 26 Nkangala	Yes	See ANC submission above
340.	Nomsa Dhlengalolo	Ward 26 Nkangala	Yes	See ANC submission above
341.	Nompumelelo Nkabini	Ward 26 Nkangala	Yes	See ANC submission above
342.	Sipho Mnguni	Ward 26 Nkangala	Yes	See ANC submission above
343.	Nokuthula Maloka	Ward 26 Nkangala	Yes	See ANC submission above
344.	Tsepho Matlala	Ward 26 Nkangala	Yes	See ANC submission above
345.	Aaron Jacobs	Ward 26 Nkangala	Yes	See ANC submission above
346.	Wiseman Skosana	Ward 26 Nkangala	Yes	See ANC submission above
347.	Thabiso Mahlangu	Ward 26 Nkangala	Yes	See ANC submission above
348.	Given Mtsweni	Ward 26 Nkangala	Yes	See ANC submission above
349.	Julia Masonga	Ward 26 Nkangala	Yes	See ANC submission above
350.	Dianah Mtshwene	Ward 26 Nkangala	Yes	See ANC submission above
351.	Lindiwe Motau	Ward 31 Nkangala	Yes	See ANC submission above
352.	Thembisile Mtsweni	Ward 31 Nkangala	Yes	See ANC submission above
353.	Regina Jiane	Ward 31 Nkangala	Yes	See ANC submission above
354.	Rose Skosana	Ward 31 Nkangala	Yes	See ANC submission above
355.	Poppy Mtsweni	Ward 31 Nkangala	Yes	See ANC submission above

356.	Soloman Skosana	Ward 31 Nkangala	Yes	See ANC submission above
357.	Bongani Skhosana	Ward 31 Nkangala	Yes	See ANC submission above
358.	Nabo Skhosana	Ward 31 Nkangala	Yes	See ANC submission above
359.	Patricia Ntuli	Ward 31 Nkangala	Yes	See ANC submission above
360.	Nokuthula	Ward 31 Nkangala	Yes	See ANC submission above
361.	Louis Mabena	Ward 31 Nkangala	Yes	See ANC submission above
362.	Thulisile Ntuli	Ward 31 Nkangala	Yes	See ANC submission above
363.	Sihle Mahlangu	Ward 31 Nkangala	Yes	See ANC submission above
364.	Fudiswa Masombuka	Ward 31 Nkangala	Yes	See ANC submission above
365.	Chantall Skosana	Ward 31 Nkangala	Yes	See ANC submission above
366.	Elijah Mahlangu	Ward 31 Nkangala	Yes	See ANC submission above
367.	Martha Mahlangu	Ward 31 Nkangala	Yes	See ANC submission above
368.	Mvelo Masilela	Ward 31 Nkangala	Yes	See ANC submission above
369.	Innocent Masilela	Ward 31 Nkangala	Yes	See ANC submission above
370.	Chegotatso Phala	Ward 31 Nkangala	Yes	See ANC submission above
371.	Elsie Mabona	Ward 31 Nkangala	Yes	See ANC submission above
372.	Johannes	Ward 31 Nkangala	Yes	See ANC submission above
373.	Thobile Jiyane	Ward 31 Nkangala	Yes	See ANC submission above
374.	Nokuthula Mtsweni	Ward 31 Nkangala	Yes	See ANC submission above
375.	Bongi	Ward 31 Nkangala	Yes	See ANC submission above
376.	Nhlanhla Kubheka	Ward 31 Nkangala	Yes	See ANC submission above
377.	Jabu Mabhena	Ward 31 Nkangala	Yes	See ANC submission above
378.	Lebogang Letageng	Ward 21 Nkangala	Yes	See ANC submission above
379.	Petrus Letageng	Ward 21 Nkangala	Yes	See ANC submission above
380.	Meriam Magagula	Ward 21 Nkangala	Yes	See ANC submission above
381.	Sima Chemepe	Ward 21 Nkangala	Yes	See ANC submission above
382.	Linda Msibi	Ward 21 Nkangala	Yes	See ANC submission above

383.	Sanele Mkuna	Ward 21 Nkangala	Yes	See ANC submission above
384.	Mkhonzo	Ward 21 Nkangala	Yes	See ANC submission above
385.	Class Jiyane	Ward 21 Nkangala	Yes	See ANC submission above
386.	Emily Mashinini	Ward 21 Nkangala	Yes	See ANC submission above
387.	Thabang	Ward 21 Nkangala	Yes	See ANC submission above
388.	Siphesihle Mahlangu	Ward 21 Nkangala	Yes	See ANC submission above
389.	Lindiwe	Ward 21 Nkangala	Yes	See ANC submission above
390.	Njabulo Motywala	Ward 21 Nkangala	Yes	See ANC submission above
391.	Mhloboto	Ward 21 Nkangala	Yes	See ANC submission above
392.	Johanna Buthelezi	Ward 21 Nkangala	Yes	See ANC submission above
393.	Sonto Mapo	Ward 21 Nkangala	Yes	See ANC submission above
394.	Sipho Napho	Ward 21 Nkangala	Yes	See ANC submission above
395.	Maria Duma	Ward 21 Nkangala	Yes	See ANC submission above
396.	David Sabela	Ward 21 Nkangala	Yes	See ANC submission above
397.	Jessica Mokoena	Ward 21 Nkangala	Yes	See ANC submission above
398.	Maria Mahlangu	Ward 21 Nkangala	Yes	See ANC submission above
399.	Stephena Mabena	Ward 21 Nkangala	Yes	See ANC submission above
400.	Yolani Mashinini	Ward 21 Nkangala	Yes	See ANC submission above
401.	James Matome	Ward 21 Nkangala	Yes	See ANC submission above
402.	Cathrine Rakgalakane	Ward 21 Nkangala	Yes	See ANC submission above
403.	Deneo Malope	Ward 4 Nkangala	Yes	See ANC submission above
404.	Anna Mgidi	Ward 4 Nkangala	Yes	See ANC submission above
405.	Solomon Masango	Ward 4 Nkangala	Yes	See ANC submission above
406.	Thembi Letshele	Ward 4 Nkangala	Yes	See ANC submission above
407.	Sarah Mahlangu	Ward 4 Nkangala	Yes	See ANC submission above
408.	Julia Aphane	Ward 4 Nkangala	Yes	See ANC submission above
409.	Lesley Matsefe	Ward 4 Nkangala	Yes	See ANC submission above

410.	Teressa Madisha	Ward 4 Nkangala	Yes	See ANC submission above
411.	Vincent	Ward 4 Nkangala	Yes	See ANC submission above
412.	Innocent Khumalo	Ward 4 Nkangala	Yes	See ANC submission above
413.	Nomphumelelo Mathubela	Ward 4 Nkangala	Yes	See ANC submission above
414.	Amos Mahlangu	Ward 4 Nkangala	Yes	See ANC submission above
415.	Stephens Themane	Ward 4 Nkangala	Yes	See ANC submission above
416.	Thelma Mahlangu	Ward 4 Nkangala	Yes	See ANC submission above
417.	Khelina Madonsela	Ward 4 Nkangala	Yes	See ANC submission above
418.	Sylvia Mareti	Ward 4 Nkangala	Yes	See ANC submission above
419.	Elijah Sithole	Ward 4 Nkangala	Yes	See ANC submission above
420.	Monica Nkuna	Ward 4 Nkangala	Yes	See ANC submission above
421.	Girly Nkoana	Ward 4 Nkangala	Yes	See ANC submission above
422.	Elizabeth Radabe	Ward 4 Nkangala	Yes	See ANC submission above
423.	Marobeni Ratshibvumo	Ward 24 Nkangala	Yes	See ANC submission above
424.	Rose Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
425.	Maggie Sithole	Ward 24 Nkangala	Yes	See ANC submission above
426.	Mavies Motanyane	Ward 24 Nkangala	Yes	See ANC submission above
427.	Lerato Motanyane	Ward 24 Nkangala	Yes	See ANC submission above
428.	Nomusa Motanyane	Ward 24 Nkangala	Yes	See ANC submission above
429.	Sibongile Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
430.	Fikile Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above
431.	Mukelani Nkosi	Ward 24 Nkangala	Yes	See ANC submission above
432.	Annah Mkhwanazi	Ward 24 Nkangala	Yes	See ANC submission above
433.	Isaac Motanyane	Ward 24 Nkangala	Yes	See ANC submission above
434.	Thokozile Motanyane	Ward 24 Nkangala	Yes	See ANC submission above
435.	Elias Mahlangu	Ward 24 Nkangala	Yes	See ANC submission above

436.	Lindiwe Segokodi	Ward 26 Nkangala	Yes	See ANC submission above
437.	Maria Dlamini	Ward 26 Nkangala	Yes	See ANC submission above
438.	Elizabeth Masombuka	Ward 26 Nkangala	Yes	See ANC submission above
439.	Piet Mtsweni	Ward 26 Nkangala	Yes	See ANC submission above
440.	Lukas Mathebela	Ward 26 Nkangala	Yes	See ANC submission above
441.	Noluthando Skosana	Ward 14 Nkangala	Yes	See ANC submission above
442.	Annah Mthembeni	Ward 14 Nkangala	Yes	See ANC submission above
443.	Cathrine Shilane	Ward 14 Nkangala	Yes	See ANC submission above
444.	Phumzile Masilela	Ward 14 Nkangala	Yes	See ANC submission above
445.	Simon Masombuka	Ward 14 Nkangala	Yes	See ANC submission above
446.	Mokgedi Mashigo	Ward 14 Nkangala	Yes	See ANC submission above
447.	Queen Mthembu	Ward 14 Nkangala	Yes	See ANC submission above
448.	Banele Mthembu	Ward 14 Nkangala	Yes	See ANC submission above
449.	Nomphumelelo Mthembu	Ward 14 Nkangala	Yes	See ANC submission above
450.	Betty Chili	Ward 14 Nkangala	Yes	See ANC submission above
451.	Thandiwe Masango	Ward 14 Nkangala	Yes	See ANC submission above
452.	Jerry Mahlangu	Ward 14 Nkangala	Yes	See ANC submission above
453.	Dumisani Mahlangu	Ward 14 Nkangala	Yes	See ANC submission above
454.	Lindiwe Skosana	Ward 14 Nkangala	Yes	See ANC submission above
455.	Thobile Masilela	Ward 14 Nkangala	Yes	See ANC submission above
456.	Mongezi Mthembu	Ward 14 Nkangala	Yes	See ANC submission above
457.	Comfort Sibiyi	Ward 14 Nkangala	Yes	See ANC submission above
458.	Rose Kgomo	Ward 24 Nkangala	Yes	See ANC submission above
459.	Poppie Mahlangu	Ward 25 Nkangala	Yes	See ANC submission above
460.	Linda Manyeke	Ward 25 Nkangala	Yes	See ANC submission above
461.	Linda Mahlangu	Ward 25 Nkangala	Yes	See ANC submission above
462.	Hlengiwe Ntuli	Ward 25 Nkangala	Yes	See ANC submission above

463.	Bridget Mahlangu	Ward 25 Nkangala	Yes	See ANC submission above
464.	Zondiwe Masilela	Ward 25 Nkangala	Yes	See ANC submission above
465.	Simon Kabiyi	Ward 25 Nkangala	Yes	See ANC submission above
466.	Rebecca Mndebela	Ward 25 Nkangala	Yes	See ANC submission above
467.	Shentshi Masilela	Ward 25 Nkangala	Yes	See ANC submission above
468.	John Machava	Ward 25 Nkangala	Yes	See ANC submission above
469.	Balekani Jiyane	Ward 25 Nkangala	Yes	See ANC submission above
470.	Sibusiso Mabena	Ward 25 Nkangala	Yes	See ANC submission above
471.	Sarah Kgomo	Ward 25 Nkangala	Yes	See ANC submission above
472.	Masibiya Shabangu	Ward 25 Nkangala	Yes	See ANC submission above
473.	Thembelihle Nkosi	Ward 25 Nkangala	Yes	See ANC submission above

### 6.7 Gauteng Province

Day 1: Gauteng, Mogale City, Centenary Hall Krugersdorp, 4 November 2023				
	Name	Organisation	Support Yes/No	Reasons
474.	Master Push George	South African National Civics Organisation (SANCO)	Yes	The speaker mentions that SANCO is affected by the transformers and electricity infrastructure that is being vandalised. Eskom states that they must now pay R500 in order for the transformers to be fixed, thus Eskom assumes the reason for the explosion of transformers is because of the residents. The residents on the other

				hand are saying that because of the growth of the areas, transformers cannot carry the increased load. The speaker mentions that the law must be implemented to arrest the cable thieves and those that own the scrap yards and sell the cables. The speaker mentions the need for the National Energy regulator of South Africa (NERSA) to monitor the pricing of electricity.
475.	Tumisang Sekonela	Cooperative Governance and Traditional Affairs (COGTA) Development Worker	N/A	The speaker states that this Bill speaks about the unbundling of Eskom and asks how the unbundling will assist the people who are poor and vulnerable. The speaker asks how NERSA will help the community and ensure that the pricing of electricity is affordable.
476.	Musa Msimango	Vuka Darkie Economic Reform	N/A	The speaker mentions that he cannot support or reject the Bill as he has a number of questions. The speaker asks about the sentencing of the cable thieves and whether it will be for the person stealing or the person selling the stolen cables? The speaker asks whether the police will be well capacitated to deal with the criminality of the cable theft. The speaker mentions the problem of partial blocks (stepped up tariffs) and states that NERSA must as the Regulator intervene as it causes the number of units being very different to the amount purchased for the electricity. The speaker mentions the issue of red tape for Independent Power Producers (IPPs), and issue of construction mafia impact for local business and asks how the Bill will empower NERSA to assist local business.
477.	Patricia Rabanye	Mining Affected Communities United in Action (MACUA)	No	The speaker mentions that the process of the public hearing is unsatisfactory as there was supposed to be workshops prior to the hearings not as was done only on the morning of the hearing – the

				speaker was referring to the Chairperson's introductory remarks. The speaker states that the Bill supports the rich and will not benefit the people. The speaker mentions that NERSA as the Regulator has failed the community with very high electricity prices that people cannot afford.
478.	Lucky Tladi		N/A	The speaker mentions that the Bill does not speak to the indigent community. The speaker mentions that the licensing is for politicians and for the rich not for the community or local business. The speaker mentions the need for copper cables to no longer be sold in order to stop the theft of cables which impact electricity. The speaker mentions that unemployment is very high which causes the illegal connections and cable theft to be high. The speaker mentions the need therefore for government to provide jobs or to enable the local people to work with Eskom .
479.	Cornelius Makumsha	Ward Committee	N/A	The speaker asks whether the additional electricity is photovoltaic (PV) system and whether it is included in the Bill, and if so how will it be introduced in the townships or specifically the small business which are greatly affected by loadshedding
480.	Moreko Mokwala	African National Congress (ANC)	Yes	The speaker asks how NERSA as a Regulator will they ensure that those stealing infrastructure will be arrested and prosecuted without the necessary law enforcement powers. The speaker asks regarding section 4 on the value chain of electricity – how will participation be sourced from various players in the competitive market. It is not clear how the value chain will be as productive, assist the poor and grow the economy. The speaker asks about the capacity for local businesses to become license holders – asks

				whether there are any funding opportunities for those who want to enter the market.
481.	Judith Molutsi	Ward 13 Kagiso	N/A	The speaker mentions that the attendees are not well informed on the Bill to participate in the hearings meaningfully. The speaker asks what exactly is causing loadshedding and people should be informed on this if we are to contribute to a Bill on Electricity. The speaker mentions that the workshops were not conducted
482.	Ida Lephatsi		N/A	The speaker mentions that workshops should have been conducted prior to the hearings. The speaker mentions that the cable theft is a huge issue and suggests that the cables should be aluminium and not copper. The speaker mentions that the Bill is for the rich and not for the people therefore cannot be supported.
483.	Maxwell Gwenshe		No	The speaker mentions the area which he resides on only had electricity installed 3 years ago however the cables used are valueless. The speaker asks whether there is supposed to be a difference between formal and informal electricity infrastructure and access. The speaker mentions that there must be a uniform way of the infrastructure used.
484.	Martha Tladi	Community Development Worker (CDW)/Kagiso Ext 12	N/A	The speaker mentions that workshops were held in the wards by the Parliament official Zelda. The speaker mentions that in Ext 12 there needs to be an intervention as Eskom operates by itself and it is not working therefore the competition is welcomed. Specifically, the local business that work within the solar energy space can assist Eskom. The speaker mentions that Eskom may continue with the electricity generation but the management, accounts, pricing etc. must be done by another entity/company
485.	Tebogo Mathibela	Ward 11 Committee Member	N/A	The speaker mentions that the community has big challenges with Eskom and electricity access in Mogale city. The speaker

				mentions that the community is suffering as a result of poor leadership and lack of communication with the people.
486.	Sipho Ngwetsheni	Business Centre Ward 10/ AZAPO	No	The speaker mentions no support of the Bill as it will not assist the poor black people and those that are marginalised. The speaker also has an issue with NERSA and states that the Regulator always approves the increase. The speaker mentions that IPP's are focused on profit and it is the role of the State to provide electricity and allowing this Bill will enable the private sector to dominate the electricity sector to the detriment of the poor people. The speaker mentions that there are people in Kagiso that have not paid electricity in 2 years and if the Bill passes then the situation will be worse. The speaker mentions that cable theft is wrong and it is stealing therefore there must be laws that speaks to this.
487.	Refilwe Morake	Ward 13 Kagiso	N/A	The speaker mentions that the communities were not workshopped on this Bill in preparation for the hearings. The speaker mentions that there is a need for Eskom to have competition. The speaker mentions the need for NERSA to assist Eskom on how to manage their infrastructure.
488.	Zamokulunga	Carltonville Ward 5/ MACUA	No	The speaker mentions that no workshopping was conducted. The speaker mentions that people are given RDP's but people are unable to pay for electricity due to unemployment. The speaker mentions that the loadshedding issue seems too controlled or is man-made because for certain events like world cup there is no loadshedding. The problem is that when there is loadshedding the cable theft is very high. The speaker mentions that the cable theft is as a result of the unemployment and poverty. The speaker mentions that the electricity needs to be managed by Eskom and

				not the municipality because the municipality is not coping and the units available is always less than the purchased price.
489.	Thabo Letlonyane	Ward 22 Merofong	Yes	<p>The speaker mentions the issue of loadshedding and load reduction which causes the community to not have access to electricity for long periods of time.</p> <p>Load shedding is from Eskom and reduction is from municipality so the Bill must intervene and assist between these two different situations. The speaker supports that cable theft must lead to jail sentences and fines, the speaker adds that the Bill must also enable those who assist to catch the thieves to be given rewards or compensation.</p>
490.	Sicelo Wiseman	Ward 5	N/A	<p>The speaker mentions that workshops were conducted, and that he understands the Bill. The speaker mentions that less than 10 people attended the workshop therefore the community must first respond to why they did not attend the workshop. The speaker mentions that there are people that have not had electricity for years due to the destruction of the transformers. The situation is worsened by the fact that Eskom has subsequently then fined the people for the damaged transformers.</p>
491.	Princess Setlhare	Ward 37	N/A	<p>The speaker mentions that there are many issues regarding the electricity. The speaker mentions that Eskom has instructed people to pay R600 after an audit finding that people have been buying electricity illegally, however the speaker mentions that many of these people were not even aware that the electricity is illegal. The speaker mentions the need to have prepaid meters installed. The speaker mentions that the cable theft in the community is very high, and the problem is that when the community reports that cable is stolen at Eskom, the community</p>

				is turned away and told to make an affidavit. This becomes a problem as you need a case number to produce an affidavit.
492.	Molepe Morane	Ward 6	Yes	Mentions that there are about 70 transformers in Kagiso. The Speaker has been in and out of Randfontein Office Branch, the manager there is very arrogant, including Mashudu. Transformers are not being serviced. Suggest redeployment of Nokuthula and Mashudu. Over 60% of the people have damaged transformers. On 10 September 2023, the speaker reportedly attended Energy Indaba – Premier mentioned that he would ensure there is flat rate of R350 for electricity. The speaker wants this to be included in this Bill.
493.	Lebogang Kotosi	EFF	N/A	The speaker mentions that reports were made to Eskom about the leaking transformers. The speaker mentions that NERSA must work for the people and engage with Eskom on this aspect. Additionally, NERSA needs to specifically assist the elderly and child headed houses to have access to electricity.
494.	Elvis Kgwadi	Ward 23	No	The speaker mentions that the issues with Eskom and the Bill does not take into consideration the poor people. The speaker asks for an intervention on the Eskom office in Randfontein. The speaker mentions the problem of illegal connections and cable theft. The speaker mentions that for RDP's the electricity transformers are capped at a certain kilowatt, however this cap is too low for most homes as the people have additional people in the house or renting which Eskom will not have knowledge about because the transformers are the ones from years ago.
495.	Dalikhwezi Mvala	MACUA	N/A	The speaker mentions that there is no diversity in the public hearings which is an indication that electricity seems to affect certain people and not others.

<b>Day 2: Gauteng, Soweto, Pimville Community Centre Zone 4, 5 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Ntando Khoza	ANC	N/A	<p>It essential that for all government Bills or programmes to begin to locate whatever topic with the National Development Plan (NDP) with a view to allocate Government thoughts/programmes or Bills within the greater context of re-engineering social contract with the people of South Africa. This allow Government to speak with focussed understanding that the Bills or programmes are towards achieving the preamble of the Constitution of the Republic. Energy security as envisaged in the NDP makes not only access to energy security but affordable reliable energy a necessity.</p> <p>Clause 5:3.5.3- the additional duties of the Regulator to regulate process not only for competitive purposes but the pricing must take into account that by and large South African majority are poor and pricing must be sensitive to the economic struggle of the populace not only be industry competitive.</p> <p>Clause 3: Amendment Section 3 also read with 3.18.2. We propose creation by the Regulator the separation of production of energy companies. For ease of reference, we propose the creation of Eskom 1 and Eskom 2. Eskom 1 would generate electricity through coal and nuclear. Eskom 2 would focus on green energy.</p>

			<p>The purpose of this separation allows not only the Regulator clear sight of cost production in how it affects the industry and consumer. It speaks to greater transparency to the debate of hydrogen economy if it is viable economy for South Africa to deploy not only limited resources but human capital. It goes without saying that the proponents of green energy are not only the major polluters and contributor to carbon dioxide but in their country, they have reverted back to what they call dirty energy. The Bill should seek to not only observe the end cost pricing but the input cost.</p> <p>The energy unit cost must also factor in the tariff/levy each municipality adds onto the consumer. The Regulator must have the sole discretion to determine the municipal administrative cost. This levy must be ring-fenced from the kilowatt cost from Eskom for the purpose of ensuring municipal managers do not use energy generated cost as part of a normal cashflow municipal income. Eskom tariff fee must be for the sole purpose of funding the energy generation fee. The consequence as played out through the breath and length of municipalities results in dysfunctional municipalities further exacerbating non-deliver of basic services. The Regulator ability to set the tariff allows or forces the municipalities to budget appropriately.</p> <p>Clause 12:3.12.2 propose that the Bill have a punitive consideration if the Regulator fails comply with the 30-day period, he must face punitive measures which are levied by the proposed</p>
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				<p>Adjudicator. Such measure must be stringent enough to ensure compliance by the Regulator office to ensure that the business of Government is not affected by administrative blunders.</p> <p>Clause 10:3.10.1 there is an alignment process within the Presidency as to the future of State-Owned Entities (SOEs) and reporting lines. Section 10:2(d) requires further processing as the Presidency has created two functionaries that report to the Presidency on energy security. This clause needs urgent attention.</p> <p>3.10.3 we believe that insertion of 10(3) confidentiality has to take into consideration Protection of Personal Information Act, 2013</p> <p>Though not highlighted in the memorandum of the Bill, the destruction of State Infrastructure Assets must be moved away and be dealt with from a common law to <b>Critical infrastructure Protection Bill</b> and be dealt with as Sabotage Act General Laws Amendment Act No 76 of 1962.</p> <p>The proposed Bill on Critical Infrastructure Protection Bill: Designation of inspector refers to inspectors being at a level of warrant office. We believe that this designation does not fit the seriousness of the infrastructure damage and its consequences. We believe that this should require an officer above the Warrant Officer as an inspector which speaks to only years of service but experience within the police force in combating crime.</p>
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2.	Keabetsoe Malebo	Community Leader	Yes	The speaker mentions late communication regarding the public hearings and that the hearings are on a Sunday and the Soweto Marathon is taking place which is an inconvenience. The speaker asks for the meeting to rescheduled as a result. The speaker mentions the issue of infrastructure vandalism which is something the community has been fighting against for 5 years with no assistance from Parliament. On 18 April 2022 there was a shooting when the community was standing against community vandalism. The speaker asks whether there will be a community settlement plan as with the informal housing crisis continuing and expanding, so too are the illegal connection therefore electricity access is compromised. The speaker asks that cables in the community be put in a tunnel rather than the current spider web format which enables easier cable theft.
3.	John Mkhumbuzi	Ward 118	N/A	The speaker mentions that Minister of Electricity and Minister of DMRE and Minister of DPE and asks whether the Portfolio Committee on Mineral Resources and Energy (PCMRE) represents all three departments for this Bill. The speaker asks about the impact of the unbundling on the bail outs given to the Eskom. The speaker asks what will happen to the workers and the sub-contractors of the sector with this new market. The speaker asks whether the community will be able to buy shares from the new entrant companies.
4.	Ephraim Motsie	Orange Farm	Yes	The speaker mentions the Bill does not speak about what processes people must take in order to obtain electricity, and what to do when the transformers are damaged and need to be replaced.
5.	Lerato Anthony Moloji	Ward 06	Yes	The speaker mentions that there is an issue of tariffs. The speaker mentions that currently the tariffs do not work for residents in the

				informal areas. The rates are different from those in urban, and very similar to those paid by the business industry. The speaker mentions that there is a need for the knowledge of the informal settlement areas usage and circumstance of the people living there in order to make access and affordability fair. The speaker mentions that the Bill must state that electricity generation is located in each province and that each province must generate its own electricity for its own usage. As it is currently unfair for those provinces that do not have high usage of electricity. The vandalism of infrastructure must be criminalised.
6.	Floyd Balekile Ndlovu	Pimville – Born Blind Production	Yes	The speaker asks whether NERSA can enable access to generators and/or borrow generators to community members when cables are stolen. The speaker mentions that the meter boxes exploded in the community, and this has caused Eskom to inform the community to fix the boxes which the speaker finds unfair.
7.	Emily Lephasa	Block Committee Member	Yes	The speaker mentions that in the community the infrastructure of electricity is poor for example the transformers cannot withstand the number of people in households and the community at large. The speaker mentions that the community wants to pay the rates for electricity but are not given this option due to poor infrastructure.
8.	Luvuyo Gape	Zone 12 Sefako Makgatho/ ANC	Yes	The speaker mentions that the debt of residents to Eskom and municipality is not addressed in the Bill or hearings. The issue of illegal connections results in disasters therefore there is a need for camera or security system that protect the infrastructure. The speaker mentions clause 14 and asks if there will be regulation of a standard rate. Asks why NERSA is not present in the hearing to explain themselves.

9.	Muzi Hlongwane	ANC	Yes	The speaker mentions amendments on page 14. – <i>speaker just cited the amendment and did not indicate support, rejection or additions.</i> The amendment of 27 – <i>again speaker just cites the amendment and did not indicate support, rejection or additions.</i> The speaker mentions that the monopoly of Eskom must change to allow for the competition therefore supports the Bill in this regard. The NERSA as regulator must monitor pricing to ensure it is not exorbitant.
10.	Khayizen Mabasa	Ward 22/ ANC	Yes	The speaker mentions that community is not truthful about the meeting – that information was shared. The speaker mentions that cable theft must be seriously addressed with harsh punishment. The speaker also mentions the need for the community to take responsibility to secure the infrastructure and report the people known to steal cables to the police. The speaker mentions that purchase of electricity is challenging because the units are not equivalent to the amount paid for the electricity. This must be explained to the community, so it is understood why this is case.
11.	Thato Sekgoele	Ward 60	Yes	The speaker mentions the need for nuclear and the current Bill to be complementary to each other in order to ensure diverse energy mix and secure the electricity baseload of the country for secure energy supply. The speaker mentions the need for nuclear energy management.
12.	Thabang Moloji		N/A	The speaker mentions concerns of commenting on the Bill regarding electricity when there are communities that have had no electricity for four years.
13.	Phindile Khoza	Ward 22	N/A	The speaker mentions various concerns on the Bill therefore cannot support or reject the Bill. The speaker asks that with the competitive market, will the poor and unemployed be protected.

