

**THURSDAY, 7 SEPTEMBER 2023**

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***PROCEEDINGS OF MINI PLENARY 3 SESSION - NATIONAL ASSEMBLY***

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The House met at 14:01.

The House Chairperson, Ms M G Boroto, took the Chair and requested members to observe a moment of silence for prayers or meditation.

**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS** - see col 000.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Abrahams, I am not sure if we are ready to proceed. Are your guests here? I was actually requesting Miss Noxolo to perhaps tell us if her guests are here, the families so that we can ...

[Interjections.]

Ms P N ABRAHAM: No. Not at this time, Chair.

Mr B A RADEBE: Hon Chairperson, I think that as the House, we can proceed with the proceedings even in their absence as you know that these things do happen; it is not because of our choice. If the family cannot make it then we just have to

forgive them for that but let us do what we are supposed to do for our own member. She was part of us. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, I had thought maybe they are still having lunch somewhere or they are late. No, I get it, it is fine. Thank you. Hon members, the first item on the Order Paper is a motion in the name of the Chief Whip of the Majority Party. I will now recognise the Chief Whip of the Majority Party in the name of the House Whip.

Mr B A HADEBE (On Behalf of the Chief Whip of the Majority Party): Hon Chairperson, I am definitely not the Chief Whip of the Majority Party ... [Inaudible.] ... today. Chairperson, when coming to this motion, it is a sad motion indeed because even in the NCOP we have a similar motion whereby two Members of this Parliament have passed on and we are going to pass condolence motions in both Houses on the same day. So, it is a sad day indeed, but we must take solace in the fact that God knows what is happening as He said in Isaiah 55 that, as the heavens are higher up there than the earth, His ways are higher than ours and His thoughts are higher than ours. We just have to accept it ... [Interjections.] ... So, here is the draft motion on behalf of the Chief Whip of the Majority Party.

**MOTION OF CONDOLENCE**

*(The late Ms Tina Monica Joemat-Pettersson)*

Mr B A HADEBE (On Behalf of the Chief Whip of the Majority Party): House Chairperson, I move:

That the House -

- (1) notes with sadness the untimely passing of the ANC Member of Parliament, Ms Tina Monica Joemat-Pettersson on Monday, 5 June 2023.
- (2) acknowledges that at the time of her passing, she was serving as the chairperson of the Portfolio Committee on Police.
- (3) recalls that she was also serving as the member of the National Executive Committee and National Working Committee of the ANC.
- (4) further recalls that she previously served as the Member of the Executive Council for Education from 1999 to 2004 and as member of the executive council for Agriculture and Land Reform from 2004 to 2009 in the Northern Cape; and at national level, she served as the Minister of Agriculture, Forestry and Fisheries from

2009 to 2014, and as the Minister of Energy from 2014 to 2017.

- (5) remembers Ms Joemat-Pettersson as an extraordinary freedom fighter, whose sacrifices and commitment to the liberation of people remain a source of inspiration to many young people.
- (6) further remembers her as a selfless leader, servant of the people and a tried-and-tested daughter of the revolutionary movement.
- (7) recognises her intellectual sharpness, political maturity and passion for defending the vulnerable in society, especially women.
- (8) believes her passing has robbed the people of South Africa of a humble and dedicated servant who used her knowledge to advance legislative work in order to change the lives of ordinary South Africans; and
- (9) extends its heartfelt condolences to the Joemat family and friends.

I thank you, Chair.

M GEN O S TERBLANCHE: Hon Chairperson, hon members and the family and friends of the late hon Tina Joemat-Pettersson, let me begin by conveying my sincerest sympathy and condolences to the family and the loved ones on behalf of the DA. On behalf of my own family, I would also like to extend our heartfelt condolences for this untimely and tragic loss that happened. May you find comfort and peace in our God Almighty Himself.

We all struggled to come to grips with the sheer finality of her death. Her unexpected passing came as a tremendous shock and certainly leaves an enormous void in the lives of all those around her, as well as the environments she played an active role in. To the ANC, I also offer condolences, the political party that the hon Tina served with total commitment and dedication. I met the hon Tina at the start of the Sixth Parliament when we both ended up as members of the Portfolio Committee on Police, and she was appointed to be the chairperson of this crucially important committee.

We did not know each other at the time and as a result, I viewed her appointment with slight prejudice and suspicion. That was based on my own interpretation of media reports about her at the time. Along the way we got to know each other. I realised that we shared a common goal, namely, to transform the SA Police Service and make the country a better place for the good of all its citizens. Under her guidance the committee

soon began to work more cohesively, found direction and established a certain rhythm. She never hesitated to crack the whip when circumstances called for it. Her impact will be sorely missed. She still had so many plans that she wanted to pursue.