				Asks whether the IPP's know of the capacity and the usage of electricity specifically in the townships where up to three generations live in a single household. The speaker asks whether it is possible for State Owned Entities (SOE's) to be the gatekeeper and not have different private companies managing the electricity sector.
14.	Franceinah Mbaduli	ANC Women League	Yes	Supports the open competitive market. The speaker mentions that 3.5.3. regarding tariffs and states that in relation to this Eskom wanted an increase of 35% which was going to hurt the vulnerable community therefore there is a need for the regulator. The speaker therefore supports this amendment. Clause 16 regarding the licensing conditions is also supported.
15.	Bawinile Shongwe	Pimville Zone 1	No	The speaker mentions that communication about the meeting was done via WhatsApp group of the Ward on Thursday which is not enough time. The speaker mentions the need to use various platforms to communicate the public hearings. As a result, the speaker states that she cannot support the Bill until such time as she has read and understood the Bill.
16.	Hosia Ramodike	Community Member Zone 3 Pimvile	N/A	The speaker mentions that he is one of the residents that has had no electricity for 4 years. He states that this has been an ongoing issue and failed to get assistance and therefore requests assistance from the PCMRE to intervene.
17.	Raynett Moabi	ANC	Yes	The speaker mentions that the additions she can provide is that the offences and penalties are only dealing with infrastructure damage in the Bill but there is a need to for the Eskom themselves to protect their own infrastructure. The speaker further mentions that the cable theft may be an inside job because the infrastructure is said to be protected by Eskom therefore if the theft is still taking

				place it must be in the purview of Eskom. The speaker mentions that the Bill must ensure that Eskom comes to the people and engage with the people on a regular or certain basis to account to the people
18.	Kgotlollo Mogojane	Zone 3 Pimville	N/A	The speaker mentions her dissatisfaction at not having Eskom and NERSA at the meetings as the Bill also impacts them. The speaker mentions that the scrap yards are buyers and sellers of the stolen cable and are included in the stealing of the cables. The request is for these scrap yards to be removed. The speaker mentions that it is not the responsibility of the residents to protect the electricity infrastructure it is the job of Eskom, and they must do so.
19.	Aubrey Setshedi	ANC	N/A	The speaker mentions that a similar meeting in 2018 and is disappointed at not having Eskom here at this meeting as he was expecting feedback from the previous meeting. The speaker mentions that Eskom is not doing what is it is supposed to do, there are areas that have not had electricity for 4 years. The speaker asks that consensus to be reached at the current meeting which calls for Eskom to come to the community and account. The speaker mentions that outdated infrastructure is still being used and that has not improved which the speaker asks to be monitored by Parliament. The response rate in Soweto is very slow from Eskom regarding electricity issues. The speaker mentions that cable thieves or those that damage the Eskom infrastructure must be jailed. The speaker asks for the Bill to accommodate the vulnerable and the poor. The speaker mentions that there is this growing topic of city power taking over from Eskom for Soweto, and asks if this in fact the truth.

20.	Ellen Makoua	ANC	N/A	The speaker mentions that various media platforms should have been used to advertise the meeting and educate the people on the Bill. The speaker mentions that there is an old power station in the area however there is no knowledge on what the operations of the power station are. The speaker mentions support for NERSA as the regulatory body. The speaker mentions that damage to infrastructure must be criminalised but also mentions that the police may possibly be involved which makes it difficult for the community to report the criminals. The speaker mentions the need of monitoring and evaluation of the work of Eskom operations because without it causes conflict in the community.
21.	Mr. Steenkamp		No	The speaker mentions that the Bill is a failed opportunity, and this Bill does not speak to a just energy transition, low carbon economy therefore it is disconnected to all other legislation in the space. Section 20 8.5 which seeks to have diverse energy sources is the closest to address just transitions. The question is that is this different energy sources or the diverse IPP's. The speaker mentions that the Bill is cementing the unbundling of Eskom and will not assist the poor or achieving just transition aims The Bill does not address energy poverty, climate change or any of the important aspects of this country. The speaker asks when the Bill will be signed and asks whether workshops were held for the community. The speaker mentions that this process is tick box exercise.
22.	Issac Raulani	Orange Farm	Yes	The speaker mentions concern of unbundling of Eskom, the Bill also mentions that the transmission will be wholly owned by Eskom which presents a problem for communities as the Eskom will continue to operate in the way it currently does which is

				disconnected from the community. The Bill mentions that minister must consult but the NERSA is not required to consult with any one which is a problem. This is a challenge, and the NERSA must consult and must be accountable to someone. The speaker mentions the need for report back to the community from this process.
23.	Richard Mandla Mbele	ANC/ Ward 3	N/A	The speaker mentions the issue of dispute resolution (ADR) in section 4 subsection b and welcomes the arbitration aspect for disputes with the regulator. The timeframes to act in the ADR must be faster and the jurisdiction for this must enable the community to respond and participate.
24.	Thandazile Khanyi	Moletsane Soweto	N/A	The speaker mentions abnormal loadshedding schedule in the area. The speaker mentions that Parliament needs to report back to the community on the Bill after hearings, furthermore information must be given prior to the meeting with sufficient time. The speaker mentions the need for unemployment rate to be addressed because the cost of electricity is far more than the grant given to the community.
25.	Mashudu Phenememe	SANCO	N/A	The speaker mentions that the decisions must be taken by Eskom for the challenges of electricity to be addressed and it must be explained how the people in Zone 14 will be engaged moving forward. The speaker mentions that there needed to be workshops and feedback from previous engagement which were held previously so we start from the right point.
26.	N. E Daemane		Yes	The speaker mentions that there is a need to protect the infrastructure and various strategies must be put in place to manage this.

27.	Tsholofelo Mogwerane	SANCO / Ward 100 Cosmo	N/A	The speaker mentions that the community has a big problem with infrastructure. The speaker mentions the challenge of meters not being installed. The speaker mentions the challenge of not having electricity and this process asking for comment on the Bill on electricity.
28.	Cynthia Tshoale	MACUA	N/A	The speaker asks how she can respond to the Bill when she has no electricity. This has been the situation for small farms in Sedibeng for 6 years, this is an ongoing struggle. The speaker asks for Sedibeng to receive the attention of Parliament for urgent intervention in the area.
29.	Bheki Pule	SANCO	N/A	The speaker mentions the challenge of buying electricity from the spaza shops which the meters do not register units or these units are not recognised by Eskom.
30.	Teboho Sebakeng	ANC /Freedom Park Ward 119	N/A	The speaker mentions support of the competitive market as this will possibly assist in enabling electricity accesses. The Bill must also speak to the people who cannot afford electricity and how they will be catered for. The speaker mentions that the supply of electricity with the current transformers must be looked into and information must be provided so all know what is possible for electricity transmission.
31.	Nomaswazi Mhlanga	Alex PCO/ Ward 105	Yes	The speaker mentions that the Bill attempts to address the issues citizens are currently facing. The speaker mentions the need for time to discuss the Bill. The speaker mentions support of NERSA to perform all ADR functions. The speaker supports the new entrant to the market but is concerned about whether the country is ready for this new market. The speaker mentions the need to prepare communities of the new market with information and capacity building. The offenses and penalties must be extended to

				those who are buying not just those found vandalising infrastructure, and the penalty must be more than 10 rather than just 5 years as suggested in the Bill. Speaker welcomes the unbundling, but can the implications be explained. The speaker welcomes regulation of the tariffs. Clause 3.16 must be the regulator and Minister jointly regarding the licensing conditions and removal.
32.	Nhlanhla Mayisela	ANC / Ward 47	N/A	The speaker mentions concerns in the process of the public hearings. The speaker mentions that as the Bill introduces the new market of competition then the competition commission must be mentioned. The speaker mentions that the Bill is not pro poor. The speaker asks for some time in order to discuss the Bill and make submissions via different channels. The speaker mentions concerns of coal which under the just transition there is a movement away from this as an energy source however the international community is still buying coal from South Africa.

<b>Day 3: Gauteng, Benoni, Actionville Community Hall, 6 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Mzukisi Masokolo	Ward 53 Thokoza	Yes	The speaker mentions the need for enforcement in the Bill for the protection of infrastructure. The speaker mentions the need for the Bill to provide for the people and the protection of the people particularly where the infrastructure of the electricity is a hazard for the people. The speaker mentions that the Bill needs to

				empower the youth to ensure that the youth meaningfully participates in the electricity sector.
2.	Thabo Sibeko	Daveyton Ward 96 / Earth Life Africa	N/A	The speaker mentions the issue of tariff increase, most people are unemployed and therefore cannot afford the tariffs increase. The provisions of NERSA removing regulation of pricing and the introduction of IPP's – the speaker is concerned about this specifically that the pricing may be unaffordable for many South Africans. The speaker mentions that the Bill speaks to the unbundling of Eskom and gives the IPP more powers to generate power at a cost which may be detrimental to South Africans. The speaker therefore asks where the certainty will come from to ensure the public that the electricity will be supplied and at an affordable rate. The speaker mentions the need for workshop the Bill in the community.
3.	Chantel Harichand	Patriotic Alliance / Ward 29	Yes	The speaker mentions the challenge in the community of electricity being cut abruptly, the illegal connections and cable theft etc. The speaker also mentions the challenge of different rates charges to people staying in the same block of flats.
4.	China Matabane	MACUA	No	The speaker asks whether the licensing will be awarded to private companies or public companies. The speaker asks which source of energy are these companies going to bring, specifically the energy sources which will not cause high pricing.
5.	Unati Nsibande	Protect our Environment Today	N/A	The speaker mentions that the organisation she represents promotes energy wise and works with community and schools. The speaker asks whether it is possible to use South African companies in the sector.
6.	Simon Maredi	Ward Committee Member	No	The speaker mentions that the Bill was only available the morning of the public hearing therefore people are not fully informed on

				the Bill to support or reject the Bill. The speaker mentions the high unemployment rate and asks what is the plan for the people to gain employment in order to afford electricity.
7.	Elias Mafokeng	Ward 49 Committee Member	N/A	The speaker mentions the issue of the transformers as the townships are growing in population and the transformers are under severe pressure. The speaker therefore requests for the transformers to be upgraded to accommodate this reality in the township. The speaker mentions the concern of opening the sector to companies that are outside of South Africa when locals have the skills and high unemployment rate to work in the sector.
8.	Themba Thozo	Ward 59	Yes	The speaker mentions concerns of the process of public hearings. The speaker asks whether the public hearing and this Bill will help the people or those in political office. The speaker mentions that he will only support the Bill if it will assist the poor not the wealthy or those who have influence. The speaker mentions that there should be hubs where ideas are discussed with the community and how to solve key problems in the country. The speaker mentions the concerns that the Bill will enable foreign nationals to be the main contractors or companies instead of South Africans. The speaker mentions that harsh punishment is needed for those who steal cables and damage infrastructure.
9.	Gilbert Shirinda	Ward Committee Member 97 Brakpan	Yes	The speaker mentions that NERSA must be empowered to represent the community which it has not in the past. The speaker mentions concerns that previously NERSA has stood with Eskom and the private sector in the increase of tariffs.
10.	Douglas Malatjie	Ward Committee Brakpan 97/ SANCO Chairperson	N/A	The speaker mentions that electricity access has not always been available to everyone in the country therefore supports the Bill in this regard. The speaker asks that all the informal settlement must

				be electrified either permanent or temporary access. The speaker mentions that there must free units and the way in which it can be maintained is through donations from politicians and the President.
11.	Molly Mbangula	WAMUA	No	The speaker mentions the concern of women that are unemployment. This electricity issue is a big issue for women and raises the issue of not having the public hearing in the townships close to the women. The speaker mentions the need to have this information in the townships and specifically what the benefit be for people in the township.
12.	Brenda	Patriotic Alliance/ Ward 29 Committee Member	Yes	The speaker asks whether there is information sought by Minister about innovative ideas on different sources of energy. The speaker asks whether solar panels will be installed in households or people receive subsidies on this. The speaker mentions that some wards work with Eskom other with Municipalities and asks whether the Bill will make people work with municipality or with the companies or with Eskom. The speaker mentions tariff A and tariff B – the speaker asks whether this will remain in place with this Bill.  The speaker asks whether people will be subsidised for Xerox gas which can be used for so many aspects in the household.
13.	Lerato Ledwaba	-	Yes	The speaker mentions that Eskom has structures in the community which are not protected and suggests that Eskom must work with the community to provide security for them which will also help with unemployment. The speaker mentions that if Eskom states that municipalities owes money sometimes it creates a problem as some use illegal connections which becomes problematic for those that pay, they end up paying for other people’s usage The speaker

				mentions that rising of electricity prices must take into consideration the number of people who are unemployed in the country. The speaker mentions that a percentage of the VAT collected on maize meal must go toward electricity.
14.	Soza Khoza	Ward 78	No	The speaker mentions that the public hearings must be restarted. The speaker mentions challenges with Eskom and loadshedding. The speaker mentions that electricity falls into 3 departments and asks how all these departments are not winning with loadshedding issue. The speaker mentions the issue of corruption in all these departments, but the individuals are not arrested or held accountable. The speaker mentions that loadshedding seems to be controlled. The speaker mentions that the power to regulate pricing will go to the IPP's and removed from NERSA which cannot be supported.
15.	Thembinkosi Joshua Nkambule	Ward 98	Yes	The speaker asks whether South Africa is first or third world country. The speaker asks where South Africa would be ranked in terms of electricity specifically when it comes to diverse energy sources. The speaker asks what measurements or dynamics of the electricity are used in order to determine whether a country is overusing or underusing electricity. The speaker mentions the need for South African companies to lead or be prioritised in the licensing process.
16.	Hendrick	-	N/A	The speaker mentions section 34 concerns, and the ministerial determinations – therefore asks what the purpose of this in the municipal electricity generation is. Speaker also mentions that section 34 is in conflict with circular 117 of the National Treasury.

17.	Goodwin Mahunu	Ward 29	N/A	The speaker mentions that he would support the Bill only if it addresses the poor people, and elderly that earn low grants, and high unemployment that rely on grants which is very low which means most people cannot afford electricity. The speaker mentions that the best course of action is for people to pay Eskom directly because the Municipality at times cause problems for the residents especially because it is the Municipality that owe Eskom.
18.	Kutlwano Ratswana	WAMUA	No	Does not support the Bill as it will not benefit ordinary South Africans.
19.	David Maqubane	Ward Committee	No	When things are not going well, government get frustrated, and bring in investors. Sad thing is that we are nearing Eskom being privatised. Privatisation is in a small or big scale; poor people will suffer the most because private sector interest is on profit. Speaks is against infrastructure vandalism – asks that the community be active to guard what is beneficial to them.
20.	Qedusizi Masina	MACUA/WAMUA	N/A	The speaker mentions that the community she is from she uses VIP which is the middlemen between community and municipality. The rates are very high through this system, the impact of this is very detrimental to the people specifically the elderly. The speaker mentions she lives near an operating mine however when loadshedding hits the mine continues to operate, further when the transformer is ruined the Municipality indicates that there is over usage so it is unclear where the mine is getting access to electricity.
21.	Mokoni Mohlake	Ward 36 Committee Member	Yes	The speaker mentions that there needs to be assurance of not having illegal nationals in the energy sector. The speaker mentions the need for regulation of the bail outs for Eskom. The speaker

				mentions the need to remove the penalties and leave it to the justice system to regulate this aspect. Enforce the debt repayment system to ensure that the rate will remain standard. The speaker mentions the need to support the justice system in terms of enforcement.
22.	Tshepo Totwe	Duduza Ward 36	Yes	The speaker requests for IPP information to be made public. Section 30 – provision of the waiting time – speaker suggest that the waiting period be reduced to 60 days. The speaker mentions that the council decision to cut off electricity has impacted the indigent people and request that when there are discussions of the Bill this must be addressed.
23.	Lizo Mabizela	Ward 55	N/A	The speaker mentions that the Bill seems to not address the current issues the people have with Eskom which is concerning.
24.	Mbongiseni Sibiya	MACUA	No	The speaker mentions that the Bill does not meet the Free Prior Informed Consent (FPIC) requirement, this is also seen with the poor attendance in the public hearing. The speaker mentions that the public hearing should have been in the township. The Bill does not involve the youth as the future generation
25.	Khuliso Nesengani	Business Unity South Africa	Yes	<p><b>Section 34 – Additional Electricity, New Generation Capacity, and Electricity Transmission Infrastructure</b></p> <p>Section 34 is a key section that has been amended significantly in both iterations of the Amendment Bills. We have identified a few changes which warrant attention, including the following:</p> <p><b>Vesting contracts</b></p>

			<p>Section 34B(5)(c)(ii) of the 2023 Amendment Bill provides that it is a function of the CPA to conclude vesting contracts with Eskom generators and/or distribution licensees to manage the transition to a competitive market. The 2023 Amendment Bill defines vesting contracts as a contract between the National Transmission Company South Africa SOC Ltd and an Eskom generator or a distribution licensee, for the sale of a specified amount of electricity at a specified price as a mechanism to facilitate the transition to a competitive market. BUSA needs an insight into the implications of the conclusion of vesting contracts. It is key that Eskom prices competitively, and that the competitive market is retained. If vesting contracts result in Eskom having a guaranteed off taker, while the private market does not, the competitive market is undermined. The Eskom generation price should be regulated, and the pricing of these contracts must be approved by NERSA. The addition of the words ‘as approved by the Regulator’ would provide clarity in this regard.</p> <p><b>The Central Purchasing Agency (CPA)</b></p> <p>Section 34B (5) refers to a CPA. BUSA questions how many central purchasing agencies there will be. Should this be amended to the CPA? Section 34B(5)(c) of the 2023 Amendment Bill is inconsistent with the definition of the CPA, which states that this entity is only formed for the duration of the transition to a competitive market. The central Purchasing Agency’ is defined as an entity assigned to fulfil the role of the wholesale buyer to maintain system</p>
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				<p>integrity during the transition to a competitive electricity market. As BUSA, we propose that the words ‘during the transition to a competitive electricity market’ be deleted from the definition, so that the CPA is not restricted to performing functions during the transition period.</p>
26.	Tshepiso Matebane	MACUA	No	<p>The speaker mentions that she does not support the Bill because enough time was not provided to the community to fully be informed on the Bill. The speaker mentions that the youth is educated but are unemployment The speaker is against privatisation and requests that the Bill must not endorse this as it will negatively impact the community. The speaker mentions the challenge of damaged transformers and requests that this is a key issue that needs to be addressed. The speaker mentions the need for promotion of the township economy.</p>
27.	Kgomotso Suthane	Ward Committee Member	N/A	<p>The speaker has concerns of whether Parliament can reach the people and raises this as the Bill was not properly provided to the community to be informed enough to contribute. The speaker mentions she supports speaker 16, Hendrick.</p> <p>The speaker mentions the need for a skills development programme which is not capped at the age and comes from Parliament. The speaker mentions that skills development will assist for communities to know the electricity sector.</p> <p>The speaker mentions the issue of informal settlements and the people in the area that are not paying electricity but want/need electricity and have access to this electricity through illegal connections. The speaker mentions that there can be mechanisms in place for regulation of electricity access the situation in the townships.</p>

28.	Thabo Selebe <b>[Written]</b>	Ext 3, Duduza, Nigel	Yes	I applaud the government for taking the powers of NERSA on prices of electricity, because NERSA was starting to abuse its powers when they decide to increase their prices, they do not service their infrastructure that is why today we have this loadshedding. They were raising their prices and say their service costs are too high. Their problems was not checking whether the community is going to afford it or not. Most communities they are unemployed where they also rely on electricity for their daily lives.
29.	Samuel Molefe <b>[Written]</b>	308 Magagulu Heights, Katlehong	Yes	The PCMRE must consider schools, hospitals, Business etc, should be connected separately as are necessary of the communities and municipalities given licenses to generate electricity for themselves. SMME's must be given sub-contractors and all infrastructure sector from wards to monitor generating of electricity.
30.	Lucky Mabuza <b>[Written]</b>	122 Uvenyane Street, Benoni	Yes	This is a very good initiative. We are creative enough to start new formats of generating own energy and still have a market.
31.	Jabulele Nkonyane <b>[Written]</b>	11 Ndlobele St, Benoni	Yes	Its partly going to assist community members to benefit in terms of accountability of what was used and to do business as well.
32.	Kgomotso Futhane <b>[Written]</b>	317 Ext Tembisa	Partially	Can we have skills programmes with no age limits for energy. Also human settlements to make sure shacks and hostels to pay. Landlords to be given licencing for izonyotanyoka. Structures from Parliament to be implemented from provincial and local government, to ensure transparency.
33.	Tshepiso Motsobane <b>[Written]</b>	7 Manana Str Kwa-Tema	No	We never given enough time to understand the Bill. A lot of young people are unemployed, yet foreigners are taking over the jobs and tenders are only benefitting money out of situation.

34.	Ntombizanele Zuma [Written]	18 Shale St Kwa-Thema	No	I am not supporting the Bill, cause we were not given enough time to go through the Bill and the advertisement is poor. You need to invite people in every area. Since there is going to be employment regarding electricity, please do not only employ youth, but involve everyone because it is not only youth that is suffering. My worry is that those above 35 you are no longer considered, but at Parliament there are people who are 60 years old
35.	Khabonina Nhlapo [Written]	4165 Ext 3 Masichaba	Yes	We are experiencing a problem with transformers.
36.	Jabulile Nkonyane [Written]	11 Ndlobele St Benoni	Yes	It is partly going to assist for communities to benefit in terms of accountability of what one has used and to do business as well.
37.	Lucky Mabuza [Written]	122 Uvenyane St Benoni	Yes	This is a very good initiative. We are creative enough to start new formats of generating our own energy and still have a market.
38.	Lindiwe Nkosi [Written]	23 Shale St Kwa-Thema	N/A	More education on green projects of generating electricity.
39.	KV Ndaba [Written]	1477 Weyi St Wattville	N/A	My concern is how are indigent households going to be helped or benefit from this Bill, including indigent churches.
40.	Elizabeth Sukazi [Written]	1529 Zondo St Wattville	N/A	Please focus on clinics, as loadshedding is a problem. It is very difficult for nurses to cope. Bring back free units.
41.	Annette Pienaar [Written]	14 Scoff Crescent Brenthurst	N/A	Kwa-Thema is currently sitting with two broken transformers, of which one has been in repairs for longer than a year.
42.	Yolanda Burton [Written]	1769 Zareena HaGee Gardens	Yes	A survey should be done - door-to-door – to see how many occupants live in each household including illegal immigrants, especially the shacks where all illegal activities take place like illegal connections and stolen cables.
43.	Cordelia Nomapheko [Written]	311 Loah Court Actonville	Yes	Government must subsidize the pensioners on a cheaper way of supplying electricity. Solar panels will help.

44.	Margret Semela [Written]	Thokoza	Yes	I will support the Bill if my concern of managing electricity is done properly. Also, if the government teaches the people especially the youth about electricity so they can get employed and provide skills to providing better access of electricity and security to the electricity infrastructure. The companies that are coming to replace Eskom must provide skills development and must work with the local companies that can provide electricity. The Bill must help South Africa get rid of loadshedding because loadshedding is ruining our lives, our food, allowing cables to be stolen and the kids cannot go to school anymore therefore anything that can help people to get electricity and not have power cuts.
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<b>Day 4: Gauteng, Soshanguve, City of Tshwane, 7 November 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Anna Sibande	Centurion/ ANC WL	Yes	The speaker mentions the issue of pricing. The speaker mentions that City of Tshwane electricity is unaffordable and suggests having the option to buy from Eskom. The speaker mentions the need to be proactive for mitigating the cable theft and illegal connections in the community. The speaker suggests that there should be ongoing community monitoring. The speaker mentions support of the Bill however requests for feedback to the community about the outcomes from the Bill.
2.	Gugulethu Mafokane	Bakgatla Lekhuleng	ba N/A	The speaker supports NERSA powers to regulate the tariffs but disagrees with the government determining the pricing. The POP

				status should return as currently people cannot afford electricity and the unemployment status in the country is very high. The speaker mentions that she could not understand some of the introduction remarks by the chair due to noise and echo but supports the idea of new companies in the sector. Skill transfer and job opportunity for the youth is important and must be clear from the Bill, which only mentions the laws for the new companies but not for the people. The speaker mentions that black companies should be prioritised for the changed sector and must be supported in the Bill. The speaker mentions that cable theft and infrastructure must be a penalty of R5 million. The speaker mentions that scheduling of loadshedding must be accurate.
3.	Paulina Motsweneng	ANC/ Lethabong	Yes	The speaker mentions the need to arrest those that steal cables. The speaker further mentions that electricity access in the community is limited, and some areas have not had electricity for years some since 2010.
4.	Given Khumalo	Bakgatla Lekhuleng ba	Yes	The speaker mentions the challenges in the traditional authorities and that the interaction with Eskom and municipalities for electricity access for people/residents has been very poor. The speaker mentions the importance of rates and tariffs and the need to regulate this within the context of the poor and those living in the traditional authorities. The speaker mentions the need for better communication with the people and specifically those living in traditional authorities. The speaker mentions the need for collaboration for addressing cable theft and protecting electricity infrastructure.
5.	Prince Kgodu	Traditional Authority Leader	N/A	The speaker mentions that Tshwane owes R3.4 billion to Eskom. The speakers mentions that Eskom is running transmission,

				distribution and generation and that since there is a challenge of unemployment these different departments must absorb the unemployed and also capacitate the unemployed to generate solar, wind and water as sources of energy. The speaker mentions that security is required to protect infrastructure and that 24/7 monitoring lights, drones, and new technology can be used to protect the electricity infrastructure. The speaker mentions that the people complain to counsellors and that information does not reach Parliament to which Parliament must monitor and investigate why this is the case. The speaker also mentions that the meter boxes and purchase of electricity being less than the units must be monitored by Parliament.
6.	Moss Aphané	Tshwane Stand Up	Yes	The speaker mentions the challenge of lack of access to electricity and that electricity is expensive. The speaker mentions the challenge of overcrowding in the community which has an impact on electricity access. The speaker mentions the issue of City of Tshwane being the middle man for electricity and mentions the need to remove the municipality as the electricity provider.
7.	Frankie Mamabolo	Ward 33 Soshanguve	Yes	The speaker asks about the budget for the Transmission System Operator (TSO), and whether it will be corruption proof given the current issues of mismanagement of SOEs. Further asks whether the TSO will only be answerable to Eskom.
8.	Oupa Mahlangu	SANCO Soshanguve	Yes	The speaker mentions the need for programmes, skills development, empowerment and employment opportunities for the youth. The speaker requests a flat rate of electricity pricing, for residential and business. The speaker mentions the need for better communication when it comes to hearings The speaker mentions the issue of loadshedding and its impact on daily lives.

				The speaker mentions that South Africa has coal in abundance, and it should be used for electricity.
9.	Thokozile Zwane	ANC WL Chairperson	Yes	The speaker notes that the Bill seeks to address the key issues of the electricity sector therefore supports the Bill. The speaker mentions that Eskom needs assistance and the introduction of the companies will assist The speaker mentions the need for the youth to be trained in order for them to assist in the infrastructure protection.
10.	Mapula Theresa Tau	Mamelodi / Bakgatla ba Lekhuleng	Yes	The speaker supports the NERSA powers and the introduction of new companies in the sector however suggests that the new companies must ensure that they prioritise local communities and South African companies. The speaker mentions support of the penalties for cable theft and infrastructure damage and suggests that it be a harsh penalty because the illegal connections negatively impact the community greatly.
11.	Daphney Matholo	ANC	Yes	Asking Parliament to assist with the issue of electricity price. As a pensioner she cannot afford electricity. The municipality has cut the electricity for her. Need parliament to assist the indigent. They have issue of cable theft that gets stolen during the night during loadshedding. Proposed that loadshedding is done during the day.
12.	Mr. Peter	Ward 25 Soshanguve /ANC	Yes	The speaker mentions the challenge of informal settlements not being able to buy electricity due to not having accounts with the municipality. The speaker suggests 10 years penalty and 5 – 10 million for offences and penalties. The speaker mentions that Eskom must have its own black owned companies in order for them to be able to be employed.
13.	Margret Mahapa	ANC	Yes	The speaker mentions support of the new/changed system in the electricity sector. The speaker emphasises the issue of electricity

				access in the community, including the pricing that is unaffordable.
14.	Mr. Kenny	Soshanguve Veterans	N/A	The speaker mentions the challenge of overcrowding and growing informal settlements which have electricity access but illegally which is being paid for by the residents in the community. The speaker mentions the need to have the illegal connections issue addressed.
15.	Pastor Jackson Tshayisa	Faith Based Organisation	N/A	The speaker mentions that plots have been given to the church however these plots do not have electricity access.
16.	Maria Rauele	Ward 38	N/A	The speaker mentions that the community is overcrowded which has caused electricity issues. The speaker mentions the need to monitor municipalities especially municipalities that provide electricity access to the people because there is too many irregularities in terms of prices.
17.	Jabu Mtsweni	ANC	N/A	The speaker mentions support of the competition as he believes this will help Eskom supply electricity to the people especially to those that already pay. The speaker mentions that it is concerning that mayors and councillors are not in the meeting when most of the electricity issues experienced by the community the people have complained about and require feedback. The speaker mentions the problem of electricity bridging and mentions that this requires monitoring. The speaker mentions that people are unemployed or only receive grants but are expected to pay expensive rates for electricity.
18.	David Lefifi	Mamelodi 117	N/A	The speaker mentions the issue with the municipality in achieving electricity access. The speaker mentions that the municipality is not speaking to the people but making decisions that impact the people greatly. The speaker mentions the issue of illegal

				connections and how these activities damage the transformers of the residents. The speaker mentions the issue of electricity units being less than purchase price and that no one knows why this is the case or it is not explained when people buy electricity.
19.	Tulias Malegodi	ANC	Yes	The speaker supports the Bill as proposed.
20.	Lizzy Matshepe	Hammaskraal Ext 2 Ward 75	Yes	The speaker mentions that change is necessary and important therefore support the Bill. The speaker mentions the need for the change given South Africa's socio-economic past. The speaker mentions that loadshedding is a man-made issue and this can be seen with the controlled schedules.
21.	Kullie Maseko	Lethabong	Yes	The speaker mentions that since 2010 there has not been access to electricity, therefore it is difficult for her to speak about electricity access. The area is called Dornkerhoek Lethlabong plot 3 and 4 and asks for urgent intervention.
22.	Themba Ndlovu	ANC	N/A	Speaker mentions that he has a company that can supply and install electricity but is struggling. He wants assistance.
23.	Paul Pila	Resident	N/A	The speaker mentions that he is hesitant to support or reject the Bill and further that the hearings are part of election campaign.
24.	Nanky Skosana	ANC / Ward 36	N/A	The speaker mentions overcrowding and that in one household there are tenants which uses lot of electricity which impacts transformers and causes them to be damaged.

### 6.8 North West

**Follow UP of Day 1 North West 06 October 2023 Hearing: North West, Ramotshere Moiloa, Zeerust, 29 January 2024**

	Name	Organisation	Support Yes/No	Reasons
496.	Kerotse Moraka	Ward 11 Ramotshere Moiloa	No	The speaker suggests that the penalty for cable theft and electricity damage should be amended and be increased to 15 years.
497.	Tsolofelo Mogape	Ward 13 Ramotshere Moiloa	Yes	The speaker supports the Bill. The speaker adds that the sentence must be increased to 15 years if a person is guilty of cable theft. The speaker adds that the fine must be reduced or completely removed and the penalty to only be a jail sentence. The speaker mentions that the rates of electricity is very expensive, and requests an intervention to assist the vulnerable people in the community especially elders. The speaker mentions that the people in rural areas must be enabled to sell electricity to help communities to have various options and access to buy electricity without being forced to travel far distances to buy electricity. The speaker mentions that loadshedding is excessive in the community and it is unclear why particularly given that during the World Cup the electricity was on without interruption. The speaker asks whether the criteria used in the Bill will enable ordinary people in the community to apply for a license and to generate electricity that can be sold to Eskom
498.	Onalenna Seabi	Ward 7	N/A	The speaker mentions that the people are without electricity because of lack of infrastructure in the community and loadshedding. The speaker also mentions the cost of electricity makes it difficult for people to have electricity access. The speaker therefore asks for access to electricity
499.	Matshidiso Moraka	Ward 11 Ramotshere Moiloa	Yes	The speaker mentions that the fine should be removed and only a jail sentence for those guilty of cable theft and electricity infrastructure damage.

				The speaker mentions that repairs to electricity infrastructure is a challenge in the community because the Eskom officials want bribe money to fix the poles, or they never come to repair the damage.
500.	Matshidiso Nageng	Ward 04 Ramotshere Moiloa	Yes	<p>The speaker mentions that in the ward there is multiple issues. The first is that the transformers are old and malfunction constantly. This is not addressed by officials or will only be addressed after a long time, up to 6 months. The speaker adds that 1996 transformers are used for a large number of people and it must be expected for these to not operate effectively but this is not addressed. The second is the issue of the poles which are about 20 years which are not checked and as a result the poles lean and eventually fall causing damage. The speaker suggests that these poles be regularly checked. The third issue is that the water generators which provides access needs electricity which negatively impacts the clean water, the washing of clothes etc.</p> <p>The speaker mentions that the cable theft sentence should not include the fine as it will not be an effective deterrent. The speaker suggests that rather there must be security to better guard electricity infrastructure or alternatively use equipment that is not valuable to the market such as the copper. The speaker mentions the impact of cable theft and mentions that when it takes place it can take up to 3 months until the community has access to electricity again. The speaker mentions that the price of electricity is too expensive especially for those that depend on grant which is the majority of the community members in ward 04.</p>
501.	Senaledi	Ward 11 Ramotshere Moiloa Dinokana	N/A	The speaker supports the cable theft penalties but suggests a life sentence rather than 5 years. The speaker asks why Dinokana does not have a power station, as the size of the community warrants

				this. The speaker mentions that the transformers in the community are damaged and have not been addressed.
502.	Beleseng Mosele	Ward 11	Yes	The speaker mentions that the cable theft penalty must not include the fine as the 5 million fine will not act as a deterrent. The speaker mentions that she has not had access to electricity for 7 years and she has reported this however it is not been addressed.
503.	Kgomotso Mogape	Ward 05	N/A	The speaker mentions that the community members will be disadvantaged if they must have a licenses if they are already generating electricity through alternative sources such as solar.
504.	James	-	N/A	The speaker mentions that the sentences for cable theft must be 15 years to those found guilty. The speaker mentions that the impact of cable theft in the community is far reaching and the sentence must reflect this.  The speaker supports the competition that the Bill proposes for Eskom. This will enable the end users to have options of where to buy electricity and for what price, and incentivise Eskom to perform better
505.	Chippa Mogolo	Ward 12/ Democratic Union Party	Yes	The speaker mentions that the Bill will make a difference in the community therefore supports the Bill. The speaker mentions that Eskom is in a lot of debt and this has affected the community in a negative way therefore the Bill must talk about how this will be addressed when these new companies will come in.  The speaker asks how Eskom will be held accountable for past wrongdoing.  The speaker mentions that foreign nationals are complicit in cable theft and this needs to be addressed.
506.	Coulsen Mokgathle	Ward 4	N/A	The speaker mentions that in Ward 4 the electricity infrastructure is damaged and has even caused safety risks in the community

				especially for children playing and crossing the street, the speaker asks when this will be addressed. The speaker mentions that transformers are being stolen from one ward and placed in another which is another challenge in the community
507.	Daniel Manamela	-	N/A	The speaker mentions that the cable theft penalty must be 15 years without the possibility of parole for those found guilty.
508.	Redidimetse Raseapei	Ditsobotla	Partially Support	The speaker mentions that the transformers in the area needs to be serviced and asks for Parliament to intervene. The speaker mentions that the cable theft penalty in the Bill must include the entire value chain of the criminal network not just the person who is found stealing the cable. The speaker mentions the Eskom is not responsive to the challenges of the community and when attempts are made to talk to them no one answers the calls etc.
509.	Onkgopotse Thethe	Ward 06	N/A	The speaker mentions that Eskom must procure security that is high quality to protect the electricity infrastructure
510.	Rachel	Ward 03	N/A	The speaker mentions that water is donated which is accessible only with electricity so with loadshedding it impacts the water access. The speaker mentions that the electricity prices are too expensive
511.	Naome Mathipe	Ditsobotla	N/A	The speaker mentions support of competition for Eskom as she believes it will improve services and access. The speaker mentions that the Municipality owes Eskom, however with the new entrants what does it mean for the debt. The speaker mentions that the electricity price is killing the community because of how expensive it is.
512.	Keone Dinah More	Ward 10 Dinokana	Yes	The speaker mentions the challenge of the electricity infrastructure that is not maintained. The speaker suggests that security and maintenance be upgraded

				The speaker mentions that electricity is very expensive therefore asks for intervention in this regard. The speaker mentions that the sentencing and fine must remain but suggests that both should apply to those are found guilty so a 5 year sentence plus a 15k fine
513.	Boy Frans Keebine	Ward 15	Yes	The speaker mentions support of the Bill especially the aspect of competition as it is clear that Eskom is unable to manage the demand. The speaker mentions that there is a solar plant in the community but it is not used and it is now a white elephant, and asks if Parliament is aware of this. The speaker mentions that Parliament must intervene with NERSA to address the price of electricity and tariffs.
514.	Seadimo Sereko	-	Yes	The speaker mentions support of the competition for Eskom which she believes will be beneficial to the community as there will be more options.
515.	Gomotsegang Moagi	Ward 06	Yes	The speaker mentions support of the Bill and request that it be implemented as soon as possible. The speaker mentions the need to upgrade the security that is meant to protect electricity infrastructure such as including cameras and intensified patrols. The speaker mentions that the illegal connections is a big problem to the point where the illegal connections end up becoming one thing with the legal connections.
516.	Segomotse Phatswane	Ward 28	Yes [Written Submission]	The writer supports the Bill. The writer supports the provisions that sentence and fine persons found guilty of cable theft and damage to electricity infrastructure as these individuals destroy lives and livelihoods for the community. Additionally, the writer adds that provisions must be added to keep the electricity infrastructure and the community safe.

517.	Mmamothina Motswatswa	Ward 10 Dinokana	Yes [Written Submission]	The writer supports the Bill. The writer mentions that after loadshedding and the power returns, the units are less and asks why this is the case. The writer mentions damage to electricity infrastructure specifically the poles which have not been attended to, then when Eskom is called they take very long to answer the phone and take months to actually arrive only to not fix the problem and leave. The writer mentions very high electricity rates, that it is unaffordable to most people in the community. The writer mentions that 15 years is a more appropriate sentence for criminals stealing cables in the community. The writer asks for a power station to be built in Dinokana as the community is very big.
518.	Basadi Ramasega	Ward 10	Yes [Written Submission]	The writer supports the competition that the Bill suggests as she believes it will force Eskom to provide services in a more effective and timely manner. Additionally, the writer believes that because the population in South Africa is grown and keeps growing Eskom can't meet the demand of everyone therefore it needs assistance from other players in the sector. The writer mentions that the electricity bough from local suppliers and tuck shops charge an additional fee when purchasing electricity which she believes Eskom and NERSA is not aware of when the tariffs are increased. She therefore asks for regulation on the extra charge from shops and investigation as to how they determine the price. The writer mentions that Eskom has a turnaround time of more than 2 weeks which is not effective and causes many challenges as it means there is no access to electricity during these 2 weeks, the writer asks for urgent intervention of this.
519.	Gaofenngwe Selaledi	Ward 10 Dinokana	Yes	The writer supports the Bill. The writer mentions the challenge of Eskom fixing and attending to electrical issues in the community.

			[Written Submission]	The slow pace of Eskom officials needs intervention and the writer believes that it is because they are poor people so the officials think they can take advantage of them by not responding. The writer supports the penalty of persons found guilty of cable theft and damage to electricity infrastructure because those individuals cause crime rate to increase in the community,
520.	Thabo Tshukutshwane	Ward 12	N/A [Written submission]	The writer wanted to tell the Committee about the Apollo Lighting System. He motioned the following: <ul style="list-style-type: none"> <li>- Does Eskom have the regulated hours to switch on or off of the Apollo lights? If there, what does it regulate for that?</li> <li>- Does the Government under municipality do landscaping to check areas that need Apollo Lighting? Of it is the duty of the community to look for means and what are the procedures needed to follow?</li> <li>- Are those companies chosen to tender assistance to Eskom known by the Portfolio Committee?</li> </ul>
521.	Othusitse Tsokedi	Aubrey Ward 9	Yes [Written submission]	Cable theft: There are so many houses whose cables are cut and night and the criminals are unknown. Waiting periods: How many years one waits to be electrified? Poles: What must one do when his or her electrical poles are damaged? List of communities: A number of communities do not have electricity, what must they do? Transformers: Asks how long must one wait when he or she has a transformer problem? Illegal electricity: Intervention needed on this issue of illegal connections.

522.	Ntswaki Margaret Tsokedi	-	N/A [Written submission]	The writer says she reported the issue of cable theft to Eskom since September 2023 and to date, Eskom has not attended to the matter.
523.	Moses Lebakeng	Ward 4	Yes [Written submission]	The writer supports the Bill in its totality.
524.	Bopape Daphiney	Ward 9	Yes [Written submission]	The writer supports the Bill in its totality.
525.	Pinky Moiloa	Dinokana Ward 11	N/A [Written Submission]	The writer mentions that she is the only person in the village that has no electricity access and asks for assistance to get electricity because she can see others have electricity and that the electricity poles are in the community.
526.	Mpho Moiloa	Dinokana Ward 11	N/A [Written Submission]	The writer asks if a power station can be built in Dinokana because the community is very big and it is difficult for the current electricity infrastructure to withstand the demand in Dinokana. The writer mentions support of individuals that steal cables and mentions that this crime is very serious and must be taken seriously in sentencing.
527.	Eliot Shine Senna	Gopane Village	N/A [Written Submission]	The Writer complains about cable theft and that when this has happened Eskom does not fix the infrastructure.
528.	Dumisane Xabanisa	Mmuntshweu Section	No [Written Submission]	Asking why Eskom is not training people from the communities because when he has an issue he has to call Eskom offices in Bloemfontein. Having someone deployed in communities could assist to have problems resolved speedily.
529.	Aleseng Mothibi	Dinokana	No	The writer does not support the Bill. The writer mentions that a complaint was lodge with Eskom 5 years ago regarding faulty

			[Written Submission]	transformers and poles that are falling and to date it has not been addressed. The writer mentions that the provision of penalties in the Bill for those found guilty of cable theft must be 15 years, and with no parole. The writer mentions that electricity is very expensive, and asks that if the Bill goes through for Eskom to consider that most people rely on social grants and are unemployed or earn very little, but still need to have access to electricity.
530.	Motshidisi Mogale	Motswedi Ward 5	N/A [Written submission]	Reports about the general Eskom challenges and the poor response.
531.	Poloko Moalafi	Zeerust	Yes [Written Submission]	The writer mentions support of competition for Eskom. The writer mentions that for 7 years the community has been asking for electricity access and there has been nothing, asks for Parliament to get answers from Eskom as to why this is the case.
532.	Ellen Maletswa	Moshana Village	No [Written Submission]	The writer does not support the Bill. The writer mentions that in his community there is a pole that is slanting and about to fall and the challenge is that this pole is near a school and at any time this will cause a disaster. In some other areas, there has been no electricity for 15 years, and in other areas the transformers are being stolen. The electricity units bought from tuckshops that are owned by foreigners charge an additional fee and this electricity even more expensive. The writer mentions that after loadshedding power cuts the units are less than before and asks how this is possible if no electricity was used. The writer states that solar energy must be accessible to people in community.

533.	Thabo Nawane	Ward 12 Seloshesha Section Dinokana	Yes [Written Submission]	Our electrical infrastructure is very old and as a result communities suffer. Tariff price is also very high and people are unemployed and therefore not affording electricity. Also, most people are staying without electricity due to stolen cables and meter boxes. Asks that NERSA does not further increase electricity prices. Asks that there should be customer offices at tribal offices for communities to get services nearer. Those who steal cables and those who buy it should be imprisoned for a period of 30 years.
534.	Kgomotso Lefutswe	Dinokana	Yes [Written Submission]	The writer supports the competition in the sector and states that he believes that Eskom needs assistance to meet the demand of the people therefore new companies helping it will help the people in the long run, especially with regards to loadshedding. The writer mentions that when Eskom fixes faults, they must replace the transformers in the community, as the current transformers are very old.
535.	Tshepang Galeshoga	Dinokana	Yes [Written Submission]	Does the loadshedding affect the economy, if yes what is the government doing about it?. Asks that Government other options to generate electricity such as wind. Says that in tuckshops they are charged extra amount for electricity, above the NERSA approved tariff.
536.	Leina Ezrah Baaty	Ward 5	Yes [Written Submission]	The writer mentions that her ward has a big challenge with electricity. Firstly, the water is pumped using electricity therefore if there is no access it means no water. Second the street lights have not been working for 10 years which is a safety issue in the community. The writer explains that the loadshedding power cuts are a big challenge for the community and specifically for the

				children when they have to study. The writer explains that Eskom does not respond to calls to fix faults and address electricity issues in the community, and request that Parliament intervene as the Ward Councillor has failed them.
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<b>Day 2: North West, Dr Ruth Segomotsi Mompoti District, Kismoti Community Hall, Vryburg, 07 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
537.	Gamele Mosinki	Kismoti Traditional Leadership Spokesperson	- N/A	The speaker mentions that in 1994 there was no power cuts, however currently this is not the case because of loadshedding. The loadshedding has damaged the appliances in the house. Loadshedding schedule is not predictable and sometimes too many times in the day. Speaker mentions that the information on loadshedding does not reach the community, therefore it is unclear when it is loadshedding or something else is the issue.
538.	Annie Fourcia	Ward 02 Vryburg	N/A	The speaker mentions that the purchased electricity is less than before, it is more expensive. The speaker mentions the damage to appliances due to loadshedding that takes place. The speaker asks for a response from the Portfolio Committee on Mineral Resources and Energy (PCMRE) on the impact of electricity.
539.	Lucas Leeuw	Ward 02 Vryburg	Yes	The speaker states that the introduction of new players will help Eskom. He hopes the new players will also help with the cost of electricity.

540.	Kgosiestile Joe Ngwako	ANC Ward 03 Paaposan	Yes	The speaker mentions that the community participates in public participation but there is no feedback. The speaker mentions that the National Energy Regulator of South Africa (NERSA) licensing must allow for the community to participate as operators which will also allow for greater access of the electricity to more people in the country
541.	Rosy Thibo	Ward 06 Tlakganong	Yes	The speaker supports the Bill because Eskom is under a heavy burden due to the scale of people that need electricity. NERSA must assist Eskom to grant licenses to new companies, but the government must still play a role to regulate this. The speaker mentions that NERSA must ensure that the licenses are approved as quickly as possible to alleviate the power cuts experienced in the country.
542.	Othusitse Samuel Bob	Ward 02 Vryburg	N/A	The speaker mentions that the price of electricity for unemployed persons is very difficult given the amount given as grants. The speaker also mentions the issue of illegal connections is rising as a result.
543.	Baby Molokwe	Ward 02 Vryburg	Yes	The speaker states that while she supports the Bill, she is fearful of whether the proposals will actually take place and loadshedding will end. The speaker further mentions the concern of pricing of electricity which is expensive. The speaker supports the use of the Eskom infrastructure by other companies because that infrastructure is visible and working but Eskom is not working properly. The speaker mentions that the new companies must not operate for a few short years.
544.	Daniel Modise	Ward 02 Vryburg	N/A	The speaker mentions general complaints of power cuts and loadshedding.

545.	Maaki	Ward 04 Vryburg	Yes	Speaker supports the Bill. The speaker mentions that she has not had electricity for 3 months despite having tried to engage with Eskom.
546.	Lehlogonolo	Ward 04 Vryburg	Yes	The speaker supports the new players in the sector to enable better access to all
547.	Thabo Jeo Bathselo	Ward 08 Vryburg	Yes	The speaker supports the idea that the Bill will improve Eskom and enable access. The speaker requests the PCMRE to intervene and assist with an issue in the community where he explains that there is a project in Ext 17 in the community that started 2 years ago which is supposed to enable electricity in 413 houses and this has not taken place.
548.	Lethogela Gabonaone	Ward 03 Vryburg	Yes	The speaker suggests that the new companies using different sources such as sun and wind must do research on how they will ensure electricity to all on a long-term basis.
549.	Jane Babasi		Yes	The speaker supports the Bill
550.	Dolly Mokalake	Ward 03 Greater Taung	Yes	The speaker mentions that Eskom has been working on its own and has not performed well therefore the new companies can help the community with electricity access.
551.	Onkgomostse Kgongwana	Ward 06	Yes	The speaker mentions challenges with Eskom and this Bill is for the community to enable access. The speaker however cautions that the pricing of electricity must not be too expensive as it currently is with Eskom and the municipality. The speaker also mentions the challenge in the community is reselling of used electricity voucher to which Eskom has not addressed this issue.
552.	Petris Molebalwa	Ward 01 – Ward Committee Member	Yes	The speaker mentions that the Bill must be implemented but states that provisions to prevent corruption must be included in the Bill
553.	Precious Selhabetsi	Ward 06	Yes	The speaker supports the Bill.

554.	Mangaliso Sikhomba	Ward 02	Yes	The speaker supports the Bill. The speaker mentions that Eskom needs assistance and new companies can do that.
555.	Onkarabetse Moilakgotla	Ward 06	Yes	The speaker mentions that the resources that will be used for electricity must not be coal as this resource is depleting. The speaker mentions that the kilowatt-hour of Eskom distributed electricity is very low therefore the pricing and availability will be less than any other player. The speaker mentions that the pricing must be lowered because it has become unaffordable.
556.	Sana Motludi	Ward 03	Yes	The speaker mentions that the people heard about the Bill on Tuesday and came to support the Bill.
557.	Elsa Dipitsi	Ward 06	Yes	The speaker mentions that the Bill must be implemented to show that the views of the people are taken into consideration.

<b>Day 3: North West, Dr Kenneth Kaunda District, The Banqueting Hall, Potchestroom, 08 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
24.	Shadrack Sebetla	Ward 38 Khuma	N/A	The speaker mentions challenges with Eskom, particularly the long-time Eskom takes to address meter box issues. The speaker further mentions that with the tariffs the changes are not properly consulted or communicated to the people.
25.	Thabiso Medupi	Ward 14 Matlosana	Yes	The speaker supports the Bill as proposed
26.	Pule Diseko	South African National Civics Organization (SANCO)	Yes	The speaker supports the Bill because he supports the competition that is introduced by the Bill.

27.	Gontse Moloutse		Yes	The Speaker supports the Bill because it will empower the Minister to address the challenges in electricity generation, and different sources of energy, and distribution. Speaker wants to add the following into the Bill: That the Historically Disadvantaged South Africans (HDSA) must be part of the electricity sector as there are people with skills that can contribute. That the government must still be the majority holder when the unbundling takes place to ensure that government protects the citizens in this new competitive market.
28.	Pretty Malope	Khuma Community - Matlosana	Yes	The speaker supports the Bill; however, she does not support some of the competition market aspects. Speaker supports the competition for Eskom. The speaker mentions concerns of Eskom and its lack of maintenance of its infrastructure which has now caused harm to the community members.
29.	Amelia Ranthonyane	Matlosana	N/A	The speaker mentions that in the community electricity is purchased from the Municipality which is priced very differently and causes people pay but not receive the equal amount of electricity. The speaker asks that this be addressed in the Bill to protect the community from expensive electricity.
30.	Paseka Nzobe	Potchestroom Ward 16	N/A	The speaker illustrates general complaints on electricity and access including the Municipality failure to address complaints regarding electricity.
31.	Boitumelo Sebakeng	JB Marks	No	The speaker mentions that the Bill was not workshopped or introduced to the community properly therefore rejects it.
32.	Sam Padi	Ward 18 – JB Marks	Yes	The speaker mentions that the community was not informed of the Bill. The speaker mentions clause 15 – benefit of buyer and selling

				<p>– asks whether the end users will pay the municipality or new companies or Eskom – it is not clear.</p> <p>The speaker mentions that the licences will go to foreign nationals which will not benefit the people.</p>
33.	Castro Benny Molebatsi	Ward 20	Yes	Supports additional infrastructure and additional capacity. Unbundling is the is privatisation of Eskom in disguise. Eskom should take the full responsibility of the electricity industry.
34.	Tshepo Maatloganyo	SANCO JB Marks	N/A	Speaker mentions that young people must be trained on import and export of electricity.
35.	Aaron Mpotle	Ward 24 Kanana	Yes	Complains that Government is not taking responsibility for its actions, including the failures of Eskom.
36.	Simon Makgale		N/A	The speaker mentions the issue of destroyed transformers.
37.	Lindokhule Nene	MACUA	No	Rejects the Bill because consultation for the public hearings did not go well as can be seen with the attendance. Further adds that he as a resident heard about the meeting via social media instead of being told by the municipality as is the normal process. Speaker suggests that the public hearings must be redone to ensure proper consultation. States that Eskom privatisation will be a problem in the community.
38.	Khuliso Nesingani	Business Unity South Africa	Yes	<p><b>Definition of Direct Supply Agreement</b></p> <p>BUSA submits that although the 2022 and 2023 Amendment Bills introduce a definition of ‘direct supply agreement’ The definition excludes generators, traders, and the system operator as customers. The proviso to the definition must include generators and traders. The National Energy Regulator of South Africa (NERSA) should not regulate the prices of private generators or traders where these private generators or traders are selling to other generators or</p>

			<p>traders. It is further submitted that the definition should include the Central Purchasing Agency (CPA) and market operator.</p> <p><b>Definition of Physical Bilateral Transaction</b></p> <p>Amendment Bill defines a physical bilateral transaction as a “transaction entered into by generators, customers, and traders for energy production which involves the conclusion of a power purchase agreement through a central purchasing agency to meet demand and supply as required by the system operator”. BUSA is of the opinion that the term ‘physical bilateral transaction’ seems misleading in the context of the system operator balancing demand and supply. Are there no ancillary services because it is to stabilise the system? Would distributors not wish to have these ancillary services? In a scenario in which the CPA procures electricity to balance demand and supply, is this bilateral?</p> <p>BUSA further submits that the word ‘physical’ seems misleading and should be deleted. It is therefore proposed that the wording should rather be ‘<i>national bilateral transaction</i>’ or ‘<i>public bilateral transaction</i>’ because it has to do with national interests of balancing the grid. The definition should refer to the CPA, not a CPA.</p> <p><b>Definition of Regulated Transactions</b></p> <p>The 2022 and 2023 Amendment Bills introduce a definition of ‘regulated transactions’ as ‘transaction that requires regulatory approval or oversight, specifically where the exercise of market power is likely or evident (for example network charges). BUSA understood ‘regulated transactions’ to be transactions that have their tariffs set by NERSA. It is submitted that the definition is</p>
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misleading because it could include any project that needs to be registered. ‘Unregulated’ means private and bilateral, and ‘regulated’ means with a regulated entity like the central purchasing agency. This must be clarified.

**Definition of Transmission Development Plan (TDP)**

The 2022 Amendment Bill defines the TDP as the plan for the development of the national transmission power system referred to in sections 34(6), (7), 34(B)(3) and 35(3A) and states that the System Operator is responsible for the development of the TDP (Section 34(B)(2)). The 2023 Amendment Bill deletes this section, as well as the definition of the TDP. Provisions around the mechanics of the development of the TDP have also been deleted. The TDP is referred to in the 2023 Amendment Bill, but not by its defined name. BUSA recommends that the definition be reinstated with correct cross-referencing.

Section 34 – Additional Electricity, New Generation Capacity, and Electricity Transmission Infrastructure Section 34 is a key section that has been amended significantly in both iterations of the Amendment Bills. Below are changes that warrant attention:

(i) The role of the Transmission System Operator (TSO)

- ✓ The 2022 and 2023 Amendment Bills propose the establishment of the TSO, which will manage the competitive multi-market. The TSO will be responsible for transmission planning, operation, and control of the transmission system and market. The role of the TSO is highly relevant and important for future electricity supply

				<p>and regulation. Although the establishment of the TSO remains the same in both Amendment Bills, the functions of the TSO differ. The functions of the TSO under the 2023 Amendment Bill are less clearly delineated. Multiple functions (transmission expansion plan, forecasting, and dispatch schedules) that were included under the role of the TSO in the 2022 Amendment Bill do not appear in the 2023 Amendment Bill.</p> <p>(ii)The day-ahead market</p> <ul style="list-style-type: none"> <li>✓ The 2022 Amendment Bill expressly proposed the introduction of the ‘day-ahead market,’ which is the platform for trading electrical energy. Market participants shall (a) trade energy in the day-ahead market; and (b) supply reserve capacity in the day-ahead reserve market. The introduction of a day-ahead market was a welcome addition to the 2022 Amendment Bill, as it assists in creating an open market of electricity trade in South Africa.</li> </ul> <p>The 2023 Amendment Bill deleted express reference to a ‘day-ahead market,’ and the definition of the term has been deleted. However, section 34(B)(3)(c)(i) may be sufficiently broad to allow for the market operator to determine the market, which may include a day-ahead market based on what best ‘ensures effective and secure operation of the industry’ and the power to determine appropriate time scales. BUSA requests that there should be clarification regarding the meaning and scope of this provision.</p>
39.	Daniel Choma	Organisation for the elderly	No	Rejects the Bill because not enough time and information was shared with the community to properly make a submission.