The week before her passing, we visited her beloved Northern Cape, her place of birth. She was so happy and shared some of her deepest sentiments, emotions and dreams with us, such as her love for her children, family and friends and her aspirations for them. Like all of us, Tina was not perfect. She may have had her imperfections, but she also had a relationship with God. She enthusiastically told me that she was visiting her church with a friend that she thoroughly enjoyed the experience because they were what she called serious about their Creator.

At this time the cause of her death is still unknown to the committee. I know that the police are dealing with the investigation, and I hope it will be concluded soon. The hon Tina is no longer with us. Her earthly journey has ended. She has now moved on to the next chapter. We are left with memories only and will hopefully build our own future on the positives learnt from her life. I want to thank God Almighty for the life of the hon Tina Joemat-Pettersson. May her soul rest in peace and rise in glory. Thank you.

Mr M MANYI: Chairperson, on behalf of the Economic Freedom Fighters, the EFF we stand here to convey our deepest condolences to the Joemat-Pettersson family. Her unexpected passing has deeply shocked us all. Ms Joemat-Petterson dedicated herself to a life of public service and because of this, we had the opportunity to share with her the political space. While we did not always obviously agree on everything, but the disagreements that we had with her which were organisationally based were always on principled matters. For this reason, she continued to be a vital presence in the political landscape and in this Parliament.

Madam Chairperson, it would be insincere for us to simply convey our condolences and pretend as if all is well. It would be a disservice to history if we did so. We have a duty and obligation to speak the truth, particularly to the people of South Africa. As we express our condolences to the family, it is essential to remind one another that Ms Joemat-Pettersson's departure occurred under notably very suspicious and murky circumstances.

Her passing came just days after revelations that she, along with the Chief Whip of the ANC, Ms Pemmy Majodina, and Mr Richard Qubudile Dyantyi, the chairperson of the Committee on section 194 enquiry allegedly conspired to extort money from the Public Protector, Adv Busisiwe Mkhwebane, through her

husband for a favourable committee outcome. When this information became publicly known, we were among the first to urge Ms Joemat-Pettersson to become a state witness, share all the relevant details and seek protection from the authorities. Our call was driven by the fact that we are aware of a concerning trend of assassinations within the ruling party targeting those who wish to expose wrongdoing. It is known that ...

Mr B A RADEBE: Hon Chairperson, I am rising on Rule 84. We are busy with the condolence motion here. I think that what is very critical here is that we must just respect the memory of our departed colleague. We cannot start casting aspersions on her. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. May I not rule on that and allow the member to proceed? I will look into it. Thank you.

Mr M MANYI: Chairperson, it is known that Sindiso Magaqa, the former ANC Youth League secretary-general, lost his life for opposing corruption. It is also known that Mfundo Mokoena, another leader of the ANC Youth League, was tragically murdered in KwaZulu-Natal. Babita Deokaran met her untimely death for challenging corruption in Ekurhuleni and the list continues. It deeply troubles us, Chairperson, that Ms Joemat-

Pettersson passed away just as these serious allegations were being exposed.

Our hearts remain heavy with the knowledge that those who mourn her the loudest might very well be potentially involved in plots against her. Once again, we conclude by extending our heartfelt condolences to the Joemat family, her friends and her genuine comrades. Thank you very much, Chairperson.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members on the virtual platform, please mute your gadgets. Please!

Ms Z MAJOZI: House Chairperson, the IFP would like to express its sorrow and sympathy on the unexpected passing of the of National Assembly Member of Parliament and chairperson of the Portfolio Committee on Police, hon Tina Joemat-Pettersson. Though we are saddened by the loss of the hon Joemat-Pettersson, I am also very grateful to have served with her in the Portfolio Committee on Police.

Hon Tina Joemat-Pettersson was a very warm and welcoming person who wore many hats. She was a mother and a grandmother who loved to share stories about her children and grandchildren. However, to many of us she was a fellow comrade, an advisor and a support system when we needed it. She was a strong leader who did not discriminate.

Even if you belonged to a different organisation, she always treated you with the necessary respect. She was also funny and would lighten the mood of our portfolio meetings with a joke. She was a very talkative person who, with a beautifully bubbly personality, always spoke positively about life in a way that made you want more of her wisdom.