40.	Ntaoleng Tsubella	Kanana Ward 36 MACUA/WAMUA	No	Rejects the Bill because consultation for the public hearings did not go well as can be seen with the attendance. Further adds that he as a resident heard about the meeting via social media instead of being told by the municipality as is the normal process. Speaker suggests that the public hearings must be redone to ensure proper consultation. States that Eskom privatisation will be a problem in the community.
41.	Simon Motsie	Dr. Kaunda	No	The speaker mentions concern of the pricing and affordability of electricity for the community therefore rejects the Bill.
42.	Thandi	Kanana	No	The speaker mentions that she doesn't support or rejects the Bill as no knowledge on the Bill was conducted.

<b>Day 4: North West, Bojanala Platinum District, JM Ntsime High School, Mogwase, 09 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
20.	Brian Phiri	Ward 34 Councillor Rustenburg/ SANCO Convenor	Yes	The speaker supports the Bil as proposed.
21.	Molefe Matla	Lethabong Ward 88/ SANCO Member	Yes	The speaker mentions that the Bill has many significant amendments. The speaker states that the people must benefit and not just the foreign nationals and the new companies that the Bill wants to bring.
22.	Michael Tshepo Legodi	MACUA/WAMUA	No	The speaker states that the Bill was only circulated today which is not fair to then make a comment on it today or indicate whether people support it or not. The speaker further states that people in the rural areas are not aware of this and decisions are taken on their behalf. The speaker states that privatisation of Eskom will not benefit the people as

				Eskom still has the same issues and this privatisation will not solve it at all. The speaker suggests that this process be restarted to afford all people to know about it and comment on it.
23.	Phumlani General Mduli	ANC	No	The speaker states that the price of electricity is already so expensive, and this benefits specific companies and does not benefit the people.
24.	Jeslina Nwabisa Thwasha	Ward 40/ SANCO Regional Member	Yes	The speaker states that the North West has a lot of minerals and people do not have access to the minerals.
25.	Meshack Mbangula	MACUA	No	The speaker mentions concerns about the public participation process and lack of information sharing with people who will be affected by the Bill.
26.	Daisy Moweng	MACUA	No	The speaker mentions that the public participation organisation is poor as there was lack of communication. Information and in a very short space of time was given for people to familiarise themselves with the Bill in order to properly comment or support the Bill.
27.	Sekoboane Tiny		N/A	States that North West has minerals but have high unemployment rate. People in her village do not know about the public hearings. She cited general problems she has with Eskom
28.	Gundani Tshikota	MACUA/WAMUA	No	The speaker mentions that the importance of proper public participation and the consultation requirement from the Constitution. The speaker mentions that for upcoming public hearings they be informed well in advance. Concerns about the public consultation process. He stated that if it were not for his organisation, the hall was going to be empty if his organisation had not mobilised its people. He indicated that his organisation would litigate or challenge the public consultation process in Limpopo, North West and Mpumalanga.

29.	Boitumelo Mafora	MACUA/YAMUA	No	The speaker asks about the defects of privatisation to the people
30.	Virginia Mathe	Ward 10 Sandfontein	No	States that she has no hope that the electricity situation will improve.
31.	Thabo Nkgobo	Ward 5/ Branch Co-ordinator MACUA	No	The speaker rejects the Bill because of poor public participation for the public hearings and lack of information sharing on the Bill.
32.	Thato Mogwase	Ward 33 Councillor	Yes	The speaker suggests that the public participation must include the Councillors to ensure everyone is informed of the planned hearings. Supports the Bill because it opens up licensing to everyone. It allows subcontracting that the subcontractor does not have to apply for license as well.
33.	Julia Mathebula	MACUA/WAMUA	No	The speaker rejects the Bill because public education was not properly done. The advantages and disadvantages of the Bill were not explained to the people. The Department of Mineral Resources and Energy (DMRE) is already failing the people and will fail the people with this ERA Bill.
34.	Khuliso Nesengani	BUSA	Yes	The speaker supports the Bill: See BUSA submission above.
35.	Thandixolo Wanna	SANCO / Ward 28 Lethabong	N/A	The speaker mentions that he is unsure on whether to accept or reject the Bill. The speaker states that the public hearing attendance is only representative of a small group of the community which is a problem.
36.	Jeremiah Fourie Khunoaha	SANCO/ Ward 27 Lethabong	Yes	The speaker supports the Bill. Section 10 on the Bill – suggest that the community should be able to participate in the licensing and not just foreign nationals or companies. The speaker asks for monitoring of the Bill to ensure proper implementation.
37.	Nkekdi Letlape	Ward Councillor Moses Kotane 26	Yes	Supports the Bill but adds a concern that communication and dissemination of information on the public hearings was a big

				problem. All Councillors received letter from the Office of the Speaker.
38.	Athiphila Tabane	Ward 40 Rustenburg/ ANC Member	N/A	The speaker mentions concerns of the lack of information in the community on the Bill therefore states that she cannot support or reject the Bill. The speaker mentions that communication in the community is poor. The date of the public hearing as during the week is also an inconvenience and does not allow for people in the community to participate as they are at work.
39.	Peter Sithole	SANCO	Yes	The speaker mentions concern of the meeting as there was lack of information, and short space of time to convene and participate in the process. The speaker mentions the concern of power cuts and the management of generators. The speaker requests for the implementation of the Bill to take place speedily.
40.	Jerry Nakedi	Lethabong Gardens Ward 28 / SANCO	Yes	The speaker mentions concerns with Eskom and access to electricity.
41.	Thabo Ndlovu	SANCO	Yes	Speaker had general comments on ANC, Eskom, and electricity challenges.

### 6.9 Free State

Day 1: Free State, Mangaung Municipality, Samson Sefuthi Hall, 28 October 2023				
	Name	Organisation	Support Yes/No	Reasons
558	Masapo Tshokolo	African National Congress (ANC)	Yes	The speaker mentions that in the electricity sector there is major issue of corruption in supply chains because big tenders are going to one person

				consistently. Therefore, there needs to be monitoring of this and change to ensure that the monies change people's lives for the better not just an individual.
559	Tumelo Pitso	ANC	Yes	The speaker mentions that there are certain aspects that he supports and others he does not. The speaker asks how tariffs are determined. He mentions that currently the tariffs do not consider the context of the people, as most people cannot afford electricity. The speaker mentions the unbundling of Eskom. The speaker mentions that transition should be considered with the unbundling specifically the way in which energy is generated. The country must have carbon free lights at household level therefore this must be taken into account with the unbundling. The speaker mentions that the electricity box must have measures in place to ensure the safety of the box and curb the illegal connections or Eskom must find a way to track where illegal connections are being used and arrest individuals using electricity through illegal connections. The speaker

				supports that the National Energy Regulator of South Africa (NERSA) regulates the tariffs.
560	Alfonso Mokotjo	ANC/ Ward Committee Member	Yes	The speaker mentions that he has faith that once the Bill is operational, the Bill will help the community to have access to electricity. The Speaker mentions that when the electricity is cut in the community it is usually done by the Councillor in the community which the Bill must prevent from happening. The speaker requests that Parliament ensures that the Bill brings change to the people in the community with regards electricity.
561	Matshidiso Bahlekaza	ANC	Yes	The speaker mentions that the cable theft is a big problem and suggests that the cables must rather be aluminium from metal, and/or for the cable to be underground to curb the crisis.
562	Molebogeng Goodman	ANC/ Ward Committee Member	Yes	The speaker mentions the problem of cable theft in the community. The speaker mentions that the elderly people are also experiencing this challenge which makes them very vulnerable and causes corruption as they are unable to resolve the issue themselves and therefore resort to paying bribes but still

				do not receive the reconnection or electricity. The speaker mentions that the Bill must address the vulnerable people and how the electricity crisis is negatively impacting them. The speaker mentions that cable theft must be heavily criminalised.
563	Teboho Mokhothu	ANC/ Ward 27	Yes	The speaker mentions the challenges of poverty and unemployment which is linked to the increase in illegal connections and cable theft as a means for people to feed themselves and their families. The speaker also mentions that nothing is being done to the known thieves and syndicates which is making the problem of cable theft and illegal electricity connections worse. The speaker mentions that the challenge of loadshedding and that people who pay for electricity should receive electricity. The speaker further mentions the challenge of units which are lower than the amount paid – states that Centlec (power supply entity in the area) must be investigated.
564	Vusi Geveza		N/A	The speaker asks how loadshedding can be eradicated because this will enable the cable theft to be eradicated. This is

				because when the electricity is on, people cannot steal the cables. The speaker asks what happened to the R38.5 billion given to Eskom to build new generation capacity. Loadshedding is still taking place and the infrastructure and cable theft is rife.
565	Enoch Moware	ANC/SANCO	Yes	The speaker supports the Bill but has an issue with NERSA. The speaker suggests that NERSA has a Monitoring and Evaluation (M&E) component to ensure when tariffs are done in such a way that the poor people are taken into consideration. The M&E component must also include the people who have experience in the poor community to fully understand the electricity access and affordability issue for most south Africans. The speaker mentions supports that the license allocation is overseen by NERSA and supports the competition and the companies assisting Eskom. The speaker mentions that this will ensure accountability for each aspect of the sector, being generation, transmission and distribution. The speaker asks whether the competitive private sector companies will also use

				the same tariffs as Eskom or not. The challenge is that this could create a problem for the community in terms of affordability. The speaker request the Portfolio Committee on Mineral Resources and Energy (PCMRE) to monitor the regulation of the third party suppliers in the sector.
566	Matshidiso Majoding	ANC/Ward Committee Member	Yes	The speaker mentions that she buys R600 of electricity a month and this still does not last the entire month, but this is not the same situation for all households in the community. The speaker therefore states that she suspects that someone is using her electricity as well. She therefore asks whether there can be monitoring of this aspect. The speaker mentions the issue of cables in the community. She mentions that the timeframe for replacing the cables is too long and asks what exactly the time frame is to service/repair the cables
567	Mzwanelo Hlazo		Yes	The speaker mentions that the Bill seems to be the fulfilment of the President promise of the transformation of generation, transmission and distribution. The speaker however asks

				<p>what is different now than during the former Apartheid government. The speaker mentions that the impact of NERSA for the community is not beneficial because people still cannot afford electricity and the community is not told about the prices for electricity. The speaker asks if it is possible for the community to generate their own electricity which he believes may be a better option than what is currently happening.</p>
568	Thato Sehloho	CPF Member	Yes	<p>The speaker mentions the problem of cable theft and the 5 years in the Bill is not enough, the speaker proposes that it must be 10 years because the cable thieves seriously negatively impact society. The speaker also requests for CPF (Community Police Forum) to be better empowered through their rules and regulations to address cable theft effectively.</p>
569	Mbone Modise	Thaba Nchu	Yes	<p>The speaker supports the Bill in its entirety and believes the Bill will help move the people forward. The speaker ask for the PCMRE to work with Cooperative Governance and Traditional Affairs (COGTA) which</p>

				represents traditional houses. This is because some communities belong to the traditional authority which works differently from municipality for electricity access. For the traditional authority, the Chief will give you a piece of land and the challenge will be access to electricity which is a municipality mandate. As a result, people live without electricity in traditional authorities. This is also related to water access. The speaker mentions the issue of illegal connection. The speaker mentions that the reporting of illegal connection must be clear in other words where exactly must people go and progress/updates must be provided.
570	Taole Mokhele	MACUA	No	Complaints about the poor public consultation process, and no free, prior and informed consent.
571	Johnny Mokgetla	ANC	Yes	The speaker mentions that there is high unemployment, no jobs and the electricity is very high meaning life for many people is very difficult. The speaker asks whether it is possible to buy electricity from other entities rather

				than Municipalities service providers such as Centlec.
572	Doreen Kgomo	Ward 12	N/A	The speaker mentions the problem of foreign nationals in the community which commit criminal acts and are never arrested or at times the people say they cannot be arrested in South Africa because they are not South African. The speaker mentions the new meter box takes much more electricity than the previous one and needs to be addressed. The new box also enables easier ways for cable theft and illegal connections.
573	Tshidi Mogwera	ANC	Yes	The speaker mentions that loadshedding is as a result of overcrowding in the country. The speaker mentions that the infrastructure cannot take the number of people in the country. This overcrowding also causes increases the likelihood of cable theft in the community and this also leads to illegal connections. The speaker mentions that there needs to be a different strategy for the cable material so there is no market for it, or alternatively there must be only one scrap yard and all other scrap yards must be closed down. The scrap yard must also be far from the community.

				The speaker mentions that mechanisms need to be put in place for the community to know why there is power failures because people do not know whether power cuts are as a result of loadshedding, or cable theft or what has caused the power failures.
574	Sipho Radebe	MACUA	No	The speaker mentions that the sale of materials from scrap yards is not local it is for an international market.
575	Sello Malebo	Ward 18	N/A	The speaker mentions that the community must be engaged before the Bill is presented to the community for hearings. The speaker mentions the challenge of illegal connections and cable theft in the community.
576	John Modise	Ward 14 Thaba Nchu	Yes	The speaker mentions that ordinary people of the community do not know anything about cables therefore the cable theft is Eskom employees working with community members.
577	Astone Chaole	MACUA	No	Complaints about the public hearings process and does not support the unbundling of Eskom
578	Isaac Stayitayi	Bloemfontein	Yes	New generation capacity must be built instead of trying to rebuild Eskom.

<b>Follow Up of Day 2 October 29, 2023, Hearing: Free State, Bohlokong New Hall, Dihlabeng Local Municipality , 26 January 2024.</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Tsietsi Ncongwane	ANC	Yes	The speaker mentions that as an organisation, the ANC decided to promote the Bill as it will create employment. The speaker supports the arrest of the people that destroy and damage electricity infrastructure.
2.	Margret Molehei	Pholoso Skills Development and Training	Yes	The speaker supports the Bill and further raises 5 points/questions: <ul style="list-style-type: none"> <li>- Who is responsible for the electricity supply in South Africa? She states that the distribution and supply must be shared between Eskom and municipality.</li> <li>- The speaker mentions that loadshedding is due to poor planning therefore to avoid loadshedding Eskom must reduce demand.</li> <li>- The speaker mentions that in 1948 Eskom bought out the Victoria and it is unclear what happened with this and asks for answers in this regard.</li> <li>- The speaker mentions that the power stations are still not completed, and others are overused based on research, which has resulted in the electricity crisis.</li> <li>- The speaker mentions that Eskom is in deep financial trouble because of poor planning and implementing plans that were not necessary.</li> </ul>

3.	Maletsatsi Mosia	Ward 17	N/A	<p>The speaker mentions that the people in the community have extended the properties and created rooms to rent. The speaker mentions that when the people approach Eskom to add an additional box to meet the demand, Eskom mentions that the people are not able to have two boxes on the property, therefore the speaker asks why this is the case. The speaker mentions that the number of units and the price paid does not make sense. For example, electricity for R400 is 200 units which is a problem for the many unemployed people in the community. The speaker mentions that when this issue is addressed with ward councillors, they are not given enough information therefore the speaker asks how this can be rectified.</p>
4.	Seabi Seabi	CDW Ward 19	Yes	<p>The speaker mentions that the National Energy Regulator of South Africa (NERSA) powers must remain as they perform an important function. The speaker mentions that the people who damage and steal electricity infrastructure must be charged with sabotage not theft to ensure a harsher penalty. The speaker mentions that the Minister of Energy must have the relevant qualifications.</p>
5.	Katlego Mosikili	ANC	Yes	<p>The speaker mentions that Eskom must make use of the demarcation officer of the municipality in order to work together to ensure that the people's problems can be addressed more effectively. The speaker adds that Eskom should have outlets/branches closer to the community to ensure that electricity problems can be addressed directly.</p> <p>The speaker mentions that the skills of Eskom must be upgraded to ensure quality service</p>

6.	Thapelo Motsoeneng	Ward Community Member	No	The speaker mentions that the distribution of electricity must be a municipality function. The speaker mentions that those that damage electricity must be arrested for life.
7.	Tumo Mafisa	Ward 11 / EFF	No	Our understanding is that this Bill is talking about the privatisation of a new generation of electricity. We do not understand how the National Treasury and Parliament can agree to a Bill that gives Eskom additional funding with a condition that says the money cannot be used for building additional generation capacity. This is the privatisation of a national strategic competence, and the Bill seeks to leave it in the hands of people whose only interest is profit above all. We reject that Bill because it privatise Eskom in a manner that that there will be few people who benefit from infrastructure that was built by taxpayers money, yet they come in the last minute to begin to enjoy the benefits while the rest of us are subjected to electricity blackouts on a daily basis. It is our view that these companies that are being established serve to separate strategic assets from billions of Eskom debt to make privatisation possible. We reject the Bill that should be called electricity privatisation Bill because the Bill is addressing the issue of privatisation of generation of electricity, but it is silent on the cost of electricity that millions of workers cannot afford. We are choosing to sit in the dark, even when there are no blackouts sometimes, because we cannot afford electricity. Even when the proposed amendment of Section 15(2) says that the act will not allow for all these private companies who will not get a licence will not charge more than approved, the reality is that there is no control of electricity prices in South Africa. When the Regulator approve certain prices, those who are selling

				electricity simple pass down cost as administrative to end user, and we end up paying different prices depending on whether on whether we are buying our electricity from Eskom, the Vendor or the Municipality. The Bill has failed to appreciate the basis for South Africa's energy crises. The primary reason we have electricity blackouts is simple fact that we did not build new generation on time, and when we started, workmanship was pure thievery and corruption. This is why today we do not have Kusile and Medupi working properly. This was made by the deliberate collapse of Eskom between 2018 and today to allow for Independent Power Producers (IPPs) to find expression even when they add no material value to the grip of the South African economy.
8.	Peter Mueller	Ward 18	Yes	The speaker mentions that the municipalities owe Eskom a lot of money. However, in the Bill there is no protection for the end user to ensure that even if the customer, which is the Municipality defaults, the end user that is the residents are protected and are not affected.
9.	Sibongile Makhubo	Ward 18 / ANC	Yes	The speaker mentions that in her ward there are many problems including lack of access to electricity which affects the children when they need to study. The speaker mentions that the purchase of electricity is from the municipality however, when there is loadshedding everyone is affected including those that buy electricity from the municipality, which is not Eskom, therefore they should not be affected. The speaker mentions that those that damage to electricity infrastructure includes Eskom employees. The speaker supports the Bill as it will enable employment and business opportunities.

10.	Letlapo Nhlapo Majara	Ward 4 Community Member / Persons with Disability	Yes	The speaker mentions support of the Bill only if the Bill enables transformation of for poor people. For example, if poor people can have shareholding in Eskom. The penalty of 5 years imprisonment and R 1 million is insufficient, speaker suggest that there must be a R100 million fine. The Bill must ensure that poor people are benefiting and it must be stipulated explicitly in the Bill how the people will benefit from the Bill and/or from buying electricity.
11.	Lefu Malaba	Clarens/ANC	Yes	The speaker mentions support of the competition in the market and mentions that it is important that when the new entrants come in, it must be high quality people with the relevant qualifications. The speaker mentions that this Bill will assist with unemployment in the country. The speaker mentions that the fact that the private sector is not setting the price is good and NERSA must be supported. The speaker mentions that the fact that the Bill enables electricity to be sold back to Eskom is very good and will incentivise people to generate their own electricity and use it sparingly. The speaker mentions that the implementation of the Bill will result in no loadshedding. The cable theft penalties must be harsh and suggests a 15-year imprisonment rather than the 5 years proposed in the Bill. The selling points/shops for electricity must be accessible to the people and not too far away from people's homes.
12.	Kwena Mokoena	Ward 16	No	The speaker mentions that he applied for electricity infrastructure and had no access to electricity for 3 years and there is still no response and access to electricity.
13.	David Mokwena	Ward 6	N/A	The speaker mentions that Eskom must use its money well and to address the loadshedding issues and ensure electricity access to

				all. The speaker mentions challenges with the meter boxes which do not work and Eskom had not resolved them
14.	Pheetlo Tsoietsi	Ward 2 / BBSP Crime Prevention Organisation	N/A	The speaker mentions that in the area the residents are negatively affected by crime committed by Lesotho nationals specifically with regards to cable theft. The issue is that Lesotho nationals come in and out of the country and are never arrested which makes the situation untenable for the community and for electricity access.
15.	Fumane Tsotetsi	-	N/A	The speaker mentions that Eskom offices are not accessible in the area. The speaker mentions that the billing includes fines that go back 8 years and the speaker would like clarity on why these things are taking place.
16.	Roy Jacobs	ANC	N/A	The speaker mentions that he comes from a small poor community. The speaker mentions that there is a 60/40 split with 60 going to municipality. Most of the people in the community are indigent and this split forces the people to fall into arrears and not afford electricity access. The speaker mentions it will be easier for people to have an option to buy electricity directly from Eskom.
17.	Mzingeli Ngqubuka	Ward 1 / ANC	No	The speaker mentions that the Bill is one side when it comes to Eskom. For example, when the price rises the units drop. The speaker asks for NERSA to look into this matter
18.	Mathapelo Motlounq	Ward 16 / Women's League/ Safety and Security	Yes	The speaker mentions that for landlords that use one meter box for multiple people due to extended rooms, Eskom must assist the landlords to have more than one box on the property to meet the demand. For each person to have their own meter boxes.

19.	Joel Mavundla	-	Yes	The speaker mentions that he supports the competition in the market as he believes it will enable better service delivery to the people. The speaker mentions problems with the electricity charges which includes mark up by the tuck shop owners and additionally the electricity is less than the amount paid therefore the end user is penalised twice.
20.	Mandla Hadebe	BBSP	N/A	The speaker mentions that the crime rate is determined by the rate of loadshedding, when the lights are off the crime rises. The loadshedding also causes unemployment due to shops and businesses closing. The speaker mentions that in the community there are families that are indigents, poor, and very vulnerable that need electricity access and this must be taken into account when this Bill is deliberated in Parliament.
21.	Mgeda Mbuzela	Farm Areas Representative	N/A	The speaker mentions that the transformers on the farms are being stolen which affects the employment rate because less electricity means less money for the farm to spend for workers.
22.	Mosea	Ward 15 Committee Member	N/A	The speaker mentions that he comes from the farm areas, which has been under serviced since 1994.

<b>Follow Up of Day 3 October 30, 2023: Free State, Ferdy Meyer Hall, Matjabeng Local Municipality Municipality, 27 January 2024</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Mapaseka	Ward 13	Yes	The speaker mentions challenges of electricity access in the area and states that the Bill is a good approach to mitigate the challenges experienced and it will ensure all have access and end loadshedding/power cuts.

2.	Molefe Mosala	Ward Committee Member	Yes	The speaker mentions the challenge of the tuckshops selling expensive electricity to residents in the area. The speaker adds that the electricity from Eskom is cheaper and far more units therefore there is a need for this to be accessible to the people, not just electricity from tuckshops. The speaker mentions that cable theft must be punishable and agrees with the penalty of the prison sentence and fine to ensure consequences. The speaker mentions the need for indigent persons are considered in the amendments.
3.	Qekisi Lerato	Ventersburg	Yes	The speaker mentions support of the cable theft penalties and suggests a 10-year sentence of imprisonment.
4.	Mpho Gift Mokoena	Phomolong	Yes	The speaker mentions that the Bill must ensure that the Municipality, NERSA and Minister enables that the unemployed persons to have access to electricity or that there is a criteria that is applied for certain persons to not be affected by electricity price increases.
5.	Thobatsi Melato David	Ward 01 Ventersburg	Yes	The speaker mentions that the tuckshops are selling expensive electricity, that is much more than the electricity bought elsewhere. The speaker mentions that the hospitals are affected by the electricity challenges. The speaker mentions that solar energy must be used to generate electricity and for NERSA to regulate this aspect.
6.	Danny Menyatso	Ward 29 Ward Committee Member	N/A	The speaker mentions that there is an issue with NERSA tariffs and not prices. The speaker concern is that the NERSA increases the tariffs at a very high rate. The speaker mentions that as a solution, there must be prepaid meters in every household. The speaker mentions that NERSA does not consider the lived experiences of the people and inflation. The speaker supports competition for Eskom and states that it will provide the end user

				with alternatives. The speaker mentions that the unbundling process must not be similar to that of South African Airways.
7.	Sepati Ramaphai	Ward 30	Yes	The speaker mentions that in ward 30, there is load reduction and this has caused a huge challenge in the community especially for the elders. The speaker mentions that this issue has been raised with Eskom but the response has been that the cable theft affects access to others in the community. The speaker mentions that the cable theft is connected to the people working in Eskom therefore supports the penalties and fines of those who are guilty. The speaker mentions that NERSA regulating tariffs and not pricing has no difference to the community because the price of electricity from all the places where electricity can be bought is very expensive,
8.	Molife Masilo	Ward 01	Yes	The speaker mentions that the cable theft issue is a challenge but must be addressed by arresting all persons in the value chain including the bosses involved in the sale of cables. The speaker asks if it possible to reduce the price of electricity because it has become very expensive. The speaker mentions that law enforcement needs to have unscheduled visits to Eskom to ensure that they do not hide things and ensure accountability, and this visit must include South African National Defence Force (SANDF) officials. The speaker mentions that the tuckshops which has Indian owners charge high rates of electricity must be investigated by NERSA. The speaker mentions that the licenses mentioned in the Bill must go through a heavy due diligence.
9.	Elisa Makhooe		Yes	The speaker mentions support of the competition the Bill proposes for Eskom as she believes it will benefit the end users.

				The speaker mentions that NERSA must regulate the pricing of the electricity units sold by tuckshop owners.
10.	Elizabeth Chauke	Ward 17	Yes	The speaker mentions that there is corruption within Eskom and every interaction with the offices requires people to pay a bribe even to fix boxes which is the daily job of the officials. The speaker mentions cable theft penalties is she is in full support of. The speaker mentions that the price of electricity is too expensive which makes it inaccessible to the poor people. Further adds that the maintenance of the meter box is not done.
11.	Ms Nancy Mosiyekedi	Ward Committee	Yes	The speaker mentions that fines for cable theft and infrastructural damage are too little, they should be increased.
12.	Ms Pitsi	Community Member	Yes	Speaker asks that that the 1 million and 5 years be enforced. Speaker also mentions that crime tends to increase when there is no electricity.
13.	Ms Zanele Mzweni	Ward 38	Yes	Speaker mentions that the country should take youth to exhibitions so that they get to learn about various trades, including electricity.
14.	Zanele Mzweni	Phomolong	N/A	The speaker mentions that loadshedding is affecting the people and suggests afternoon slots of power cuts, as it does not disrupt lives in the same way as the morning and evening slots. The speaker mentions that the security in the area is very poor which influences the rate of cable theft therefore suggests that the security must be strengthened.
15.	Vuyo Lethabo	-	Yes	The speaker mentions that the cable theft and damage to infrastructure must have a life sentence penalty. The speaker mentions that NERSA must engage with Eskom to improve the coal power stations

16.	Diketsong	Ward 07	Yes	The speaker mentions that the people guilty of cable theft must be arrested. The speaker mentions service delivery issues unrelated to the Bill.
17.	Malibiso Molefo	Ward 19/ Business Forum Ward 19	Yes	The speaker mentions that the hearing should go to the townships to engage with more people. The speaker mentions that business is heavily affected by loadshedding however views the Bill as a way in which the businesses in the area can survive and create further employment.
18.	Mofokeng Johanes	Ward 4 Thabong	Yes	The speaker mentions that NERSA must be held accountable to the issues raised on tariffs. The speaker mentions supports the provisions that penalises the cable theft and damage to electricity infrastructure
19.	Topi Mofokeng	Ward 23 Committee Member	N/A	The speaker mentions support of the licensing and requests that the licensing process must be affordable and accessible to all persons, not just those with resources. The speaker mentions that cable theft must be heavily penalised.
20.	Mary Phukuda	Thabong	Partially Support <b>[Written Submission]</b>	The writer mentions the need for Eskom to render services regarding her meter box. She mentions that on 27 November 2023 she paid R480 to transfer her meter and pay dues however, but no transfer has taken place and she has no access to electricity as it doesn't reflect that she has paid her account. She is asking for the committee to assist her in this regard
21.	Sabata Letsele	Thabong	Yes <b>[Written Submission]</b>	The writer mentions that ever since the electricity infrastructure was installed in the area there is still no access to electricity. The writer mentions that all attempts to address the issue has not led to results and asks for the committee to investigate Eskom and assist the community to find out why they still do not have electricity.

<b>Day 4: Free State, Metsimaholo, Multi-purpose Sport Centre, 31 October 2023</b>				
	<b>Name</b>	<b>Organisation</b>	<b>Support Yes/No</b>	<b>Reasons</b>
1.	Maserame Motaung	ANC	Yes	The speaker mentions the challenge of a 60/40 split where only 40% of the amount paid for electricity is the actual units available to enable electricity access. The speaker requests that this split changes as it is detrimental to the unemployed, and poor people in the community.
2.	Thabo Seisa Joseph	ANC	Yes	The speaker mentions the challenge of loadshedding in the evening and asks whether it is possible to change this loadshedding during the day as power cuts in the evening negatively impacts the community and enables cable theft.
3.	Vusi Mvundla	ANC	Yes	The speaker mentions unaffordability of a solar system for many people and that it cannot be a solution for the end of loadshedding as a result. The speaker mentions that internships should be available to the youth in order for the youth to know about the electricity sector, Eskom and the renewable sources of energy.

4.	Mafetsana Mokoena	Zamdela Ward Committee	Yes	The speaker mentions that the problem in the community is overcrowding which affects electricity access. The speaker asks for interventions on cable theft and illegal connections and recommends solar energy as an option to address cable theft. The speaker also mentions that the youth must be considered in electricity provisioning as they are currently struggling. The speaker mentions that municipalities must be monitored in order to understand which houses have electricity, and which do not.
5.	Tebogo Theodore Masala	ANC	Yes	The speaker mentions that when there is power failures in the community it is at times as a result of cable theft therefore recommends that the Bill must not offer a fine but must arrest the people found guilty of cable theft and illegal connections.
6.	Abraham Ngwane	Resident of Zamdela/ ANC	Yes	The speaker mentions that the issue of number of units versus the amount purchased for the electricity is a huge challenge mostly for pensioners in the community.
7.	Kenny Maya	Ward 11 Ward Committee / ANC	N/A	The speaker mentions the challenge of units available which is less than the

				<p>purchase price for electricity. The speaker mentions the disadvantage of not having the Bill prior to the public hearings in terms of effectively participating and contributing to the process. The speaker mentions 30 clauses that are amended and states that without reading it prior he will not be able to determine which ones will he agree with and which one he does it not. The speaker mentions that loadshedding is a manmade problem which the Bill must speak to.</p> <p>The speaker mentions that when cables are stolen the municipality mentions that a payment is required which is a problem and unaffordable</p>
8.	Lindiwe Shongwe	SACP/ Councillor	N/A	<p>The speaker mentions that the community has both municipal and Eskom providing electricity to which the community states that the municipality rates are too expensive. The speaker mentions that in the Zamdela Integrated Development Plan (IDP) there is a request that a specific Sasol related entity in Sasolburg provides electricity. The speaker asks a question on the licensing, asks whether</p>

				the Sasol entity will be able to sell and provide electricity to the community. Also asks what this licensing means for the municipality, and whether there will be competition for the municipality and whether the regulation will be the same for all role players.
9.	Mapule Mofokeng	Ward Councillor 5	N/A	<p>The speaker asks that the licensing requirements enable the youth with businesses to participate and produce electricity. The speaker mentions that harsh sentences are required for those stealing cables and illegal connections. That these individuals must have criminal records and not just arrested and soon thereafter released. Speaker suggests anything more than 3 months jail sentence.</p> <p>The speaker mentions the need for the tariffs regulation to take the poor people into consideration and be affordable.</p>
10.	Khuliso Nesengani	BUSA	Yes	<p><b>Section 34 – Additional Electricity, New Generation Capacity, and Electricity Transmission Infrastructure</b></p> <p>Section 34 is a key section that has been amended significantly in both iterations of the Amendment Bills. We have</p>

				<p>identified a few changes which warrant attention, including the following:</p> <p><b>Vesting contracts</b> Section 34B(5)(c)(ii) of the 2023 Amendment Bill provides that it is a function of the CPA to conclude vesting contracts with Eskom generators and/or distribution licensees to manage the transition to a competitive market. The 2023 Amendment Bill defines vesting contracts as a contract between the National Transmission Company South Africa SOC Ltd and an Eskom generator or a distribution licensee, for the sale of a specified amount of electricity at a specified price as a mechanism to facilitate the transition to a competitive market. BUSA needs an insight into the implications of the conclusion of vesting contracts. It is key that Eskom prices competitively, and that the competitive market is retained. If vesting contracts result in Eskom having a guaranteed off taker, while the private market does not, the competitive market is undermined. The Eskom generation price should be regulated,</p>
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				<p>and the pricing of these contracts must be approved by NERSA. The addition of the words '<i>as approved by the Regulator</i>' would provide clarity in this regard.</p> <p><b>The Central Purchasing Agency (CPA)</b>          Section 34B (5) refers to a CPA. BUSA questions how many central purchasing agencies there will be. Should this be amended to the CPA? Section 34B(5)(c) of the 2023 Amendment Bill is inconsistent with the definition of the CPA, which states that this entity is only formed for the duration of the transition to a competitive market. The central Purchasing Agency' is defined as an entity assigned to fulfil the role of the wholesale buyer to maintain system integrity during the transition to a competitive electricity market. As BUSA, we propose that the words '<i>during the transition to a competitive electricity market</i>' be deleted from the definition, so that the CPA is not restricted to performing functions during the transition period.</p>
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11.	Ntswaki Motolo	Ward 6	N/A	<p>The speaker mentions that she has a number of challenges as a youth in South Africa. The speaker applauds the use of sign language in the meeting as it is not available in the departments and municipality, even in the courts. The speaker mentions that people cannot fight for electricity but also not pay for rent which affects availability of electricity. The speaker mentions that the cable theft is as a result of youth unemployment therefore requests for job. The speaker mentions that when there are issues of electricity most of the time the municipality mentions no staff and states that the youth unemployment is so high that they should be employed in the sector which will also improve the situation.</p>
12.	Nokuthula Mtshali	Ward 10	Yes	<p>The speaker mentions the issue of electricity pricing which is too high. The speaker adds that food is also very expensive which causes high crime rate. She recommends subsidising of electricity and food. The speaker mentions the issue of unemployment and mentions the need to create jobs for them as unemployment is also causing a</p>

				high crime rate and can help with the poverty in the community.
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## 6. REPORT OF THE PORTFOLIO COMMITTEE ON MINERAL RESOURCES AND ENERGY ON THE OVERSIGHT VISIT TO NORTH WEST AND GAUTENG PROVINCES, DATED 09 FEBRUARY 2024.

### 1. INTRODUCTION

The Portfolio Committee on Mineral Resources and Energy (hereafter, “the Committee”) undertook an oversight visit from 24 to 27 August 2023 to the North West and Gauteng Provinces on illegal mining.

The oversight visit was triggered by the incident which had occurred in Riverlea-area, Johannesburg. After five (5) bodies (believed to be illegal miners) were found in the Riverlea area and the Zamimpilo informal settlement (south of Johannesburg) in early August 2021, residents barricaded the roads with burning tyres demanding the police act against illegal miners (commonly known as Zama Zamas) in the area.

The Committee had conducted an investigate oversight visit on illegal mining in 2023, therefore, saw it fit that as it attend to the issue of Riverlea, it also follow-up on the recommendations it made on the investigative oversight report on illegal mining.

This report provides a detailed synopsis of the Committees oversight visit.

### 2. COMPOSITION OF DELEGATION

#### 2.1 Members of Parliament

Name of Member	Political Party
Hon. S Luzipo	African National Congress (ANC)
Hon. MG Mahlaule	African National Congress (ANC)
Hon. N Tyobeka-Makeke	African National Congress (ANC)
Hon. VT Malinga	African National Congress (ANC)
Hon. M Wolmarans	African National Congress (ANC)
Hon. P Madokwe	Economic Freedom Fighters (EFF)

Hon. Jafta	Africa Independent Congress (AIC)
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## 2.2 Parliamentary Staff

Name	Designation
Ms. A Boss	Committee Secretary
Mr. S Maboda	Content Advisor
Ms. P Mahlata	Committee Assistant
Ms M Masutha	Committee Researcher

## 3. REPORT ON THE OVERSIGHT VISIT

### 3.1 North West

On their joint investigative oversight report on illegal mining, the Portfolio Committees on Minerals Resources and Energy, Home Affairs and Police, recommended that:

- “The DMRE, in collaboration with relevant stakeholders, should ensure that old mine shafts are demolished and rehabilitated. The DMRE, to submit progress report on this by the end of January 2023, particularly in relation to a commitment that was made in the North West Province.
- A follow-up oversight by the Committee on Mineral Resources and Energy needs to be conducted, particularly to the North West Province, to ensure that recommendations on collaboration are being addressed and proper closure of mines.

The above recommendations were informed by a number of challenges that Committees observed in the North West Province. These observations included concerns about the statement that was made by the Department of Mineral Resources and Energy (DMRE) that indicated that mining rights, in the form of a letter, were given by Traditional Leaders. There were concerns about the mining rights that were issued by farm owners/Traditional Leaders to the ‘so called investors’ allowing them to mine without proper authorisation. This action or practise was strongly condemned by the Committee for allowing people to utilise the mining rights without complying with the laws and prescripts.

Members expressed dismay with the DMRE in the North West province and complained that they were not getting satisfactory responses. This was particularly concerning when answers were not provided for who had the mining rights for some of the mining operations that were taking place in Vogelstruisnek/Witrantjies and Moloagane Village, where illegal mining of chrome was rife. Moreover, it was clear from the presentations and engagements that the Department of Police and the Department of Mineral Resources in the North West Province were not working together sufficiently to address the challenges of illegal mining. They were encouraged to work together more closely in fighting this crime so as to improve the current situation.

In the Province, in the three sites that were visited, the Committees noted with concern the excavators that were allegedly being used by illegal miners. The South African Police Service needed confirmation of the mining rights holders in the areas, to be able to confiscate the excavators and equipment.

It is against this backdrop that the Committee conducted a follow-up oversight visit in North West from 24 – 25 August 2023. The following section provides a detailed report on the North West Oversight Visit.

### ***3.2.1 Briefing by the Department of Mineral Resources and Energy***

The Acting Director General, Mr. Maqubela delivered a presentation which reflected on the Committee's 2022 recommendations as contained in the investigative oversight report, as well as matters related to illegal mining in North West and Gauteng Provinces.

In his opening remarks, Mr. Maqubela, indicated that he was excited by the Government's response on illegal mining, and added that the Security Cluster is actively addressing the matter and believes that significant inroads are being made, and illegal mining will be defeated. He proceeded to report on the progress that the DMRE has made thus far in responding to the Committee recommendations – these are discussed below.

### **Amendment of the legislation in response to the challenge of illegal mining**

Mr. Maqubela reported that the DMRE and Law Enforcement Agencies within the Justice, Crime Prevention and Security Cluster (JCPS) Cluster has drafted General Laws Amendment Bill to effect technical amendments to the following pieces of legislation:

- **Mineral and Petroleum Resources Development Act, 2002 (No 28 of 2002)** to strengthen the provision in relation to the criminalization of illegal mining (section 5 A), to broaden the definition of “authorised person” to enable, for instance, the SAPS to assist the Regulator in compliance functions amend sections 98 (offences) and 99 (penalties) to include section 5A as one of the listed offences and increase penalties.
- **Precious Metals Act, 2005 (No 37 of 2005)** to amend section 20 to increase penalties.
- **Diamonds Act, 1986 (No 56 of 1986)** to review offences and increase penalties.
- **Hazardous Substances Act, 1973 (No 15 of 1973)** to review the current grading of mercury/other chemicals used in the extraction of precious metals to enhance control.
- **Criminal Procedure Act, 1977 (No 51 of 1977)** to list illegal mining in Schedule 1 to enable arrests without a warrant.

Mr. Maqubela indicated that these amendments will be tabled before Cabinet in September 2023 and consultation and parliamentary processes will be conducted before the end of 2023. However, it was noted that the Immigration Act (No 13 of 2002) was not included in the list of Acts to be amended. Section 34(1)(b) and (d) of the Immigration Act favoured illegal immigrants, as they were released back into the communities after being issued with a notice to leave South Africa. Mr. Maqubela committed to verify the exclusion of the Immigration Act.

### **Workshop with Traditional Leaders on mining and related matters**

It was reported that workshops with traditional leaders, in North West and other provinces were arranged or conducted as follows:

**Table 3: Workshops with Traditional Leaders**

<b>Province</b>	<b>Date and Place</b>
North West	<ul style="list-style-type: none"> <li>• Rustenburg (in conjunction with SALGA) 1 December 2022</li> <li>• Follow up will be on 6 September 2023 in Rustenburg</li> <li>• Dr Ruth Mopati Ngaka Modimo Molema (planned for November 2023)</li> </ul>

Limpopo	<ul style="list-style-type: none"> <li>Held on 19 July, 20 July and 16 March 2023 at Hlanganani, Tshikundamalema and Siyandane.</li> </ul>
KwaZulu Natal	<ul style="list-style-type: none"> <li>Held on 23 June 2023, Amakhosi in collaboration with Department of Forestry, Fisheries and the Environment Water Sanitation.</li> </ul>

**Source:** Department of Mineral Resources and Energy, (2023)

### **Monopoly of mining rights in the Burgersfort area relating to SAMNCOR Chrome LTD, Glencore and Anglo American**

The Department noted this and indicated that it will be considering mechanisms for collaborations between large scale miners and other role players. It was further stated that the Department always has to strike a balance between the growth of investment in the country and broadening the participation by other investors. Mr. Maqubela said that whenever there is an opportunity for divestment by the major mining companies, the DMRE always seeks to ensure participation by Historically Disadvantaged South Africans (HDSA).

### **The Department must expedite the implementation of its Small Scale and Artisanal Policy**

In terms of the response on progress made in respect of this recommendation, the Department reported that a number of applications have been screened for potential funding. The next step is to award funding to the most deserving applicants with the available budget. Awareness on Department's support for Small Scale Mining is being intensified. It was reported that the Department is also considering partnerships with mining houses to enable small and access to markets. Furthermore, policy positions of the Small Scale and Artisanal Mining Policy will be formally regulated through amendments to the Act and Regulations or setting up a new legislative regime for Small Scale and Artisanal Mining.

### **Regulating gold as a strategic mineral**

It was reported that a process to amend and overhaul the MPRDA was started in July 2023 with the multi sectoral Mining Indaba held in Gauteng. This process will also include the listing and regulation of critical strategic minerals that will significantly contribute to the economic development of the country. It was also indicated that two-day African Critical Minerals Summit will be held on 29 and 20 August 2023 in Johannesburg. Therefore, there will be

further engagements on this issue, and the discussions may also enhance the process that the Department is engaged on regarding the overhaul of the MPRDA and the listing of strategic critical minerals.

**Council for Geoscience (CGS) and Mintek should collaborate with the SAPS to use the technologies developed to track illegal miners as a preventative measure.**

In respect of this recommendation, the Department reported that it has discussed and engaged the National Coordination and Strategic Management Team (NCSMT) and that draft specifications for an onsite monitoring tool have been developed regarding the following:

- Provide platform to address the need for situation awareness and collaboration amongst users through the consolidation of information.
- Incorporates information from various elements and sensors into a consolidated view that provides commanders of armed forces units with real time situation awareness.
- Provide notifications of events, tracks discovered, images and other types of information received in real time from identified hotspot areas.
- Secure, private cloud-based platform with both mobile and web-based applications which are used to view and contribute information to the system.
- Exchange information with a diverse set of services and sensors, such as detection systems and various other entity tracking systems.
- In addition to consolidating information from various sources, thus allowing for the secure, controlled distribution of information with the ability to share and collaborate with several users from including the SAPS/Armed forces.
- Assist in establishment and maintenance of the Control Centre wherein several users will operate.

The Department noted that there are budgetary constraints in respect of implementing this recommendation. However, it was indicated that a discussion is underway within NCSMT to source funding from affected departments as well as from Organised Business (Mineral Council).

**Budget allocation for the closure of Derelict and Ownerless Mines**

Currently the Department is receiving an annual allocation of approximately R143 million for the rehabilitation of derelict and ownerless mines nationally as per the Annual Performance Pla. Of the R143 million, R122 438 000 is allocated for rehabilitation of 40 holings and 3 asbestos mines per annum. The remaining R20 562 000 is for research support for derelict and ownerless mines and holings. Furthermore, National Treasury is being engaged to increase funding allocations for this programme to target high risk areas.

Moreover, the Department stated that during the 2022/23 financial year, it successfully closed 95 shafts. These included the 26 located in and around Krugersdorp as per presentation that was delivered to the Committee in 2022. In Gauteng alone, there are about 518 shafts/holing's that still need to be closed. These holings/shafts are located in Mogale City (54), Johannesburg Metro (94), Ekurhuleni Metro (354) and Lesedi Municipality (14).

Concerning the Riverlea and Zamimpilo – area in Johannesburg, 24 shafts holings have been identified. In order to address the immediate risk, the Department through Mintek temporarily backfilled 14 holings opened by illegal miners. Mintek is currently finalising the procurement process to permanently seal the 24 shafts holings identified. The Department indicated that the closure of the 24 shafts holings will be completed by the end of September 2023.

### **Progress on demolition and rehabilitation of old mine shafts**

The Department report that Scott Shaft belonged to Stilfontein Gold Mine Ltd which was liquidated, and that illegal mining is rampant in this shaft. Stilfontein Gold Mine does not have financial provision for rehabilitation as it was abandoned prior to the Mineral and Petroleum Resources Development Act coming into effect – thus there was no legislative requirement to make provision. The Department is currently considering option of pursuing the former owners of the then liquidated mine to recover costs for rehabilitation. Furthermore, the Department reported that Shaft 2, 3, 5 belong China African Precious Metals (CAPM)Ltd, an active mining operation. It is important to note that an environmental was approved for rehabilitation of the 3 shafts subsequent to the Committee visit to these shafts in 2022, the company has changed the approach through a recent study to consider feasibility of re-opening the shafts in 2024. This will determine whether to close the shaft or remine the shafts.

### **Collaboration with law enforcement agencies, SAPS and DMRE in order to address illegal mining**

The Department gave progress broadly on this indicating that law enforcement agencies have formulated a number of structures to deal with the illegal mining in all provinces. The structures referred to include the National Coordinating Strategic Management Team (NCSMT), National Organizing Committee (NOC), Provincial Organizing Committee (POC), Mine Crime Combating Forums (MCCF) at SAPS cluster district level. According to the Department, these forums are multi-disciplinary and multi sectoral including SAPS, Directorate for Priority Crime Investigation (DPCI), National Prosecuting Authority (NPA), DMRE, Department of Water and Sanitation (DWS), Department of Fisheries, Forestry and Environment (DFFE). The forums coordinate activities to plan and disrupt illegal mining activities in different provinces.

It was reported that operations in North-West had been undertaken in Vogelstruinek, Tweelagte, Palmietfontein and Ruighoek. Arrests of people who were mining illegally including seizing of assets, chrome and equipment were undertaken. However, for the purposes of the Committee recommendation, the interest on collaboration was within the North West Province, and it became clear that there was no collaboration between the DMRE and the SAPS.

### **Consequence Management for the Government Officials who are found to be involved in corrupt activities relating to illegal mining.**

The Department was not aware of any official involved in illegal mining and committed that should this information come to light appropriate action will be instituted.

### **Status of mines in business rescue, liquidation, care, and maintenance in North West**

Five (5) mines were reported to be under business rescue, eighteen (18) under maintenance, and two (2) under liquidation.

### **Status of rights/permits granted in the Volgestruisnek farm or between Volgestruisnek/Witranjies village and moloagane village, Rustenburg**

From what the Department reported, it appears that about 27 rights/permits were issued in these areas. However, it was apparent that there was double granting of rights/permits.

### ***3.2.2 Site visits: Scot shaft – Stilfontein Mine, China African Precious Metals Gold Mine, and Volgestruisnek/Witranjies Farm***

The abovementioned areas were visited by the Committees during the 2022 investigative oversight visit on illegal mining. The Committee visited the same areas to assess progress on what has been since September 2022. Below is summary of what the Committee had found.

- **Scot shaft – Stilfontein Mine:** The Committees had proposed that the shaft should be demolished and flatted. This did not happen. Instead, the Department stated that the mine is under liquidation and that the owners of the mine are being, in an effort to find legal ways for the company to take responsibility for the rehabilitation of the area. Members of the Committee urged that, the Department should find ways of making the structure safe, while they are pursuing the legal means.
- **China African Precious Metals Gold Mine:** During the 2022 oversight visit, the Committees were informed that this shaft or mine will undergone a rehabilitation process, and that the process would be completed by the end of January 2023. However, this did not happen, instead the company plans to reopen the mine in 2024 – however, this is dependent on the feasibility studies that the company is undertaking. It was confirmed that there was no illegal mining taking place in the mine.
- **Volgestruisnek/Witranjies Farm:** The Committee found that the situation was worse than it was in 2022 when it visited the area. The situation was described as ‘disaster’ – the illegal mining of chrome is now taking place few metres from the houses. The Department was urged to address this matter with the relevant stakeholder as matter of urgency. The Department committed that it would meet with all stakeholders during the week of 28 August 2023, including meeting with all the right/permit holders in these areas.

After the above engagements in the North West Province, the Committee proceeded to the next province, Gauteng. The following sections reports on the oversight visits undertaken in the Gauteng Province.

## **4. GAUTENG**

## **4.1 Briefing by SAPS and DMRE on the Riverlea incident**

On 26 August 2023, the Committee was briefed by the DMRE and the Gauteng SAPS on the Riverlea incident. Whilst they did not make a formal presentation, the Department of Home Affairs, and the National Prosecuting Authority (NPA) also gave their inputs.

### **4.1.1 DMRE Presentation**

The Chief Director: Mine Rehabilitation. Mr. Andries Moatse told the Committee that DMRE receives an allocation of R143 million for the rehabilitation of derelict and ownerless mines, R122 438 000 for asbestos mines per annum – this includes the targets of forty holings and 03 asbestos mines, R20 562 000 for research support for derelict and ownerless mines. In the 2022/23 financial year, about 21 shafts were sealed in Gauteng – in Roodeport, Crown Mines, Benoni, Brakpan, Krugersdorp, Randfontien, Nigel, City Deep, and Germiston. In Riverlea (Langlaagte – Zamimpilo Informal Settlement) the issue is gold illegal mining and the DMRE has sealed 26 shafts.. In Gauteng, 518 shafts still need to be sealed. However, the challenge with the illegal miners is that once the shaft is closed and holes are sealed the miners simply reopen using explosives or dig around the sealed area to gain access to the minerals.

The DMRE breakdown of the shaft/holings in Gauteng still to be closed is in Mogale City (54), Johannesburg Metro (94), Ekurhuleni Metro (354), and Lesedi Municipality (14). The DMRE has identified 24 shafts/holdings in Riverlea. The closing of these shafts will happen in this financial year. Mintek is currently finalizing the procurement for the sealing of the 24 shafts. The DMRE will use the National Treasury annual 2023/24 allocation of funds of which R30 million is budgeted for closing shafts. The DMRE has also indicated that in August they are able to approach National Treasury for additional funding for unavoidable and unforeseen circumstance which requires an amendment of the budget and reallocation of funds to which this will fall under.

### **4.1.2 SAPS**

The SAPS official indicated that the Gauteng Province experiences illicit mining activities throughout the various policing districts. This is predominately in the areas of Langlaagte (Zamimpilo), Riverlea, Selby, Dobonsonville, Roodeport, Florida and Cleveland. Langlaagte mining activities for gold in the main are concentrated at derelict and unused mines within the Zamimpilo informal settlements. A total of 17 open mine shafts utilized by Zama Zama were

identified. Crimes associated with illegal mining include – murder, attempted murder, aggravated robbery, theft of copper cable, rape, theft and damage to essential infrastructure, discharging of firearm in municipal built up areas, illegal connection of electricity and water. The police station of Langlaagte has conducted the following interventions: intensified high visibility operations inclusive of vehicle and foot patrols in the inner perimeter and within the immediate surroundings of prioritized areas. Operations have been conducted at identified illegal mining hotspots. Further multi-disciplinary integrated district operations with stakeholders and Department of Home Affairs and City of Johannesburg, including the extension of operations with support of neighboring policing stations under the implementation of Project Ice.

At a national level, similar multi-disciplinary approach including the National Intervention Unit, Mobile Operations Unit, Special Task Force and Tactical Response Teams and Public Order Policing and Crime Intelligence. There has been an establishment of a processing center for undocumented person in conjunction with the Department of Home Affairs.

In terms of the operational successes which includes the district and national collaborations, it was reported that 262 undocumented persons were arrested between 31 July and 24 August 2023. There was confiscation of illegal mining equipment consisting of Phenduka, stampers and steelpot crushers, generators, commercial explosive, spades, liquor (233 570 ml) and dagga (1 plastic bag) during the same period. The police station has received concerns from the community namely, vandalisation of George Park is not patrolled by SAPS, concern of the underground gas, petroleum and water pipelines, increase in shootings, use of explosives at night, illegal miners being in possession of automatic rifles and other firearms and poor reaction times of the police station.

- These concerns are noted by police station. And highlighted the following: a total of 10 new vehicles were allocated to the station for the previous two financial years with an addition 3 expected. Additional human resources pending finalization of training. Continuous monitoring of outstanding complaints has been timeously attended to during the quarter.
- The SAPS has highlighted that there are significant contributing factors and challenges which includes social ills relating to abuse of liquor, drug dealing and gangsterism, and high levels of unemployment in the area.
- SAPS highlighted various recommendations namely: DMRE assistance to proper and permanent closure of derelict and ownerless mines. Entities such as PRASA, Telkom and

Eskom must fulfil their obligations relating to security of their respective infrastructure and assets. Provincial Liquor Board must intervene on the problematic liquor outlets and Human Settlements must address the poor infrastructure and environmental design of the police station and Zamimpilo settlement.

#### **4.1.3 Home Affairs**

- Home Affairs Official highlighted that the Department of Home Affairs has already sought to rectify the legislative gaps. The Department confirmed that for the Border Management Authority (BMA) control, the inspectorate has increase personnel. It was reported that there is engagement with the relevant persons in the countries of origin of the illegal miners such as Lesotho, Mozambique, Malawi and Kingdom of eSwatini. Another issue was that for entry into Lesotho from South Africa, there is no customs checking.

#### **4.1.4 NPA**

The NPA indicated that the challenge is the shortchanging and gaps in the legislation which create a problem in successful prosecution of illegal miners. The jurisdiction of the crimes committed means that most of the illegal miners that are arrested are prosecuted in the Magistrates court to which the illegal miners are quickly released. The lack of criminalisation of illegal mining in legislation also complicates the rate at which the illegal miners can be successfully prosecuted. The aspect of admissible evidence for successful prosecution was also highlighted as a key issue.

#### **4.2 Community meeting**

The Committee met with the Community representatives of Riverlea to share their experiences, and the following was raised by the community representatives:

- Mr. Ford Harrison asked what has taken place with the R43 million rehabilitation funds that the CRG mine has left for rehabilitation with the DMRE. He further requested for local beneficiation for the youth to participate in mining activities.

- Ms. Cynthia Hobbs asked where was Home Affairs as most of the miners are from outside of the country and mostly Lesotho and Zimbabwe and further asks about the statement made by the DMRE for availability of R2 million for rehabilitation before the end of September 2023 to close the 24 holings in Riverlea. She wanted to know where this money was going to come from whereas the community is aware of R43 million rehabilitation fund. She further asked whether this is remaining from money spent already and asked for transparency.
- Rev. Mark Katen, Riverlea Mining Forum asked about George Harrison Park and whether the DMRE has an update specifically of when closure will take place, by who and when because these open holes and the illegal mining thereof are a serious problem in the community.
- Mr. Cedrick said that the issues of illegal mining in the community are significant. It was like the community is living in a war zone, the illegal miners used gunshots to communicate to each other, the gangs add further issue, the violence, so the community is always in a situation of guns being shot. The community members are only safe in their homes, so they felt like prisoners while the illegal miners do what they like in the community.