Chair, I never thought this day would come. Not for a moment did I think I would ever have to speak about her in the past tense. We have lost a true servant of the people who was strict, yet kind. In our Portfolio Committee on Police meeting, if we received presentations and the presenters were not clear on what they were saying or seemed unprepared, she would turn them back and say that the standards of the committee cannot accept that.

In the committee, she would give everyone an opportunity to speak and share their views. She was also incredibly respectful. For example, in our meeting she would never make a mistake of calling you by your first name. She would always call everyone, hon member. We truly lost a chairperson who knew how to navigate the SA Police Service. That is why, Chair, making this speech today really hurts.

She often spoke to me about the things she went through in her life. With that in mind, I want to encourage all of us present

here today to reach out and support one another. We may be from different organisations and have different ideological beliefs and standpoints, but may we never forget that we are all human and in need of kindness.

We implore all hon members to not let hon Joemat-Pettersson and all other fallen colleagues' efforts to the House and the country go in vain. We need to continue building a House of representatives that is trustworthy and reliable, and makes a difference in the lives of those we represent on a daily basis. In closing, we, as the IFP, would like to extend our heartfelt condolences to her family, friends and all loved ones with whom she shared her life. May you hold the memories you have with her close, and we wish you all the strength in healing. Thank you, Chairperson.

Mr W W WESSELS: House Chair, on behalf of the FF Plus, I wish to extend our heartfelt condolences to the family and friends of the hon Tina Joemat-Pettersson. Our condolences are also extended to the party that she was loyal to - the ANC. She was a dedicated member of the ANC and a public servant. However, she was also an educator and remained a teacher. Although she was a Minister, a chairperson and in many other roles, she remained a teacher her whole life, and she never passed up an opportunity to correct someone's language and spelling. I think her colleagues also know that.

As the chairperson of the Portfolio Committee on Police, she ensured that the committee did its work diligently and she was really a hard worker. I got to know the hon Pettersson during her tenure as the Minister of Agriculture, whilst I was also employed in the department, in the office of the Deputy Minister. We had our differences, and we had a lot of clashes, but her sense for fashion was something we will always remember.

I don't know who inherited her shoes, but ... [Laughter.] ... that's a very lucky person. Her sense of humour always stood out. Something that a lot of colleagues also mentioned is that she was a dedicated mother. She really loved her children and always shared stories about them, and her concerns about their wellbeing and their future. We also wish and hope that they are well in their journey for the future.

She was also dedicated to her province, the Northern Cape, and to her constituency. She would always reflect on the people of the North Cape. I think her untimely death has left a void in the ruling party, in public service and also in the Northern Cape. Once again, our heartfelt condolences to her family, friends and colleagues. Thank you.

Rev K R J MESHOE: Chairperson, on behalf of the ACDP, I wish to convey our heartfelt condolences to the extended family and

friends of the late ANC Member of Parliament, Ms Tina Monica Joemat-Pettersson, who passed away on Monday, 5 June 2023. At the time of her passing, she was serving as the chairperson of the Portfolio Committee on Police. Despite the controversies that created a dark cloud that hangs over her head, a cloud that included allegations of misconduct and corruption, my personal opinion of her was that she was one of the most competent chairpersons of a parliamentary committee, who did her work with diligence and commitment.

Ms Tina Joemat-Pettersson, who was elected to the Northern Cape provincial legislature after the 1994 General Elections, as a member of the ANC, having entered the provincial legislature, she was appointed the MEC for Education, Arts and Culture. In 2004, she was appointed the MEC for Agriculture and Land Reform. Then, in 2006, Ms Joemat-Pettersson was reportedly ranked as the best performing MEC for Agriculture in the country by an agricultural magazine.

Her political party, the ANC, has stated that they will remember her as a ... [Inaudible.]

MODULASETULO WA NTLO (Mof M G Boroto): O hakile ntate, ha ke tsebe hore bothata ke eng. Kwala vidiyo, mohlomong ...

[Kenohanong.] [Ha ho utlwahale.] Ke a kgolwa hore motlakase wa hao o qeta ho tsamaya. O tlayedisa kgokahano ya marangrang.

Ntate Moruti! Na ha ho na motho e mong ka Tlung ka mona wa  
ACDP? (*Translation of Sesotho paragraph follows.*)

[The HOUSE CHAIRPERSON (Ms M G Boroto): You have technical  
glitches, sir. I don't know what the problem is. Please switch  
off the video, maybe ... [Interruptions.] [Inaudible.] I  
believe your electricity has just gone off. It's disrupting  
the communication network. Reverend? Is there anyone from the  
ACDP in the House?]