**DMRE responded as follows on issues raised by Community members:**

- The George Harrison Park – the holings and shafts, the DMRE is aware of the issue and has sealed the holes, but the holes have been reopened and additional holes have emerged. It is a serious crisis, but DMRE made assurance that they will seal the holes. The issue of George Harrison also includes the acid mine draining which the DMRE has become aware of in 2010 and there has been an Inter-Ministerial meeting between Ministers of DMRE and Department of Water and Sanitation to have a clear mandate to treatment of water – this is under the DMRE Ingress Control Programme with the Council for Geoscience (CGS).
- **The R43 million financial provision:** The purpose of the financial provision is with licensing phase which guarantee that the project will be able to rehabilitate the mine or protect the state should the project close. This money is not released until the mine or business is closed in its entirety.

- Training of the community was noted by the DMRE.
- **Update on Riverlea:** The DMRE has backfilled 15 holes and in the process to close the shafts permanently. This is the process undertaken with Mintek. Broadly, the DMRE and Mintek have developed a project plan and is advanced to the level of procurement. The DMRE committed that the holings in Riverlea will be done by end of September 2023. With Riverlea, the shafts are occupied by illegal miners therefore there is a need to check before closing whether persons are underground first – this is part of the process. The sealing of shafts/holes will be from the reallocation of funds from the National Treasury.

#### **Follow up questions from the community:**

- Ms Yolanda Lotts (Riverlea Mining Forum) asked for clarity regarding the license awarded in the Mainreef area. Further, the DRD unit must have fence which is not there, and this is where the Zama Zama's are operating which is located behind the community. She further wanted to know how CRG obtained a permit near a school and the community. Also, this unit operates under different names.

The Chairperson of the Portfolio Committee on Mineral Resources and Energy indicated that these question will require the DMRE to check and come back to the community with a written response, including the rehabilitation funds and confirmation of liquidation of the company, and the funds usage. This was agreed by the DMRE.

### **4.3 National Joint Operational and Intelligence Structure (NATJOINTS)**

Ms Nqobile Khanyile from the DMRE presented on behalf of the structure the summary observations and recommendations to the Committee on threats on illegal mining related criminal activities on the oversight visit of 24-27 August 2023.

The following were reported as nature of challenges:

- The market for illicit mining is growing domestically, regionally, and internationally.
- There is a growing and uncontrolled immigration of undocumented persons from the neighbouring State and has a big impact on the criminality that surrounds illegal mining (murders, illegal firearms, explosives, human trafficking and drugs among others).

- There is limited intelligence to deter the scourge of criminality in illegal mining and this is affecting security of the State and its sovereignty.
- Derelict and Ownerless, abandoned mines are the pull factors that enables the crime of illegal mining.
- Informal settlement build on top of outcrops, old mines and high-risk areas making them suitable to act as ingress points and digging of new holing.
- There is a need for spatial planning that will discourage rampant opening of holings in previously mined areas.
- Lack of financial resources to create sufficient capacity to deal with all associated challenges including enforcement of laws.
- Environmental liabilities which will be left to the State.
- Corruption in law enforcement agencies, government, mining companies, community, and many other enablers.
- Legislation needs to be strengthened to deal pull factors that drives this type of crime.
- Collaboration is needed to improve cooperation between law enforcement agencies to optimise limited resources and capabilities such as SAPS, SAPS Crime Intelligence, Directorate for Priority Crime Investigations (DPCI), State Security Agency (SSA),NPA, Asset Forfeiture Unit (AFU), South African Revenue Service (SARS( and Customs, DMRE, Department of Home Affairs (DHA), DIRCO, Cooperative Governance and Traditional Affairs (COGTA), Department of Human Settlements (DHS), Department of Water and Sanitation (DWS), Department of Justice and Constitutional Development (DOJ&CD), South African Defence Force (SANDF), South African Reserve Bank (SARB), Financial Intelligence Centre (FIC), Provincial and Local Government, State Owned Entities, Parastatals and Research Institutes.

With regards to compliance monitoring and enforcement, the DMRE must undertake compliance monitoring in operational mines and ensure the following:

- Mines take responsibility for rehabilitation.
- Rehabilitation funds must be adequately provided so that no mine is abandoned and not sufficiently provided for.
- DMRE must hold accountable mining companies who neglect their rehabilitation duties.

- There must be strict oversight and regulation of second-hand gold and refineries to disrupt the practice of illegal gold smuggling,
- A principle of “use or lose it” must be applied in the minerals industries.

With regards to immigration, DHA must control illegal immigration in the country by ensuring that all undocumented immigrants are prosecuted and thereafter be deported. Discussion with neighbouring countries contributing to illegal immigration must be undertaken by DHA and the Department of International Relations and Cooperation (DIRCO) with the aim of discouraging the scourge. The BMA, Public Works, South African National Defence Force (SANDF) need to consider strengthening border controls for management of immigration into the country. There is a need for harmonization of the application of immigration legislation by Department of Justice and Constitutional Development (DJ&CD).

It was stated that the intelligence agencies and detectives must undertake an analysis of illegal mining activities, an analysis of the countries of origin and the character of the people who enables this serious crime. Training of investigators, development of standardised charge sheet for illegal miners, over and above trespassing. Consideration of the General Laws Amendment Bill to accelerate the implementation of the proposed changes to the identified legislations.

The structures responsible for serious and organised economic crime and corruption are required to:

- Target organised crime, economic crime and corruption, using specialised units and officers in the fight against illegal mining.
- Deal with the syndicate elements of this practise of illegal mining for reasons that it has inter-linkages with other organised crime which include human smuggling and trafficking, money laundering, illegal weapons and explosives, violent crime, environmental degradation, the illicit economy, transnational organised crime, customs offences and tax evasion,
- Crimes that undermine the sovereignty of the State and are a threat to national security requires serious consideration.

With regards to Prosecution, The NPA and law enforcement agencies must:

- Ensure that all persons including enablers of illegal mining are prosecuted and heavy sentences metered against them.
- The crime of illegal mining must be classified as a priority, serious and organised crime. Consequently, be prosecuted at a higher courts (e,g Regional and High Courts).
- Establishment of specialised criminal courts (where possible and feasible)- will be dependent on the workload in each area and availability of resources.

With regard to Small Scale Mining (SSM), there needs to be a coordinated SSM legislation and support mechanism for small and emerging miners. The financial support for small scale mining initiatives is insignificant to fully support the programme. Appropriate legislative framework and implementation plan on the permitting, training, monitoring and enforcement of Artisanal Small-Scale Mining (ASSM)- Definition of Artisanal and Small Scale to be aligned across relevant legislation. Community engagement and public participation to communicate the Small-Scale Mining Policy and legitimate points of entry into the mining value chain, engagement with traditional leaders and community forums.

**The following recommendations were addressed to the Portfolio Committee:**

- South African Government should implement the Economic and Social Council (ECOSOC) Resolution of 2019/23 titled: **Combating transnational organised crime and its links to illicit trafficking in precious metals and illegal mining**, including by enhancing the security of supply chains of precious metals and encourage other State to do so if this problem is to be effectively deal with.
- Co-operation of Law Enforcement agencies with those of neighbouring states to jointly fight the scourge of illegal mining, trade and illicit economy.
- Urgently dealing with the illegal immigration and porous borders with our neighbouring States.
- The State's Intelligence Agencies must play an active role in developing intelligence on the syndicates involved in illegal mining and assist to affirm the State sovereignty.
- The draft General Laws Amendment processes to expedite resolving this matter so that it makes illegal mining be dealt with as a serious crime (i.e carrying custodial sentence and/or with high penalties).
- Legislative amendments to deal with possession of Chrome so that it is regulated to deter its conveyancing (just like Precious Metals and Diamonds).

- For the small-scale mining, Government must provide for the regulation of the small-scale mining and identify appropriate support mechanisms for prospective beneficiaries of ASSM including the appropriate financial resources.
- The Provincial and Local Government should consider dealing with informal settlement to assist efforts to halt their establishment.
- Whilst fiscal limitations are acknowledged, financial resources are a serious constraint in dealing the challenge of illegal mining in this country.

#### **4.4 Directorate for Priority Crime Investigation (HAWKS)**

The Directorate provided progress report on the recommendations and the status of illegal/illicit mining since the oversight visit in 2022 by the Portfolio Committee Mineral Resources and Energy, Home Affairs and Police. The following progress was reported in respect of the Committee recommendations implementation:

**Recommendation 3:** “To enhance police capacity, training and skills of members at local, provincial and national level”.

**Feedback:** No dedicated capacity in provinces to investigate Precious Metals and Diamond matters, therefore the DPCI Precious Metals and Diamond Section embarked on a process not only to create capacity but also to enhance and equip the investigators with knowledge and skills in order to address and investigate illegal mining successfully. Capacitation is ongoing.

**Recommendation 4:** “Specialised policing resources to target illegal mining at the local policing structures must be strengthened to neutralise illegal mining”.

**Feedback:** Specialised policing resources must be identified by policing structures (Border Police, DPCI, Detectives etc at provincial level in conjunction with the respective mining houses and private security companies. This should also include the appropriate training relative to the application of the specialised resources.

**Recommendation 8:** “The success of the multidisciplinary approach by the Free State in addressing illegal mining should be replicated in all affected provinces”.

**Feedback:** Although provinces attending the National Operational Committee ( and the National Coordinating Strategic Management Team (have been sensitised about the methodology implemented in the Free State, this practice is once again to be emphasised to all provincial coordinators The DPCI coordinator for precious metals and diamonds in the Free State has already been approached regarding guidance in this regard in an effort to align all provinces with the strategy adopted in the Free State. For the successful implementation of this strategy, all relevant role players in the mining industry, especially those in mining security and private security companies need to participate. It also needs to be tailor made to each province`s unique circumstances and modus operandi of the illegal miners.

**Recommendation 14:** “CGS and Mintek should collaborate with SAPS to use the technologies developed to track illegal miners Mining”.

**Feedback:** Training of officials and the procurement of the necessary resources are being facilitated through the respective offices in SAPS.

**Recommendation 19:** “Need for collaboration with DMRE, DOJ& CD, DCS and SAPS”.

**Feedback:** The National Coordinating Strategic Management Team (is attended by all role players and stakeholders It has been noted that attendees, from time to time, need to be encouraged to attend regularly. The Dept of Correctional Service has also been invited. The Dept of Justice and Constitutional Development has been identified as an imperative role player to be included in NCSMT at the next meeting The Precious Metals and Diamond Section (continuously consults with the Regulator (regarding compliance inspections and new applications for licences

**Recommendation 20:** “Consequence management for government officials who are found to be involved in corrupt activities relating to illegal mining”.

**Feedback:** Cases in which government officials are found partaking in illegal mining and related crimes are investigated and court ready cases are enrolled for prosecution Sunnyside CAS 868 06 2019 Fraud This investigation involves high prominent figures from the Department of Mineral Resources and Energy (the case is set down for the 30 Aug 2023).

**Recommendation 21: “Profiling of illegal mining role players”**

**Feedback:** The profiling of illegal miners, kingpins and beneficiaries is an ongoing process managed by DPCI PCMC at national and provincial level with regard to project investigations and major investigations conducted by the DPCI. The SSA, Crime Intelligence, Financial Intelligence Centre, Mining Security and Private security companies are also consulted in this regard. It was reported that, these respective databases are consulted on a daily basis.

## 5 COMMITTEE OBSERVATIONS

This section provides a synopsis of the key issues observed by the Committee, particularly emanating from the presentations, discussions, and the walkabouts.

- There is considerable progress made in addressing illegal mining in the country, compared to when the Committee conducted oversight last year, including good progress on the implementation of the recommendations of the Committee.
- Operations conducted by the SAPS and other law enforcement agencies may become a futile exercise if the areas are not immediately rehabilitated.
- The commitment made by the DMRE to close the 24 holings/shafts in the Riverlea area by the end of September 2023 is welcomed. Of concern though is that, closing holings is not a permanent solution, when one is closed another is opened. It is important that when the holes are closed, immediately the land gets used for any developmental purposes like sports ground. This becomes easier when the land belongs to the Government, like in the case of Riverlea where it was reported that the land belonged to the City of Johannesburg.
- Across the various departments that presented, lack of financial resources appeared to be another key hindrance to successfully deal with illegal mining. The non participation of National Treasury makes matters worse.
- The classification of illegal mining as a national priority crime enables the jurisdiction of higher courts and special units such as the Special Commercial Crimes Unit and Special Commercial Crimes Court to investigate and prosecute the cases of illegal mining as organized crime cases for higher sentences and more relevant personal to prosecute/investigate.

- It was clear that there is still no coordination between the DMRE North West regional office and the SAPS in the province. However, the commitment made by DMRE to the effect that they would be holding a stakeholder meeting during the week of 29 August 2023 was welcomed.
- The Committee welcomes intervention by the China African Precious Metals mine in North West for recommitting to open the mine once the feasibility studies are concluded. It was acknowledged that this initiative has successfully stopped illegal mining in their facility.
- It was noted with concern that entry into Lesotho from South Africa requires or there is no customs checking.

## **6 COMMITTEE RECOMMENDATIONS**

The Portfolio Committees, having conducted the oversight visit, recommend that:

1. The Department of Mineral Resources and Energy in the immediate should consider illegal mining as a project with a dedicated project manager.
2. The Department of Mineral Resources and Energy inspectors work closely with regional offices and the department should consider rotating them. They also should have an inspection plan and keep data on both legal and illegal mining, including where there is a double granting of licenses. The state should ensure the safety and security of inspectors as they carry out their work.
3. The Department of Mineral Resources and Energy submit a progress report on resolving coordination issues, including the outcomes of the stakeholder engagement meeting in the North West by the 30<sup>th</sup> of September 2023.
4. The Department of Mineral Resources and Energy improve on licensing and also put mechanisms in place to end double granting. It must also accelerate the process of small-scale and artisanal mining, especially in places like Witrantjies Village in North West and Burgersfort in Limpopo, amongst others.
5. Noting that there is an overarching strategy to deal with illegal mining, there should also be a costing exercise in order to determine the financial resources required.
6. When holes have been closed off, the land must be utilized for formal land use purposes to effectively deal with illegal mining.

7. By the end of November 2023, the China African Precious Metals mine through the Department should submit a progress report on feasibility study it is conducting relating to the possibility of reopening the mine in 2024.
8. For the Steelfontien Gold Mine in North West, the DMRE must demolish and flatten the shaft structure while the legal processes are proceeding regarding the liquidation query.
9. There should be an effective oversight over the refineries, smelters and wash plants.
10. There needs to be an analysis of the nexus of illegal mining and Lesotho.
11. By the fourth quarter of the current financial year, the National Security Task Team on illegal mining should brief the Portfolio Committees on Mineral Resources and Energy, Home Affairs, Police, Justice and Correctional Services on progress made to address illegal mining.
12. The Regional Manager of Gauteng should convene a meeting with the community of Riverlea and account on the issues that the community had raised and report back to the Committee as a matter of urgency..

## **7. REPORT OF THE PORTFOLIO COMMITTEE ON MINERAL RESOURCES AND ENERGY ON THE MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT 28 OF 2004, REVIEW SUMMIT, DATED 09 FEBRUARY 2024**

### **1. Introduction**

The Portfolio Committee on Mineral Resources and Energy was invited by the Department of Mineral Resources and Energy (DMRE) to attend the Mineral and Petroleum Resources Development Act (MPRDA) Summit, held on 13 and 14 July 2023, at Indaba Hotel, Johannesburg. The Summit was a hybrid type of meeting, where delegates were allowed to attend online and physically. Thus, five (5) Members of the Committee and three (3) support staff attended physically. One (1) Committee support staff attended online. The Chairperson of the Committee, Hon Luzipo, was on the programme to deliver the opening address on 13 July 2023. However, since five (5) Members of the Committee, including the Chairperson were in a study tour in United Kingdom (UK), Honourable Wolmarans delivered the opening address.

The Summit aims were to; reflect on the status of implementation of the MPRDA since its promulgation, address the current regulatory challenges, explore best practices and initiatives in order to inform the review of the MPRDA and the Mining Charter.

The Summit was a multi-stakeholder platform to identify strategies for determining the future regulatory regime for the South African mining industry. It brought together regulatory authorities, senior mining stakeholders, policy makers and influencers to engage on the country's mining landscape.

### **2. Composition of the delegation**

#### **2.1. Members of Parliament**

<b>Name of Member</b>	<b>Political Party</b>
Hon. M Wolmarans	African National Congress (ANC)
Hon. J Bilankulu	African National Congress (ANC)
Hon N Tyobeka-Makeke	African National Congress (ANC)
Hon. P Madokwe	Economic Freedom Fighters (EFF)
Hon. S Jafta	African Independent Congress (AIC)

## 2.2 Parliamentary Staff

Name	Designation
Ms. A Kotze	Committee Secretary
Mr. S Maboda*	Content Advisor
Ms M Masutha	Committee Researcher
Ms. V Makubalo	Committee Assistant

NB: \* Attended online.

### 3. Keynote Address – Minister of Mineral Resources and Energy, Hon SG Mantashe

In his keynotes address, the Minister stated that the South African mining industry spans over a century. He continued to assert that throughout the years, the sector made an immense contribution to the country's economic development. However, the contribution largely happened on the back of an unequal society in which black people in general were oppressed and marginalised.

The Minister provided an example of the 1913 Natives Land Act and many other aligned laws of the apartheid regime which introduced the prohibition of black people from purchasing, renting, or acquiring land, thus excluding the majority of South Africans from owning the means of production and mineral rights. Basic human rights were disregarded, and black people were prohibited from participating meaningfully in the mainstream economy. Discrimination and inequality were not imaginary; they were lived experiences of the people of South Africa, black people in general, and Africans in particular.

The Minister explained that the mining industry had adopted the pit-to-port approach, where raw minerals would be mined and transported to the ports for exportation. As a result of this approach, the mining industry was not designed to benefit the local economy through value added local beneficiation. The working and living conditions of the mineworkers and communities were disregarded in favour of profits. Communities were simply regarded as labour reserves without any consideration of social license to operate. All this formed part of the then government's engineered society which systematically concentrated wealth in the hands of a few.

The Minister continued to state that the 1994 democratic breakthrough re-ignited hope for the people of South Africa, who went on to entrust the democratic government with the responsibility to redress the historical injustices of apartheid and grow our economy. To fulfil this mandate, the democratic government could not ignore the historical socio-economic inequalities, hence the introduction of the new dispensation founded on the values of our democratic Constitution through the MPRDA.

At the centre of this regulatory framework was the need to address the basic human rights of the people of South Africa as enshrined in the Constitution, in particular the mineworkers and communities. Hon Mantashe reiterated that this intervention was unavoidable; hence,

the MPRDA bestowed the ownership of minerals beneath the South African soil under the custodianship of the State on behalf of the people as a whole.

The Minister applauded Section 100 of the MPRDA as one of the great shifts of the regulatory regime because it led to the introduction of the Mining Charter in 2004, which aims to effect socio-economic transformation in the mining industry. He continued to state that the major issue in this regulatory framework is the need to achieve transformation that would set the country on a path to inclusive and sustainable growth. Through this regulatory framework, government intended to expand opportunities for historically disadvantaged South Africans to enter and actively participate in the industry.

Despite government's optimism that social partners in the mining industry will embrace these regulatory instruments as appropriate tools for transformation, the Minister stated that it is regrettable that 20 years after the enactment of the MPRDA, the industry has not fully embraced these regulatory instruments. He states the sustained legal battles on transformation as evidence which depicts the industry's resistance to the transformation agenda. Notwithstanding this resistance, government is heartened by the improvements in the working and living conditions of mineworkers and communities as compared to the years preceding this regulatory shift.

In recognition of the value of mineworkers who convert investments into wealth, the reviewed Mining Charter has made even bigger strides by ushering in 10% free-carried shareholding for the workers and communities. Another milestone that has been heralded by the introduction of these regulatory instruments, is the recognition of women in the industry who were previously not allowed to work in the mines. The Minister stated that today, over seventy-two thousand (72 000) mineworkers are women, with some holding Executive positions in big mining companies.

The Minister noted that the industry is beginning to deliver impactful projects in communities as part of their social license to coexist with communities. Further stating that this is yet another important principle that is enshrined in the existing regulatory framework.

On the health and safety of mineworkers at mines, the Minister highlighted this as yet another important aspect of the work which must be prioritise in the industry. He noted and welcomed the incremental improvements in this regard, however, asserts that the industry must double its efforts to achieve the goal of Zero-Harm.

Hon Mantashe affirmed that there is no time for complacency; hence, the DMRE remains relentless in its noble cause of transforming the industry, and subsequently, the economy. Further, that the DMRE must always guard against the reversal of the gains achieved to date.

It is against this backdrop that the Department convened this summit to frankly engage with social partners and ensure collective identification of legislative gaps to improve the implementation of the regulatory framework. The Minister continued that the government has over the years developed new policies, reviewed, and amended existing regulatory and legislative frameworks to ensure optimal development of our natural resources. At the centre of this is the need to enable the development of the country's natural resources in a way that benefits the people of South Africa, workers, and investors alike.

Therefore, he continues that there is absolutely no reason why the development of natural resources cannot embrace the notion of 'shared value' to which all stakeholders can sustainably benefit. The need to balance the interests and benefits of investors and the people of this country can neither be over-emphasised nor treated as mutually exclusive.

The Minister addressed the Upstream Petroleum sector and stated that in an effort to bring stability, security, and enable the nation to participate meaningfully in oil and gas developments, the government developed the Upstream Petroleum Resources Development Bill (UPRD Bill), to separate petroleum provisions from the MPRDA. He announced this as a key regulatory shift in order to; address the need to accelerate exploration and production of petroleum resources, ensure an inclusive upstream sector, and provide much needed legislative and regulatory certainty. He confirmed that UPRD Bill is currently undergoing parliamentary processes, with the hope that it will be finalised soon.

The Minister concluded by reminding the audience that the South African mining industry remains a sunrise industry that provides impetus for the development of various sectors of the South African economy, while playing a critical role in the country's endeavours to significantly reduce poverty and eliminate unemployment and inequality.

#### **4. Address by Hon. M Wolmarans – Member of the Portfolio Committee on Mineral Resources and Energy**

Hon Wolmarans stated that the mining industry contributes meaningfully to the Gross Domestic Product (GDP). Whilst acknowledging the decline in production between 2021 and 2022, the value of production registered R1.18 trillion in 2022, up from R1.1 trillion in 2021 on the back of strong global demand.

The mineral resources sector is primarily regulated by the MPRDA which came into effect on 1 May 2004, which means that the MPRDA has been in existence for over 19 years. Within those 19 years, Hon Wolmarans stated that the MPRDA has undergone various regulatory changes with the most recent notable changes being contained in the MPRDA Amendment Bill which lapsed at the end of the Fifth Parliament in 2019 and the commencement of Mining Charter III on 1 March 2019.

Hon Wolmarans continued that there are certain key Court judgements that impacts the applicability of MPRDA with other key legislation relevant to the sustainable operability

of the sector. Further that there are gaps in the MPRDA which could have been addressed by the 2019 amendment Bill which lapsed. These gaps in the MPRDA have led to uncertainty in the minerals sector specifically the ability for the sector to attract investment.

Hon Wolmarans referenced the Fraser Institute, and stated that the ease of doing business in the South African mining sector has been poor over the last few years. In 2022, on the investment attractiveness of the sector, South Africa ranked 57 out of 62 countries, and 53 out of 62 on the policy perception index, noticeably illustrating regulatory uncertainty having a direct effect on attracting investment.

He concluded that this is the international perception of South Africa's mining sector, that it is seen as one of the least attractive jurisdictions to invest is due to regulatory uncertainty. He reiterated that urgent intervention is therefore required in order to re-energize the exploration strategy for the mining industry of South Africa which is key to the growth of the economy.

Hon Wolmarans continued to state that the MPRDA crucially established the transformational position through the position that 'mineral resources are the common heritage of all the people of South Africa and the State is the custodian thereof for the benefit of all South Africans'. He continued to state that this shift was part of the transformational steps of the mineral sector driven by the legislature to address the inequitable access to mineral wealth that inevitably flowed from South Africa's racial gap around land and mineral ownership of the apartheid government.

Hon Wolmarans noted transformation of the sector and stated that certain objectives of the Act and the Mining Charter have been achieved. He continued to state that some of the achievements include the rise to prominence of black captains of the mining industry illustrating black ownership of mineral enterprises.

He further applauded the continued rise in black women-owned and black youth-owned companies as key suppliers in the sector to various business units across the country. He attributed this to the diversity of supply chains which includes goods and services locally sourced from Black owned, and Broad-Based Black Economic Empowerment (BBBEE) compliant companies.

Hon Wolmarans stated that despite these achievements, a number of challenges or gaps have been identified over the years, in both the Mining Charter and the MPRDA, which he hoped would be discussed during the Summit. He reiterated the need to have more black captains of the mining industry, especially from black women and the youth.

Hon Wolmarans then discussed the legislative gaps and challenges that Parliament, through the Portfolio Committee on Mineral Resources and Energy (PCMRE) identified during the current administration. He highlighted the following:

- **The Jagersfontein incident** - on 11 September 2022, a tailings dam in the Jagersfontein mining area in Free State burst, causing a mudslide and flooding in several areas in the town of Jagersfontein. Tailings are the waste products from mining – mining waste.

The tailings dam burst occurred in an old mine, previously owned by De Beers and decommissioned as a mine in 1972. Post 1972, what was left was the tailings which remained stored in the tailings dam. A number of transactions occurred on the tailings dumps. These transactions occurred outside the control of the Department of Mineral Resources and Energy. This is because in 2007, the former owners of the Jagersfontein Diamond Mine had taken the DMRE to court, arguing that the MPRDA of 2002 did not empower the DMRE to regulate tailings.

The court ruled in favor of De Beers, as it held that tailings dumps were movables and thus ownership belonged to those who removed the minerals as they had occurred naturally in or on the earth. Furthermore, the MPRDA could not control tailings dumps created before the act came into effect. In its deliberations, the Committee was concerned that the DMRE did not appeal the 2007 judgement which prohibited it from regulating tailing dams.

Hon Wolmarans stated that the PCMRE noted that the court ruling in favour of De Beers left doubt on the status of legislation in respect of tailings dams. At the same time this triggered the importance of the DMRE to bring in legislation to Parliament that would accommodate tailing dams.

- **The Mining Charter Judgement and its implications** - On 21 September 2021, a full bench of the Gauteng High Court delivered a unanimous and strong judgment declaring that the Mining Charter III or the Charter is policy and not legislation or subordinate legislation.

The Court consequently set aside a number of Mining Charter III's key provisions. These include the re-empowerment obligations which the Charter purported to impose on existing mining right holders when they wish to renew or transfer their rights, the Charter's procurement, supplier and enterprise development targets, as well as some of its penalty and enforcement clauses.

In a meeting we held on 23 November 2021, the DMRE indicated that it had no intention of appealing the judgement, which sets aside key aspects of the Mining Charter intended to drive transformation in the sector. The Department believed that the best course of action would be to amend the MPRDA and to strengthen the provisions of transformation in the Act. Hon Wolmarans stated the PCMRE concern that the mining charter is not enforceable and that nothing has happened since then to address the issue.

- **Illegal Mining** - Hon Wolmarans mentioned that another gap in the MPRDA identified by the PCMRE is on issues of illegal mining. From 10 September to 16 October 2022, the PCMRE jointly with the Portfolio Committees on Police and Home Affairs conducted an investigative oversight visit on illegal mining in five provinces, namely Limpopo, North West, Gauteng, Mpumalanga and Free State. The Committees found

that existing legislation to combat illegal mining is fragmented and lacks substantive measures to effectively deal with these activities. Hon Wolmarans stated that in respect to the MPRDA, one of the serious gaps is in terms of the criminalisation of illegal mining. Illicit mining is currently not criminalised, this complicates the fight against its eradication.

The three Committees recommended an urgent amendment of the sections of the MPRDA in response of the challenge of illegal mining.

- **Upstream Petroleum Resources Development Bill** - Lastly, on the Upstream Petroleum Resources Development Bill, Hon Wolmarans stated that the PCMRE concluded nationwide public hearings on the Upstream Petroleum Resources Development Bill. The Committee will be processing the Bill from August 2023, with the aim of referring it to the National Council of Provinces for occurrence in early October.

He noted that the Bill removes chapter 6 of the MPRDA, to which the Committee is of the view that this separation is necessary because of the need to provide for two independent pieces of legislation addressing matters pertinent to each industry and to bring about stability and security to investors, especially in the upstream petroleum sector. Hon Wolmarans concluded to welcome engagements on the review of the MPRDA.