Mnr Swart en me Sukers, waar is julle? (*Translation of  
Afrikaans sentence follows.*)

[Mr Swart and Ms Sukers, where are you?]

If you are there, please help. Okay, we will come back to  
Moruti.

Mr S N SWART: Thank you, Chair.

The HOUSE CHAIRPERSON (Ms M G Boroto): Let him try to get  
space and we will come back to him.

Mr S N SWART: I appreciate that, Chair. Thank you.

Ms T L MARAWU: Hon Chairperson and hon members, as the ATM, we are conveying our heartfelt condolences to Tina Joemat-Pettersson's family and friends, and to her political home, which is the ANC. It was a shock to us, as the ATM, because we were still expecting a lot from her. To lose a member of such a calibre is really frustrating, hon Chairperson.

She was a selfless leader, a servant of the people, a revolutionized and committed leader who served almost in all spheres of government, working very hard for the total economic emancipation of the poor of the poorest. We are saying to the family ...

... akuhlanga lungehliyo. Mabaxole. (*Translation of isiXhosa sentence follows.*)

[... please accept our deepest sympathy. Let them be at peace.]

And, to her political home ...

... sithi, uThixo akathathi nto angabeki into. (*Translation of isiXhosa sentence follows.*)

[... we are saying, God does not just take something and leave nothing.]

May her soul rest in eternal peace. Thank you, hon  
Chairperson.

Mr A M SHAIK EMAM: Hon House Chairperson, I am not going to spend time looking at the history, the educational qualifications and things of former chairperson Tina Joemat-Pettersson, rather than to say: In the opportunity that we have had to work with her, in the oversight trips that we had, engaging with her in the portfolio committee, indeed, she was very committed to the ANC to such an extent that towards the latter part, just two weeks before she passed on, some of us felt she was really campaigning well for the ANC wherever we went.

Very importantly, when we went to Northern Cape, she was welcomed by many family friends. You could see she was well-loved by the people who knew her. More importantly, when we went to the recruitment centre at the SA Police College in Pretoria, of course, she got this message loud and clear to all the recruits:

All of you must thank President Ramaphosa. This is his decision. He paid. He wants new people here. So, you may be grateful to him.

However, very importantly as well, I had the opportunity on those two trips, particularly of sitting next to her. She was always concerned whether I have had my Halaal food. But more importantly, in the committee she conducted herself without fear or favour, particularly if you look at the issue of the firearms registry, which members of the portfolio committee were not satisfied with. She put her foot down that she was going to go on an oversight visit, and only if she saw for herself that there was progress, was she going to accept that report. Otherwise, she was not going to do that.

Yes, indeed, I think she was very committed and dedicated. It is a pity, because it came as a great shock to us, particularly to me, because I was sitting next to her two weeks before that and spent a lot of time with her. It really meant a lot. However, I must say to the ANC, her family, friends and colleagues: We have lost a leader who was very committed from the days of liberation until her last moments. We extend our deepest condolences to all of you. Thank you very much.

Mr S M JAFTA: Chair, as the AIC, we wish to pour our warm hearts to the family of the late Ms Joemat-Pettersson. Ms Pettersson was a remarkable person, with outstanding academic qualifications. She graduated from the University of Western Cape, with a Bachelor of Arts in English and History; a Higher

Diploma in Education from the same university; and obtained her degree in Executive Management in Education from the University of Cape Town.

We know her passion for education started off when she led ... [Interjections.] [Inaudible.] ... in the Northern Cape.

The HOUSE CHAIRPERSON (Ms M G Boroto): Tatana Bilankulu!  
Please!

Mr S M JAFTA: We know that she led SA Democratic Teachers Union, Sadtu, in the Northern Cape, as its national representative. She became a member of the SA Democratic Teachers Union in 1992. She went on to become a member of the Northern Cape regional delegates to the ANC National Education and Cultural Desk during the period 1992 to 1993. She was also a member of the ANC Women's League national executive committee from 1998 to 2003. She was the Minister of Agriculture, Forestry and Fisheries from 11 May 2009 until 25 May 2014.

In her stint as chairperson of the Portfolio Committee on Police, Miss Joemat-Pettersson was enigmatic and practical. We saw her diligence in how she reigned-in the Minister of Police and his officials before this committee. Hon Joemat-Pettersson was a patriot, and her legacy must not be distorted. She was

also human and suffered normal human imperfection. May her soul be spared. May she rest in eternal peace. Thank you, Chair.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. Cope! Before hon Hendricks, may I check if ... Where is the chair that should be here for members coming from this side? Hon Hendricks is too far, just get a chair and put it here for him to be seated as I go back to Rev Meshoe. Rev Meshoe, are you okay now?