## 5. Scene setting and objective of the Summit – Mr J Mbele (DMRE - DG)

Mr. Jacob Mbele, Director-General of the DMRE, acknowledged the crucial role of the South African mining industry in economic and socio-economic development. He highlighted the country's abundant reserves and the potential to meet a significant portion of global demand for various commodities, especially those required for the green transition.

Mr Mbele further acknowledged the need for continuous review and potential amendment of the Act and other related policies to address shortcomings and promote sustainability and transformation within the industry.

Mr. Mbele further discussed previous attempts to amend the MPRDA, including efforts in 2008 and 2013, which were intended to address ambiguities, regulate associated minerals, and enhance provisions related to mineral beneficiation.

Mr. Mbele acknowledged that there are still gaps in the law and emphasised the importance of reflecting on the MPRDA's implementation, gathering input from industry stakeholders,

and soliciting feedback to inform the review process. He further highlighted that the reports generated from the feedback gathered during the Summit will serve as the foundation for the DMRE's review of the MPRDA and other transformative tools, such as the Mining Charter.

Mr. Mbele reaffirmed the department's commitment to creating an enabling environment for investment and transformation within the mining and petroleum sector.

## **6. Reflection by social partners on the experiences of the MPRDA**

The following stakeholders provided inputs regarding their experiences of the MPRDA:

- Vice President of the Minerals Council – Dr. Nombasa Tsengwa
- Chairperson of South African Mining Development Association (SAMDA) – Mr. P Temane
- President of Aggregate and Sand Producers Association of Southern Africa (ASPASA) – Ms. L Vanderberg
- National Union of Mineworkers (NUM) – Mr. M Mabapa
- Solidarity – Adv P Marsden
- United Association of South Africa (UASA) – Mr A Van Heerden

## **7. Presentations on specific topics relating to the MPRDA**

The following speakers presented on specific topics relating to the MPRDA:

- MPRDA genesis and its transformative character – Adv. Sandile Nogxina
- Ownership patterns in the industry pre and post the MPRDA – Mr. Tshisevhe (TRG Attorneys Inc.)
- Investment perspective – Mr H Langenhoven
- A bird's eye view by the academic institutions – Adv H Mostert

## **8. Breakaway sessions**

The delegates were divided into the following breakaway sessions:

- A) Transformation
- B) Social and Labour plans
- C) Procurement
- D) Appeals and litigation

Below is a brief summary from the breakaway sessions:

### ***Transformation***

Feedback from this session highlighted that while transformation targets are set and to a certain extent have been achieved, transformation has not reached the pinnacle of what the drafters of the MPRDA and Mining Charter hoped for 19 years later.

The group noted that the transformation of the mining industry needs to ***include ownership and that alignment with BBEE provisions is insufficient***. Here the group made the suggestion of ***51% ownership rather than 26% BBEE based ownership***. Further the group calls for the review of the MPRDA to ***make ease of access to the market for preferential right holders***.

Lastly the group alerted the DMRE to the realities of the minable areas in traditional communities which have a traditional governance framework which must be acknowledged in the ***review to avoid abuse of vulnerable communities***.

### ***Social and Labour Plans***

In this thematic group, as a starting point the group asked the questions of whether the below mentioned aspects of SLP's are still relevant?

- ***Human Resource Development*** – the call is to focus on skills that relate to specific and needed for growth and employability or promotion.
- ***Employment equity*** – the group asked whether this was a DMRE issue or it is better suited with the Department of Labour?
- ***Community development*** – the call is for eradication of 5 year community development initiatives in order to move away from temporary development initiatives. The suggestion is to amend to 10 years to ensure sustainable, long term projects beyond mining.
- ***Adult learning*** – suggestion here is to focus on capacity that is linked to practical skills that can be used long term or entrepreneurial in nature.

### ***Appeals and litigation***

This was one of the thematic discussion topics of the Summit to which the below was highlighted to be considered in the review of the MPRDA.

Firstly, there are calls for an ***independent and impartial tribunal*** as the Regional Managers do not have sufficient capacity to deal with appeals. Second was the issue of ***double granting*** of rights which needs to be addressed and resolved – there was a call for the MPRDA to provide clarity in law on the adjudication and awarding process.

Thirdly, a proposal was made to have a ***mining code***, to reduce the administrative burden – Cutting the red tape, i.e. ease of doing business.

Lastly, there is also a call to have penalties in the MPRDA.

## 9. Way forward – as presented by Ms. Ngcwabe (DMRE DDG: Policy)

Ms. Ngcwabe stated that democracy ushered transformation in that none knew what form and shape it would take, however the aspirations in the Freedom Charter were cardinal.

Ms. Ngcwabe continued to state that the mining environment is dynamic, and that dynamism must find expression in law – the law must therefore not be static. She emphasised the comments of the Minister stating that the infrastructure supporting the industry is not designed to benefit the local economy, i.e. “pit-to-port” phenomenon. Further to this, the ownership patterns are not on an equal basis. The aim of the MPRDA was introduced to ensure participation by all in the sector, for example, the increased participation by women by 12% (more than 75 000 women in the sector).

It is crucial that empowerment provisions in the law are reconsidered – “once empowered, always empowered”. The emphasis is that the state is the custodian of the minerals on behalf of its citizens.

The review further needs to consider environmental liability emanating from mining activities.

Ms. Ngcwabe highlighted the below mentioned aspects that the review should include, inter alia:

- Ensure care and maintenance so that Section 51 is not abused.
- Section 52 on retrenchments
- Section 189 process considerations
- Section 93 orders, suspensions and instructions must be made public
- Transactions must ensure that people benefit and not be reduced to fancy schemes
- Ensure that the aspirations of the people are well captured in the law and translate to meaningful transformation
- The MPRDA should promote exploration, construction, mining production, and beneficiation because all require investment.
- Legislation should promote green investments
- Legislation should address the challenges of the status quo, promote growth and envision future disruptions and shifts
- Create jobs beyond minerals and ,mining
- There needs to be clarity in defining meaningful consultation and alignment with other legislative instruments.
- Needs incentivizing, control, zoning, social dispensation and environmental approvals
- The Minister has a lot of discretionary powers
- Consider what the envisioned future is

In her conclusion, Ms. Ngcwabe highlighted that the DMRE is in the beginning of the review process. The plan is to have a “Festival of Ideas” throughout this process i.e. open participatory process. The internal review process will begin immediately. The aim is to have the *discussion*

*document to be completed by October 2023.* This process will include an *Independent Review Panel of experts*, which will include inter alia, legal experts, academic institutions and international mining institutions.

The industry social partner consultations will happen during *November 2023 and the drafting process will commence in December 2023.*

## **10. Recommendations**

It is recommended that the Minister of Mineral Resources and Energy should:

- Ensure that there is better synergy is required from the MPRDA and the National Environmental Management Act in order to provide certainty to mineral right holders in so far as environmental considerations and obligations are concerned.
- Ensure that the MPRDA review speak to the energy transition objectives of government to ensure co-ordination of the utility of the country's mineral wealth.
- Ensure the establishment of task teams to assess the key areas of the MPRDA – namely procurement, transformation, social labour plans and appeals and litigation is recommended.
- Linked to the above, address the way social and labour plans are implemented should be reviewed, align them with the District Development Model.
- Ensure that the MPRDA must respond to small scale and artisanal mining, and considerations for a separate primary legislation for this growing industry must be explored.

**REPORT TO BE CONSIDERED**

## **8. REPORT OF THE PORTFOLIO COMMITTEE ON MINERAL RESOURCES AND ENERGY ON STUDY TOUR TO THE UNITED KINGDOM FROM 09-14 JULY 2023, DATED 09 FEBRUARY 2024.**

The Portfolio Committee on Mineral Resources and Energy (hereinafter referred to as the Committee) having undertaken a study tour to the United Kingdom from 09-14 July 2023, reports as follows:

### **1. INTRODUCTION**

The Portfolio Committee on Mineral Resources and Energy (hereafter, the Committee) conducted a study tour to the United Kingdom on issues related to the energy sector, particularly oil and gas industry.

The Committee was particularly interested in the United Kingdom (UK) because natural gas and oil constitute over 70% of the country's total primary energy supply. The UK is amongst the top 25 in the world in terms of natural gas production. The country ranks 11<sup>th</sup> in terms of natural gas consumption and ranks 41<sup>st</sup> in terms of gas reserves in the world. In terms of oil production, it is ranked 19<sup>th</sup>. It has oil and gas legislated structure that is similar to what the South African Government is currently grappling with – particularly the upstream petroleum sector.

The Committee is currently dealing with the Upstream Petroleum Resources Development Bill [B13 – 2021]. There are many challenges in South Africa in promoting the development of oil and gas industry. The finalisation of this Bill is critical in enabling investment in the upstream petroleum industry. It was envisaged that lessons learnt on the oil and gas industries of the United Kingdom would enhance Parliament's contributions in the development of the oil and gas industry in South Africa. It was further envisaged that the exchange of knowledge and experiences would also empower the Committee when processing the Upstream Petroleum Resources Development Bill. Additionally, the UK is regarded as a good example in terms of the Just Energy Transition. Thus, the delegation was interested on how UK was doing it, and how the UK strategy could be applied in South Africa, if necessary.

## 1.1 Objectives of the study tour visit

The following objectives were identified for the study tour to United Kingdom:

The main purpose of the study tour was to learn about energy policies governing the UK energy sector. Below are some of the areas the Committee explored.

- Legislative Framework Governing the Energy Industry, with a particular emphasis on the Upstream Petroleum Industry.
- Challenges the country face in promoting the Upstream Petroleum Industry, and how the challenges are addressed.
- The role of the State in the Upstream Petroleum Industry.
- How the UK Government is dealing with Just Energy Transition.
- To engage with companies that are in the upstream petroleum industry including a State Company or how the State controls the Upstream Petroleum industry.
- To enable the Committee to develop sound recommendations to Parliament in relation to its findings when dealing with the legislation (Upstream Petroleum Resources Development Bill) that is currently in front of it.

This was particularly pertinent for the Committee's oversight over the Department of Mineral Resources and Energy.

## 1.2 Delegation

Members of the Portfolio Committee on Mineral Resources and Energy

Name of Member	Political Party
Mr S Luzipo	African National Congress (ANC)
Mr M Mahlaule	African National Congress (ANC)
Ms V T Malinga	African National Congress (ANC)
Mr K Mileham	Democratic Alliance (DA)
Mr V Zungula	African Transformation Movement (ATM)

The Committee was accompanied by the following support staff member:

- Ms A Boss, Committee Secretary

**The Committee met with the following delegation from United Kingdom:**

- H.E., Mr Kingsley Mammabolo: High Commissioner of the Republic of South Africa in UK.
- Mr Solomzi Mhlana: 1<sup>st</sup> Secretary Political, South African High Commission to the rat Britain and Northern Ireland

**UK Parliamentary Energy Security and Net Zero Committee**

- The Rt Hon Vicky Ford MP, Conservative
- The Rt Hon Hilary Benn MP, Labour
- Lloyd Russell-Moyle MP, Labour (Co-op)

**The Committee was accompanied by the following support staff members:**

- Mr Julian Mazowiecki, Committee Advisor

**Offshore Energies UK (OEUK)**

- Mr David Whitehouse – Chief Executive Officer
- Mr Keith Wise – Operations Manager
- Ms Emily Taylor - NSTD Programme Manager and Acting Business Development lead

**Centre for Energy Transition (University of Aberdeen)**

- Prof John Underhill: Director of the Centre for Energy Transition and Professor in Geoscience and Energy Transition

**North Sea Transition Authority (NSTA)**

- Mr Alistair Macfarlane: Head of UK Carbon Transportation & Storage

**Meeting with Denby Grange All party Parliamentary Group for South Africa**

- Lord Johnny Oates - Chairperson

### 2.1 Meeting with H.E., Mr K Mam Mmamabolo, High Commissioner of the Republic of South Africa in United Kingdom (UK)

The Committee held a meeting with the High Commissioner of the Republic of South Africa in the UK. The High Commissioner welcomed the delegation and indicated that the Committee visited UK during a difficult period as UK Parliament is usually on recess in July. He indicated that the High Commissioners office had completed a trip to Scotland and part of going there was to engage and see what they do with the Just Transition, which is, in the UK case oil and gas and in South Africa case is primarily coal. He indicated that the UK supported South Africa with an amount of 8 billion which was received from European and Americans to try and see the country moving quickly with Just Transition. He indicated that they were impressed with the manner UK is going about it, putting people around the table and appoint the central figure, (labour, union, business and the academia) and discuss the various stages of the Just Transition. He said in these discussions, stakeholders argue that one cannot just do away with fossil fuels, e.g coal industry, but one must look at various alternatives to ensure that the transition is just . i.e. South Africa projects a decline in coal as an energy source, whilst others who had followed the same path are reverting back to the same source. It was stated that South Africa cannot just disband coal, but show can indicate that they are transitioning from bad energy to good energy. The same is applicable in the case of the UK oil and gas industry. The High Commissioner appealed to Members of the Committee to take this message back to the Minister of Mineral Resources and Energy that there is a lot that can be picked up in terms of lessons on the issues related to Minerals and Energy and Just Transition.

Additionally, the High Commissioner indicated that UK has a lot of interest in working with South Africa. They position South Africa as an ideal country to deal with issues of sources of energy. South Africa has the Indian ocean, sun, wind, so the country might have little competition with other countries like Namibia. SA as far as the UK is concerned is holding this potential, hence the interest by UK. The High Commissioner indicated that South Africa was supposed to reach an agreement (MOU) last time the President visited UK on critical minerals that has to do with just transition. The negotiators from the missions' side pushed back the deal as they felt it should be for beneficiation and whether is adding the value and should be the win- win situation for both countries.

**The Committee engaged with the High Commissioner and raised the following issues:**

- The Chairperson of the Committee, Mr. Luzipo, outlined the purpose of the visit and the process the Committee undertook thus far in dealing with the Upstream Petroleum Resources Development Bill (the Bill) and indicated the visit will empower the Members when they are deliberating on the Bill that is currently in front of the Committee.
- Members noted that there is a mention a lot of interaction and exploration between the mission and government around just transition and the mission will be learning from them. Members wanted to know what mechanisms that can be put in place to feed information to the Committee as there are bottle necks somewhere in the system that information is not coming to Parliament.
- Members wanted to know their experience of UK in the licensing regime particularly to oil and gas petroleum and what can the Committee learn from UK in that regard. There has been a pushback regarding the oil majors, and they are not happy about numbers. For instance, the community came up with a different number of 50 % on the free carried interest and the Upstream Petroleum Resources Development Bill is proposing 20%.
- Members wanted to know the impact of electricity prices on SA UK relations, in particular from the business and Foreign Direct Investment (FDI) perspective.
- Members were happy with the visit by the office of the High Commission to Scotland because it laid a foundation in which when benchmarking, the Committee would already get a clear indication of what is going to be a fair benchmark that the Committee will come up with. They mentioned that SA cannot get rid of what it has in the country, referring to coal. There was an appreciation that there is a misplaced discussion back home that the country must move from coal to something else. Members felt that the discussion should be that SA should move from high carbon emission to low carbon emission because if that is not said the narrative that is going back saying SA must do away with coal is problematic.
- Members encouraged the Commissioner to push whoever needs to be pushed on the MOU. It was stated that the way the media broadcasted the issue of R8 billion, it really caused an uproar in the country because it was portrayed that the country was selling the minerals for whatever they don't know which are renewables. Additionally, it should be indicated that the country should invest in cleaner energy technologies to lessen carbon emission.
- Members wanted to know to what extent Committees can utilize the Embassies or Mission's in order to assist the legislative work.

**The High Commissioner and the 1<sup>st</sup> Secretary Political responded as follows:**

- The reason for visiting Scotland, was to learn a model. The Scottish are not saying don't do transition, they are saying do something about it and that is why it is called Just Transition. The fear of ghost cities that have been talked about and loss of jobs. What was seen in Scotland, was people coming to the same table, (unions, academia, business) and appoint a neutral person to

assist in the transition debate, example was made of a person like Desmond Tutu. Every month they meet and discuss how far they have gone in terms of transition. 338

- With regards to technology -, decarbonization, and so forth, the Commissioner said while coal is being used, there might be certain things that the country can do in terms of technology and to make sure that it does not become as harmful as it is now. But the question is what do you do to make sure that you also incorporate the issue of decarbonization? The High Commissioner indicated that they are doing something and slowly moving away from it. And eventually, when they have learned the new skills and technology, they will be quite able to say that the base of their electricity is no longer, it is disused. But we have transitioned from this to that. He further mentioned new things they are dealing with, like green hydrogen. They are still studying it and he was hopeful it will come to SA but warned the Committee that their processes are going to take time to unfold.
- The High Commissioner agreed that in South Africa they have seen the insistence on the mix. And nobody is talking about the potential of nuclear power and that must be put in the mix. There is much potential, and the question must be, why are we not also pushing in this area to make sure that nuclear is part of the transition.
- The High Commission office indicated that they decided to establish Centre for Future Energy because they want government, business, and academia to develop a best programme on how South Africa is going to transition to say and how they want to look like. They indicated when they started, they wanted the lead departments to lead on that discussion and academia and business to also be part of it and approached DMRE together with Department of Science and Technology (DSI) to lead at the level of government on how this transition is going to look like. In the UK they have a department called Business, Energy and Industrial Strategy (BEIS). So, it deals with transition, energy, minerals, oil and gas.
- Secondly the academia, which are the best institutions in SA which can contribute towards the discussion'. At that time, they had an honour to be visited by the Chancellor of University of Pretoria who was keen to even host the Centre itself. And led a visit to Scotland to see how the Centre for Energy transition look like and also to look at Scotland and what is it that they developed, and they want South Africans to consider having something similar.
- Mr Mhlana explained that in Scotland they've got what they call the North Sea Energy Transition. This is led by Scotland and the Scots are saying this is how they are going to deal with the transition. In the graph that they presented, they said they will continue to decarbonise and cut down on oil and gas exploration. However, the graph is showing that gas will still remain their energy mix for the coming minimum 50 years. So that goes with their funding.
- With regards to Academia, which is University of Aberdeen and University of Pretoria, the Mission indicated that they do not want to limit how many institutions of higher learning are part

of the centre. They said that they want also the previous disadvantaged institutions to be part of that. Nelson Mandela University then came and hosted the Vice-Chancellor. So subsequently they had the MOU between the University of Pretoria and the University of Aberdeen. Nelson Mandela University was also going to be part of that.

- In terms of business, Sasol volunteered to also be part of this sector, because they want to assist South African to develop its own best form solution on how this transition is going to be led.
- The Mission realised that if SA had to close down, or if there was an attempt to close down the coal plants, that there were going to have a huge unemployment problem. In an event that South Africa does close its coal power stations, one need an upskilling of workers. So, what the Centre is going to do, amongst other things, is an upskilling of ordinary workers in an event that they lose their jobs. So that's how the Centre is going to look like. That's the first component of how they have organized themselves as High Commission. They have commissioned 12 relations between SA and UK.
- The second one was the issue of the MOU, which the High Commissioner alluded to. In preparation for the State visit, which took place in November 2022, there were two outcomes that the High Commission wanted to be reflected on the visit. The first one was that the middle place that they want to manifest themselves in. At the centre of it, minerals are critical so that's why the Mission then said, South Africa and the UK need to have a critical mineral partnership. At the centre of transition, one cannot avoid minerals. The second one was the SA-UK Hydrogen Partnership. Because Europe, and UK in particular, they are developing the hydrogen economy. And what made things easy for them was that DSI was leading the discussion around the production of the hydrogen value strategy. So, it made the lives much easier, in terms of how they can match the hydrogen value, which incorporates the area of Mogalakwena, KwaZulu Natal (KZN) and parts of Gauteng, with what is happening in the UK. In the UK, there is an area called the T side valley, which is similar to the hydrogen value of South Africa. And these two, are going to drive the SA-UK Hydrogen Partnership. But at the centre of this, because there are three types of hydrogen, which are green, blue, and grey. And part of the grey to produce it, you need to have it in South Africa. So, at most, the Mission is able to drive the idea that South Africa should be the centre for the sourcing of critical minerals that will be required for the gas transition, energy transition, including the hydrogen economy. The last one, which is the most important one, to say how South Africa can better co-ordinate the relations with the UK. There was discussion that the SA-UK should have bilateral forum. Business even other stakeholders, including academia, civil society, and all that come together and discuss these matters.
- Mr Mhlana suggested that Members of Parliament attend the SA-UK bilateral relations forum which will be hosted in South Africa. The last and the most important one, was that this was the Mission drive to push SA as source of critical minerals, engage DMRE to develop a country

strategy for critical minerals as UK has one. It will guide how you interact with UK and the rest of the world in terms of minerals. Now, it was good that DMRE responded to the call and said <sup>340</sup>, the Mission needed to consider the draft strategy of critical minerals. Mr Mhlana indicated that the minister of Mineral Resources and Energy has announced that critical minerals strategy will be adopted and launched at the margins of Africa critical minerals summit that will be hosted by Minister of DMRE in October 2023. And the reason why the mission wanted to influence how their relations with UK ought to look like was because they wanted to change some of the things that had been happening in the past, including the issue of the inability thereof to actually talk to the police on how they feel about the issue of beneficiation. Because he knows it's a very thorny issue, and their colleagues were not brave enough to raise. So, the word that was used, and it's the word that they also use, is value-add. They said to them, they want to have a trial on how this value-add between the UK and South Africa ought to look like. And they said, how do they want it to look like? And he said, no, let's do value-add into the car manufacturing industry. You have expertise in the car manufacturing industry. The only thing that republic of South Africa wants is the refining capacity to refine the minerals so that they put value-add into the car manufacturing industry. "We then said, the surplus of the minerals that we are going to produce, they can then be sent to the UK as part of your value-add into your car manufacturing industry that is on the decline". So based on that, they are able to understand what SA mean by value add.

- The Mission told UK that the Council for Geoscience (CGS) will be completing a study of whether or not lithium is found in South Africa. Because based on their observations two years ago was that the pegmatite belt that comes from the Democratic Republic of Congo (DRC), there is no way that it stops in Northern Cape, it will pass Namibia and go all the way to the Northern Cape. So they were happy the study was finalised and do hope that the Council for Geoscience was going to publish it, that South Africa has lithium reserves. A question was then asked, if you have manganese and lithium, why is it that you cannot do value-add in the electric car battery component? And that's how they were able to talk to the base to say this was the type of relationship that they want to have with UK.

### **3. Meeting with UK Parliamentary Energy Security and Net Zero Committee**

The members of the UK Parliamentary Energy Security and Net Zero Committee welcomed Members of the Portfolio Committee on Mineral Resources and Energy. The Chairperson of the Energy Security and Net Zero tendered apology as he was busy in the constituency. The Chairperson of the Portfolio Committee on Mineral Resources and Energy outlined the purpose of the visit and also appreciated the fact that the Committee have been given an opportunity to interact with their counterparts just to solicit more information. He said, energy was not just a small package. It involves the complex nature of the mineral industry as well as the

energy space, which, amongst other things, is constituted by three or two areas of responsibility. The first one, which is electricity. The other one, which is the petroleum. The Chairperson further<sup>341</sup> explained the process the Committee went thus far in processing the legislation that is in front of it. Furthermore, they looked at the issue of just energy transition also in the context of bringing in alternative sources of energy in order to augment the agenda of developmental objectives, and not necessarily to take completely lead off of the other. The Energy Security and Net Zero Committee scrutinises the policy, spending and administration of the Department for Energy Security and Net Zero and its public bodies, including Ofgem and the Committee on Climate Change.

**The Committee engaged with the Energy Security and Net Zero Committee, and these are some of the issues that were highlighted:**

- The Committee took the commitment to deliver net zero emissions very seriously. As members of this committee from all sides of the political arena, the UK was the first major economy to put in their commitment to deliver net zero. In all of their discussions and about how do they deliver energy security, they also think about how they do that in a way that is going to help them deliver that net zero commitment.
- The North Sea has a really important place to play in that transition to net zero. Wind energy is now the cheapest form of electricity in the United Kingdom. Using renewables to generate electricity is vital because of the energy security, but it is also vital because of the price. The North Sea also plays a really important part in carbon capture.
- The ability to use oil and gas fields to put carbon under the North Sea will be an important part of the carbon capture strategy. The North Sea itself as an oil and gas field is declining in terms of the amount it can generate.
- Members of the Energy Security and net Zero agreed that they want to make sure that does not compromise the journey towards net zero. It is an enabler of being long term uses for certain kinds of gas because they will have to try and get gas. The difficult question is how to do that with carbon capture. They are getting gold out anywhere in Europe. They have limited gold out in America at large scale. Some projects are very close to gold out. They still get out in work at that scale and that provides a challenge for lots of technologies. Hydrogen is another technology that they see close to their fingertips potentially being rolled out. Using gas as a transition process.
- They use gas to create hydrogen but again it has not yet been rolled out in any major economy. In the mass storage which is what they talked about before or even mass energy use for transportation. There are lots of options and technologies that they are looking at. None of them yet have provided the silver bullet to get to where they need to get to.

- There is the unpredictable difference between the party's policies, not just in the committee, about how quickly do you stop bringing on new oil or gas. Labour party would not agree any new <sup>342</sup> whenever they get in. They would not agree immediately any new agreements. Whereas the Conservative party policies that you can agree with are just reducing numbers for that transition. Now to some extent that is arguing over their appearance. They are trying to get to the same point. But there is a benefit about how quickly you can rip out oil and gas from the economy and still survive. Because to bring people along on this journey, which is already difficult, someone had to make sure people's lives don't go up when they don't freeze in winter. And that is a difficult challenge when they haven't yet at scale got any of the technologies that they need.
- The challenge has been in South Africa, because your reliance on coal is much greater than our reliance. But the one thing that this committee will look at is their last major coal-powered fire station was converted into biomass. Tracts of which now burns huge amounts of wood. Huge amounts of wood almost the size of the UK's protected forest every year. It burns at tracts imported from around the world. And actually, that has ended up being a scandal as it is starting to unravel. So, a conversion from coal into something worth potentially much better has ended up leading them down a track that actually now they are going to have to really radically look at and see what the alternatives are to that.
- The Portfolio Committee on Mineral Resources and Energy Committee indicated that their two biggest priorities are employment and poverty alleviation. SA has the highest unemployment in the world. And won't have a growing economy without a secure supply of energy, and in particular a secure supply of electricity. As rightfully identified, currently SA are 70-something percent coal-powered, although that is changing quite rapidly. And it has been seen over the last couple of months how the uptake in rooftop solar has alleviated some of the demand pressure. There's an enormous impact on economic development and investment in South Africa. SA has seen a spike in electricity demand.
- Members wanted to know more about how does UK handle the regulation of the energy sector, and in particular oil and gas sector. What is government's role in that? The second was, the hydraulic fracturing that UK had moved past fracking, and there's a moratorium on fracking, in the UK.
- They wanted to know what led to that moratorium and what the current situation was in that regard.
- This energy transition, getting from where SA is now to where they used to be, how do you implement that? Acknowledging that SA is not in the same position as Uk, don't use the same vehicles, we're a hugely impoverished society, and coal mining and coal generation of electricity faces enormous role in offsetting some of that. How does SA get from that to an energy security without leaving people behind along the way?

- Members of the Net zero Committee responded on the three points as follows, one day they thought that the United Kingdom will generate all the electricity it needs without burning a single<sup>343</sup> piece of coal. They were basically using gas and nuclear for base load capacity. Because in all energy systems, when everybody wants to turn the lights on, you need to be able to provide it. They have a lot of wind power, it is now very cheap, and when the wind is blowing, it generates a lot of electricity. The trouble is when the wind doesn't blow, you need base load capacity. Well, they can't create hydrogen when the grid can't cope with the demand. Because that's the other thing about their wind turbines. The companies are paying sometimes to turn them off, because the grid can't cope with the demand. And obviously they are playing to their natural advantages, there's a lot of wind around the United Kingdom. So that is gradually coming along, both domestically, you'll see solar farms, they're not huge, but there are some in Britain, and obviously countries that have got a lot of sunshine, not a lot of snowing, you've got great potential there, in those circumstances.
- The regulation of oil and gas, basically when the gas model was discovered, the government said, this belongs to the ground, to get a licence from government to bring it out. That is the basis in the legislation of how it works. The government then issues a licence for people to exploit the oil and gas. The Committee were just being told there was a debate, globally, about should UK be issuing more gas and oil exploration licences, because the United Nations Secretary General of the International Climate Change Body has very clearly said there is absolutely no place, no role, given what's happened to temperatures globally, to issuing more licences, because it just adds to the problem that they were trying to solve.
- In responding to a third point about jobs and unemployment, there was an opportunity there, because in their place, 23 million homes in Britain have gas boilers that are used to heat the bath and cook. Eventually, the natural gas will no longer come down those pipes. So that 23 million homes in Britain are going to be more expensive than a gas boiler. Is it going to be hydrogen? What's the price going to be? Can they produce enough of it to pump it down the gas network that supplies it?
- Members indicated that they have a problem at the moment in reconnecting all of the new renewable energy generations to the grid. So, it's a killing system, and they had an explosion in offshore wind power. Because the government said, if you can do this, you'll get money for doing it, the original feed-in tariffs. It was a brilliant policy, and you look at the amount of offshore wind that they are producing now. New schemes are in preparation. These people know this is the future. But there are not enough pipes, wires, to connect it to the land, and then enough pipelines to bring it to where it's required. So, you take something like Scotland, enormous potential and production currently. But they're going to have to build more pipelines to come down and to stop between the diffused grids.

- So, like all energy generation infrastructure projects, you have an argument. But the question is, are those turbines going to be made in Britain? Are the heat pumps going to be made in Britain?<sup>344</sup> Is the technologies to water and renewable electricity into hydrogen, is that going to be made in Britain? And the challenge for all of them and looking at what America has done for the infrastructure. America has been criticised right all the years for not taking climate change seriously. Well, Joe Biden has turned up and said, right, we're going to give you fantastic tax incentives. And they're sucking in technology, money, interest, and investment. And Europe responded by saying, first of all, this seems a bit unfair. And then they realised, well, they were copying the Americans, or they were, you know, without over us in these circumstances. One other example of really good regulation is motor vehicles.
- And there are those who say, one of the ways to deal with peak demand illegally is if people have got cars that are electric parked outside their houses, well, take the electricity from the battery, and use it to run your cooker and your TV in the evening, and then charge it. And this is what the future looks like. In some societies, not in others, because it's a big stage of development, they're going to need all the technology that they can, but focusing on the potential for jobs and industrialisation in the new sectors is,
- What the UK has proved is that you can radically reduce your emissions whilst also growing the economy. So since 1990, so that period of just over 30 years, we have halved our emissions, 49% reduction in emissions, and the economy has grown by 75%. If you've looked at 2010, there's a rather simple sort of story. Emissions way down. The key part of cutting the emissions was certainly their need to use coal anyway. And by investing in renewables, the cost of that renewable energy has come down and down as technology has improved. It has not all been government investment. It's been about unlocking private sector investment by having sensible levels of government policy that allow investors to feel confident to invest in those renewable technologies.
- In the UK, most of renewables are from wind. In South Africa, most of the year, you have very reliable solar. So, making sure that you've got the right grid infrastructure, and that might be local grids versus national grids. Making sure that you've got the right planning regulations. Members indicated that theirs still aren't perfect but indicated that there's still a way to go in some of the South African planning regulations to enable the confidence in solar panels on the road to get the electricity that they need for the rest of the year, or solar panels for their manufacturing capability. They have done that without the need to use the fossil fuels so much. The other risk of the fossil in the line of petroleum, oil, or gas is you end up exposed to global crisis, and highly significant crisis. And what we've seen with Russian Ukraine, the impact of the Russian war in Ukraine has driven up gas and other prices across the world that have left consumers in the UK fairly exposed to hikes in gas and oil.

- One of the reasons why they want to have more oil and renewables is that they not so exposed to global gas and oil. If you wanted a lot more gas prices in South Africa, you can't guarantee that that oil and gas is going to come into South African demand, and they're going to be sold on the global market. I mean, maybe you can get oil, but you're not going to get potential risks of changes in the oil and fuel prices.
- The commitment to net zero, or 24 billion pounds of investment into the UK in 2021 alone, has worth 840,000 jobs, So it's a creative job, so it might be a bit more difficult to do it when you have the same challenge.

#### **4. Meeting with Offshore Energies UK (OEUK)**

**The Committee held a meeting with the Offshore Energies UK and the following transpired:**

Mr Keith Wise made presentation and explained that they have over 200,000 people a year employed within the industry, and more, and they're all quite good paying jobs relative to other engineering, other science. So, they are providing energy, will be doing cleaner in the future, He acknowledged that SA has got a natural resource in oil and gas, it's going to help the country, it's going to help things, you know, so that's the thing that we try and get across to the people, sometimes as a mature base. He said in terms of oil and gas, they're in the decline, you're on the up, we're in the decline, we've had our big reserves.

Keith talked about the regulation hierarchy, how they as a sector operate with government, and then he spoke about the nursery transition deal, which is that industry government partnership, Offshore Energies UK were Oil and Gas UK, and up until two years ago they changed their name. That was very deliberate, because they realised market intelligence, so what's coming, what do they predict that the investments are going to be, what do they think the energies are going to look like in 5, 10, 15 years. They tried and used a lot of the data to predict the market for investment, and what's going to be happening. In that as well, their production has been difficult. Covid stopped everything. Lockdown happened, and everything slowed down. So, they have to be a bit more aware of how they stop producing in terms of natural decline, where naturally these oil and gas rigs and wells will naturally slow down stock, versus the social licence to operate conversation of how they replace that, where does the energy come from. So, it's a real blend of energy they talk about now. They are going to be importing some of their country needs. Reference was made on the graph where one can see the red line on the bottom that shows the gap of what they need versus what they need to import. So, it would never be able to fulfil the UK's needs with what we have naturally, but we can certainly do a lot of it.

That was going to increase, the import gap will increase over time. Keith indicated that Investment was a very difficult thing to talk about in this sector because there's a perception<sup>346</sup> that this sector is a wealthy one, that it's full of lots of money, very expensive, high reward industry. But that's simply not true because all the profits that are being made are being reinvested back into changing into renewable things, changing into wind, into hydrogen. It was true that there were big profits, but they're being reinvested because of the North Sea Transition Deal, because they have set an expectation that this industry will change, and it will transition over. It has been shown some of the numbers there. £117 billion worth of hydrocarbons last year. It's a lot of money, a lot of big numbers coming into this. And we are making a difference to get to net zero. Their emissions are coming down. They have targets that the North Sea Transition Deal sets on the sector to have 25% emissions reduced by 2025, 50% by 2030, and then net zero by 2050. At the time of reporting, the number was 22% reduction in emissions, which has been achieved through efficiencies. They have been looking at how they operate as a sector, company level, so they've made it more efficient for them to do their business. And also, natural declines. Some of these wells have naturally stopped producing, which means the emissions come down anyway. So, wind or carbon storage. And making sure that gap is filled and we help bridge that.

The coal industry in UK just overnight disappeared because the government just stopped it because it was a dirty sector. They are refusing to make the coal industry happen again with oil and gas. We're helping the jobs, the communities, the people. I mean, this city alone is full of people who work here. OEUK represent the good portion of the UK. There's not much in the top north-west of Scotland because there's not much there. It's just trees and mountains. Keith explained on why they changed and what the challenges have been. For example, they had an energy profits levy, the windfall tax. So, government decided in the time of the energy crisis and the times of the energy security crisis with what was going on with Russia and Ukraine, that impacted them a lot. The government decided to put a tax on how much oil companies could profit which was 75%. These companies felt that was unfair and do not want to use their 25% that they've got left to reinvest in renewables. They wanted to know where are the incentive and why do they make it a practice for them to reinvest on that.

Members were very interested in the legal issues, changes in the law-enforcement devices. Keith responded that the licensing regime in the UK is supposed to have a high cadence, so basically, it's a thing called an innovative license that allows people to come in, it can be oil and gas operators, or it can be one person, you can decide to go and look at data. The UK, basically, because it's mature, it's very data-rich, and a lot of it is public. So, then people are encouraged to go away and let them work on somebody else's old data and then see if they can

make an opportunity. So, the idea being they have an innovative license that is supposed to be almost like a yearly cadence of, we are going to go and look at that, so then you can apply<sup>347</sup> for that license, you can win it, if your circumstances are good. There's a point scheme to actually win it, so basically, you'll have more opportunities, or they've missed that opportunity. So that's the way licensing is supposed to work. So, the high cadence, what we see is most of, being a mature basis, most of their licensing and exploration is tied close to existing infrastructure. Because it costs millions and millions of dollars to put a new installation in, however, if you can tie it back to an existing installation, that's beneficial. So, most of their exploration is tied to infrastructure-led, so there's some infrastructure in there. A person will have a lot of frontier exploration, where basically somebody's taking more of a gamble, more of a chance on something out there that's frontier, and they get big rewards. So, Norway has a licensing regime that flips, so one year they'll do frontier licensing, and then the next year they'll do infrastructure led. So that's the way Norway does it. So, around the year, sort of style, Denmark cancelled licensing. So that they said no more licensing, but they issued for exploration. However, they have a caveat in there, saying, however, they are doing many rounds, so there's a specific need for an energy security reason, or a specific need. An operator has their field, they look to something nearby, and they want to do the evaluation, and they can apply individually. Denmark has effectively an open-door policy.

The Netherlands, basically you take ownership, and you can apply for something, but there's no end date to when you can use it back. But you have to meet certain obligations to keep it. So that's, so around the basin it's slightly different. Exploration gets a lot of negative attention. You can see the green lobby focus on exploration and continue. As a result of that, it created a bit of a stop to how do they go about exploration because everybody's, okay, to get a typical project over the line in the UK from exploration to actual production is about eight years. If it's close to existing infrastructure, if it's isolated, you're talking 10 to 15 years. So, investors want to know that their investment is secure. They don't want to go and invest in it, and then there's a change in government, and the next government says, okay, well, you're not allowed to go to South Africa to get better returns, better secure investment, and things like that as well.

Keith said part of their challenge that they have in the UK is reminding the government that these investors are the same investors that can invest in the Middle East, can invest in, well, if they can, independent regimes, et cetera, but can invest in South Africa, can invest in Namibia, the big finds of Namibia, things like that. They have a choice, just as they all have a choice. It's a global industry, so he said they have to strike the balance of creating seismic data. Maybe you have to draw exploration laws and obligations there. So that was there and always has been and has been a lever for the government to put pressure on operators. They've given them a

license, but one need to fulfill his or her obligations as a license holder. There's a second portion to that that's been introduced two or three years ago. They have to do it within a net <sup>348</sup> zero context, so as to put pressure on operators. Not all operators are the same. Some of them are very good in terms of cleaning up their act, but you may have an asset in the North Sea or an oil and gas platform that's been there for 40 years. Maybe they have a very old engine for 2025. People were very sceptical of these targets, saying, they're very hard by indicating how can you reduce 25%? With industries, they're probably going to finish by 2025, under that. They'll probably achieve that goal in 2024, which is amazing for an industries group. But they'll probably doing all the quick wins. They'll have certain assets that are really polluting and probably drop off, but then there's also the good companies that are coming in and making big investments, doing all the quick wins. The harder part is getting to the 2030. You've got an amazing situation, in the sense that you've got growth.

How industry should comply with Agri-Farmers Regulation. They have over 45 industry guidelines that helps industry get through and navigate the landscape. And what they also involve is they also involve external stakeholders. They involve the government in how they think they should comply with their rule so that the onus is on everybody to do it. Ninety-five percent of the time, they have followed the guidelines. And then within certain caveats, depending on what the complexity was they find these are used globally and these are free to their members. There are other, so Petrobras, your Brazilian counterparts, download something, or they're working on something, we'll maybe let them take the lead on it. And then they will give input to their guidance as well. He indicated that they get a lot of interaction, mainly because they have 400 members. So, 80 supply chain, 80 operators, 400 supply chain organizations. So, they want to make sure that this is fit for purpose, to make sure their business continues to grow. So basically, one of the most important ones is well life cycles, integrity of wells. If one think of the Macondo rig incident, this is the guidelines to see how the UK will comply with well integrity. The Petroleum Act has now become the Energy Infrastructure Act 2015, and now it's going to go through another update. It's going to be another energy bill coming out of Parliament. The principal objective is to decommission so they can be used as future stores. That was going to be a big burden on industry because it's an extra cost. And that well was not an appropriate store. Then they went out to their membership and said, how do the define which well should or shouldn't be, and how do they go about that? And so, the first part of any regime of how to actually write that down and document, how do you define what should be done, what shouldn't be done, and how do you approach that? They came up with the guidance, the guidelines, and they haven't actually got guidance in place. So, it helps them, but it also helps the industry to minimise their costs, because it's part of the government's responsibility to make sure what they do in regulation doesn't increase costs for industry so

much that they actually leave and go to somewhere else, or they decide not to invest in that. So, they have to get the balance right. 349

The idea being that there are live documents, so the previous documents on issue 4, and every 3 years they do a major overhaul. Every 5 years they try to do a complete rewrite to make sure they've got the latest technology and things like that as well. The Transition Authority have released some licensing opportunities for this. They expecting to create 10 gigawatts of hydrogen produced through their floating wind efforts.

One of the things that Keith really like about the deal, was that in the people and skills section, not only are they trying to map out where the people are going to be and what skills they're going to have and where they need to be, OEUK was also committed.

### **Members engaged OEUK and raised the following issues:**

- Members wanted to know how much the investment in wind is going to be as mentioned was made on 200 million for the coming years.
- If OEUK were to compare with oil and gas, obviously there's going to be research that will determine how much of the resource is there, et cetera. How do OEUK intend to mitigate that issue? Because it's what South Africa is faced with, because of the tons of coal.
- And with these renewable ideas coming, it's as if renewables are the best thing. They haven't been tested. In South Africa, they said they want just energy transition, which in your terminology is net zero. But the just energy transition, it's a mix of energies. And South Africa belief is that the base load should be coal. Because the investors cannot determine for countries to do away with their resource, the resource that they have been using for quite a long time to sustain themselves.
- At the same time, it is believed that one need to refine how one uses oil and gas into mitigating the emissions. It's also why the South African countries should be seized with, to put more effort in the use of cleaner technologies to cap emissions.
- Members wanted to know what the people were doing before to transition. There is a different scenario when it comes to South Africa. Combine one process, existing solely because it's a coal process, and there's an unfair pressure to move from your base load is gas, which you are probably having in your country, and nuclear.
- There was a feeling that UK was not in a hurry to transition from gas, which is their natural resource. And South Africa seem to be rushed to transition from coal to other things. It looked like UK was in the same situation as SA when it comes to transition.

- Members wanted to know how they balance the environmental issues and development issues.
- Members felt that when OEUK said oil and gas, they are looking at oil and gas as another alternative, not something that they need to move away from.

## **5. Meeting with Centre for Energy Transition (University of Aberdeen)**

### **5.1 The Energy Journey: Oil and Gas and Beyond**

The Committee visited University of Aberdeen in Scotland and engaged with Prof John Underhill who is the director of the Centre for energy transition and also a Professor in geoscience and Energy transition. The University was founded in 1495 and is the 5<sup>th</sup> oldest university in the English-speaking world. The University has 3600 staff members and 14 000 students from over 130 countries.

Professor Underhill presented the energy journey in oil and gas by show of research and innovation to accelerate the Energy Transition. He indicated that Aberdeen University is world leader in oil and gas and one of the few universities left in UK that has such subsurface skills.

With regards to legal and regulatory of oil and gas, Professor indicated that a depth and breath of expertise allows broad coverage of issues which are:

- International (e.g role of maritime boundaries and joint development)
- State-Investor
- relations (e.g relational arrangement; dispute resolution)
- Regulatory (e.g competing models for health, safety and environmental)
- Contractual (e.g. risk allocation issues specific to hydrocarbons)
- Societal (e.g. impact and benefit agreements)

Forward -looking approach, identifying emerging issues related to energy transition were identified as follows:

- Property and liability dimensions of CCUS.
- Multidimensional legal implications of methane hydrates
- Planning and property dimensions of overlapping offshore energy developments
- Safety and environmental implications of renewable energy sources
- Legal and regulatory aspects of geothermal energy in offshore and onshore
- Legal dimension of a just transition which is industry and community.
- Economics of repurposing oil and gas assets for CO<sub>2</sub> capture and storage and for development of hydrogen.

Professor Underhill indicated that the University is the world-leading research in the economics of petroleum including design of contracts between oil companies and host government.<sup>351</sup> This is by design of royalty, tax, production-sharing terms, design of oil and gas security of supply provisions, design of environmental policies for oil and gas transition. It was reported that *Professor Kemp was appointed Official Historian for North Sea Oil and Gas* and published two volumes on that subject. With regards to environment on oil and gas, the current work includes marine biology, ecotoxicology, environmental analysis, pollutant fate and risk assessment.

With regards to education and skills on oil and gas and beyond, Professor indicated there's a number of undergraduate programmes that have been designed to reflect the needs of the upstream and downstream sectors. The University has further developed an extensive portfolio of taught postgraduate master's programme informed by close engagement with industry, government and other stakeholders. Online short courses are also available to gain the expertise to tackle the legal issues involved in decommissioning oil and gas installations, develop the specialist skills needed to compare globally within oil and gas law, advance engineering career with specialist online training in the design and operation of offshore pipelines and develop the specialist needed to succeed as a reservoir engineer,

## **5.2 Energy Transition**

Professor Underhill gave a presentation on the Energy transition. The energy transition represents one of the major global challenges. Energy is a good that can enable growth; without it, many daily functions are not possible. Energy allows for industrial growth, entrepreneurial activity and other public goods to be offered such as health and education. The current global dependency on fossil fuels and the urgent need to reduce the greenhouse gas emissions their use leads to research and training in the Centre for Energy Transition (CET) addresses key challenges facing the Energy Transition as they seek to reduce emissions and enable global, national and regional Net Zero targets to be met. The CET combines critical research with industry-leading training to address all aspects of the energy trilemma, namely energy security, affordability, and environmental sustainability.

Professor indicated that fossil fuels account to 82% of primary Energy Consumption. The following countries China, United states, European Union, India, Russian Federation, Indonesia, Brazil, Japan, Canada and Mexico are the top 10 sources of global emissions. Uk contributes less than 2% of global emissions. The UN sustainability goals are im to end World poverty, protect the planet and ensure prosperity for all. This is underpinned by translation of energy from current reliance on coal, oil and gas to renewable sources.

Professor Underhill gave a UK picture back in 1970s indicated that there was a little indigenous oil production. Gas discoveries were made in SNS and WoS, but were not considered of as much value as oil. UK was dependant on oil imports especially from Middle East which shows the importance of coal mining in the UK. In 1972 there was a coal mine strike and between 1973-1974 the oil crisis emerged. The balance of payments deficit and UK had to go to IMF for bail out. That was the birth of North Sea and UKCS. Geoscience and Engineering was seen as the key science and technologies and practitioner were highly regarded. Numerous discoveries were made, and production climbed and UK became independent on oil and gas.

Professor Underhill indicated that UK energy mix will need to be transformed. 75% of UK's primary energy needs are met by fossil fuels. Over 40% of UK's annual electricity demand is generated using fossil fuels. Solar and Wind are intermittent, and it means cannot rely as source of energy. With regards to UK domestic oil and gas, the size of discoveries became smaller and smaller. UK relies on other countries on oil that are carbon and currently importing oil and gas is needed in UK.

Two old coal-fired plants have begun generating again as the UK expects to see its coldest night of the year so far. Coal-fired plants stoked up in the winter and then again in past few days to keep the aircon going. Around three quarters of UKs total energy is derived from oil and gas. 41% of UKs annual electricity generated by gas. 23 Mn homes rely on gas supplies for domestic heating and cooking. 31 Mn vehicles currently rely on petrol or diesel. The revenue is more than 1bn pounds and supports 196 000 jobs

The Energy transition is one of the key societal challenges, with implications on global, national and local level. There's a need to decarbonise and reduce emissions at a pace that ensures security of energy supply and alleviates fuel poverty. The move away from fossil fuel dependence is a transition and not cliff edge and there remains a role for oil and gas in the interim. Given Aberdeen's place as the UK's oil capital, a lot of jobs and services dependence meaning there must also be a focus on people when making the transition.

**The following factors has been regarded as the energy transition themes:**

- The challenge to decarbonise and reduce greenhouse gas emissions;
- Deploying renewable (Offshore wind, geothermal hydrogen, CCUS) Technologies (e.g.to extend the life of mature basins like the North Sea);
- Energy security and the role of oil and Gas in the Net Zero World;
- Offshore Urban Planning and Regulation;

- A just Transition for all.

Professor Underhill indicated that Centre for Energy Transition will only fulfill its potential if it can draw upon strengths in the schools, identify synergies and common interest and add value where overlaps exist or can be recognised.

With regards to funding and training support, Professor indicated that £4Mn has been received from the University's Development Trust Funding for Early Career Research (ECR) posts and PhDs. The University has raised scholarships for a suite of training programmes (undergraduate courses, taught masters, doctoral degrees) including substantive awards from Shell and Total. An amount of £600k has been received for refurbishment and repurposing of room 118-122.

### **5.3 Conclusion**

In conclusion, Professor indicate that Energy transition is a key Global, National and Regional Challenge. He said Aberdeen University is committed to play its part in supporting the AGCC, industry, academic, Government partners and wider community of stakeholder. The has been numerous initiatives that already exist like (NDR, NESA , Geonet Zero CDT, Just transition Lab etc) and there's been aspiration to deliver others using the £4mn of Development Fund. The Centre is open to partnership, collaboration and co-design of training and research initiatives.

#### **The Committee engaged with Professor and raised the following issues:**

- The Committee wanted more information on how UK license and structure tax regime for oil and gas industry.
- Members noted that tax burden (i.e 75%) has led to led to lack of appetite to investment with reference to Shell, BP and Exxon mobile.
- Members noted that in 2019 there's been moratorium on fracking in UK whereas SA is looking at fracking as source of energy.
- Members wanted to know the required storage capacity for oil and gas.
- The Committee noted that UK is also experiencing the grid challenges.
- Members noted that there's been too much pressure to close coal power station not coal mines.

### **6. Meeting with North Sea Transition Authority (NSTA)**

Mr Aliaster Macfarlane explained the role of NSTA and said that they regulate and influence the oil, gas and carbon storage industries. They help drive North Sea energy transition, <sup>354</sup> realising the significant potential of the UK Continental Shelf as a critical energy and carbon abatement resource. They hold industry to account on halving upstream emissions by 2030. The NSTA takes a lifecycle approach to net zero regulation and a range of regulatory levers. This ensures the net zero is considered at every stage of the development of a field. NSTA analysis shows that the UKCS can make a major contribution to net zero. Oil and gas infrastructure and capabilities can be leveraged for CCs, offshore wind deployment and hydrogen transport and storage. They are one of the arms that executes the government's policy in a lot of areas, around net zero, around carbon tax and sewage and oil and gas. Mr Aliaster clarified that they are handling carbon capture and storage, only to offshore and also handles gas storage for the UK as well, so they are dealing with all licences of oil and gas and not an exporter of oil and gas.

UK demand for oil and gas exceeds production from the UK continental Shelf. NSTA analysis shows this will be the case in 2050. Gas from UKCS meets 40% of the UK total gas demand and on average has less than half the carbon footprint of imported LNG. He indicated declining production from the UKCS will continue to contribute to the UK's energy security.

The role and powers of NSTA on energy transition, was outlined in the Infrastructure Act 2015, the Energy Case Strategy and the central obligations. There are obligations on people to collaborate, so collaboration slows things down, makes things a little bit more complicated, and also made things harder to execute and more expensive. So NSTA pushed collaboration quite hard, they have put in the money to collaborate on decommissioning. He said the way the tax systems has been set up by UK government, they've got to be able to offset the decommissioning, they mustn't get taxed when they still don't spend any carbon.

The UK's got a voluntary agreement between industry and government, called the North Sea Transition Deal, which has a number of stepped reductions in it, and tariff points they need to meet targets. And part of that was to help NSTA to monitor and don't manage it as such as a voluntary arrangement, but to keep an eye on it. If they feel that activities aren't matching the top, then they going to be knocking on the door and saying, they need to do more on that. The North Sea transition deal commits industry to reduce emissions 10% by 2025, 25% by 2027 and 50% by 2030. Early progress has been made but bold measures were needed to surpass the 2030 target. Emissions from upstream oil and gas operations equated to 4% of UK total. Power generations accounts to 70% of upstream emissions and therefore power electrification is crucial.

- Members wanted to know who regulates the onshore infrastructure? The refining capacity, the storage, the pipelines, the terminals. NSTA responded that anything that's connected to hydrocarbons, they through that door and they do it. So, they also look after terminals but their actual emissions and stuff like that is local planning for it. Onshore, they regulate oil and gas as well, and they do storage.
- With regards to storing hydrogen in their existing storage, Mr Alister responded that hydrogen is quite a tricky gas at the best of times and is a great concern. There's a lot of studies going on what can be done, particularly some of the risks of combustion and transportation. And how it behaves in the reservoir, the leakage concern's going to be different. Just because it held methane doesn't mean it's going to be able to hold hydrogen.
- In responding to a question of compliance and monitoring, Mr Alister indicated that they do on-site monitoring inspections, because they've got a legislative responsibility. They ask for independent validations as well. Currently, the projects that are mature are not talking about much offshore infrastructure.
- With regards to how long does it take to issue storage payments and how do they transport, NSTA indicated most of the rail and rail-to-transport is through pipelines. And they are projecting at a large scale of 4 or 5 million tons per annum.

## **7. Meeting with Denby Grange All party Parliamentary Group**

The High Commissioner introduced the Chairperson of Denby Grange All party Parliamentary Group for South Africa, Lord Oakes and explained that they are a very powerful group in Parliament that depend on lobbying and add a voice in Parliament on anything about investment and trade. Because it is important for them to be able to have people of Parliament there who can speak on their behalf.

Johnny Oakes indicated that in terms of the transition, one thing that UK really got wrong was not getting the industrial base right. So, UK did not benefit in the sense of, they are one of the world leaders in wind generation, but they are not one of the world leaders in the manufacture of turbines and all the stuff that goes with it. In fact, it's German companies and other companies which had really benefited. Part of energy transition has got to be seeing benefits in those areas, because Aberdeen was a city that became the oil capital of the UK and very dependent on that. And in order to persuade people to stop burning these fossil fuels, one got to persuade them that there are jobs, there's employment, that they get the benefit from. Lord Oakes indicated that he is always conscious

in the discussions around coal and he is not hostile to coal. He knows what fuelled the UK, and the people who worked in those conditions helped power their industrial development. 356

### **The Committee engage with Lord Oakes and raised the following issues:**

- Members noted that Denby Grange All party Parliamentary Group was doing a lot of good work. However, this group is not exposing itself to what it does. It would be beneficial for the Committee expose itself to all of the committees or to the national parliament in its entirety.
- The trip has given some insights into other aspects beyond what the Committee was looking to. The starting point of just energy transition has to be how long does it take and how does South Africa get from where it is now to where it wants to be?
- South Africa single biggest problem as a country is that it has the highest unemployment rate in the world, which is about 35% and highest in the world because the economy is stagnant. South Africa economy is stagnant because it does not have security of electricity supply.

## **8. Observations**

### **Having conducted the study tour, the Committee made the following observations**

- The Committee observed that energy transition does not mean that countries must do away with the abundant resources they have.
- South Africa is not the only country that experiencing the grid capacity issues, UK has also the problem with grid.
- In order to achieve its net zero targets, the UK prioritised gas generation ahead of coal plants. Significant progress is being made towards achieving these targets.
- The Mission need DMRE on board to take South Africa to greater heights, to discover its manufacturing potential and its refining capacity.
- There is an appetite for investment in South Africa, but investors get discouraged by the licensing backlog and end up going to invest in other countries.

## **9. Recommendations**

### **The Committee of Mineral Resources and Energy recommends the following:**

- The department of Mineral Resources and Energy and the High Commission of South Africa in UK should improve on their communication strategy.

- Just Energy transition should happen gradually not just in an instant to ensure that the as much as SA wants to do away with fossil fuels, South Africa needs to Invest in carbon<sup>357</sup> capture storage than to do away with coal which is a base load currently.
- The South African government should consider funding on cleaner coal technologies especially the carbon capture storage programme.
- Reconvene a follow up meeting through virtual platform with the stakeholders the Committee met in UK together with relevant entities of the department of Mineral Resources and Energy i.e PASA and CGS.

## **10. Conclusion**

The Committee thanked all the stakeholders for engaging with the delegation and sharing of information. The Committee also thanked the South African Embassy for ensuring that the study tour of the Committee was a success.

Report to be considered.