Rev K R J MESHOE: Yes, Chairperson, I should be.

The HOUSE CHAIRPERSON (Ms M G Boroto): You may proceed!

Rev K R J MESHOE: Should I start from the beginning?

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, yes, do. You have two minutes!

Rev K R J MESHOE: House Chairperson, on behalf of the ACDP, I wish to convey our heartfelt condolences to the extended family and friends of the late, Ms Joemat-Pettersson who passed away on Monday, 5 June 2023. At the time of her passing, she was serving as the chairperson of the Portfolio Committee on Police.

In spite of the controversies that created a dark cloud that hanged over her head, a cloud that included allegations of misconduct and corruption, my personal opinion of her was that she was one of the most competent chairpersons of a parliamentary committee who did her work with diligence and commitment.

She was elected to the Northern Cape provincial legislature after the 1994 general elections as a member of the ANC. Having entered the provincial legislature, she was appointed the Member of Executive Council, MEC, for Education, Arts and Culture. In 2004, she was appointed the MEC for Agriculture and Land Reform. Then in 2006, Ms Joemat-Pettersson was reportedly ranked as the best performing MEC for agriculture in the country by an agricultural magazine.

Her political party, the ANC, has stated that they will remember her as a selfless leader, servant of the people and an extraordinary freedom fighter whose sacrifices and commitment to the liberation of people, will remain a source of inspiration for many young people.

Those of us in the ACDP who knew and served with her, recognised her intellectual sharpness, political maturity and passion for defending the vulnerable in society, particularly women. The ACDP supports the motion we are debating today

that, with her passing, we, the people of South Africa, are robbed of a humble, dedicated but vulnerable Member of Parliament, MP, who used her knowledge to advance legislative work in order to change the lives of ordinary people.

On 20 June 2023, the SA Police Service announced an inquest into her death after uncovering sufficient evidence that her death was not due to normal causes. The ACDP ... Thank you, mama. [Time expired.]

Mr M G E HENDRICKS: Hon House Chair, the late Tina Joemat-Pettersson was indeed a remarkable person who made a significant contribution to the development of South Africa. Al Jama-ah extends its condolences to her children - and we are very happy her son is here with us - the rest of the Joemat-Pettersson family and the ANC who lost a dedicated comrade. She will be remembered for the passion she displayed for public service and the strive to improve the lives of marginalized communities.

Comrade Tina, who hailed from Kimberley, was brought up in a close-knit community with family values and the spirit of Ubuntu. During her reign as Minister of Agriculture, Forestry and Fisheries, she was instrumental in the implementation of policies and programmes which addressed the challenges that marginalized communities and farmers experienced with land

reform and access to agricultural resources. These challenges continue to exist, and we call out government as a tribute to the legacy of comrade Tina, to revive the Comprehensive Agricultural Support Programme by elevating the financial and technical assistance to emerging and marginalised black farmers.

Hon House Chairperson, just a few weeks prior to her untimely death, I had an hour-long conversation with her during her flight journey. She looked unwell and sick, and each time I tried to stop talking, she continued to give her counsel. She expressed the support, also saying that several of her family members are Muslim and she also asked us to share small goals.

She further expressed her concerns over the water quality in many of the countries, provinces and encouraged me as a member of the Portfolio Committee on Water to continue doing oversight on the quality of water. She even sent me the next day, samples of water sanitation tablets which I used to test the sachets and the dirty water was clear after using it. The tests were very good.

Tina will be fondly remembered, and Al Jama-ah will follow the valuable advice that she shared with me; and her humanitarian outlook will continue to inspire us. Thank you very much.

Mr A M SEABI: Hon House Chairperson, hon members, family members, friends, and comrades, I am humbled to lead the message of condolences in honouring the memory and legacy of the late hon Joemat-Pettersson in this august House today. The unexpected and sudden death of hon Tina Joemat-Pettersson on 5 June 2023 sent shockwaves throughout South Africa, Parliament and the ANC.

I think there remains some disbelief that a fire that burnt so brightly went out so suddenly and that her sunset came far too soon. Tina Joemat-Pettersson was born on 16 December 1963 in the Northern Cape, where she focused much of her political energy to the betterment of the province which she loved and always called home and held dearly. I know that she was looking forward to her 60th birthday celebration in December.

Hon Joemat-Pettersson entered politics in the 1980s and became a fierce leader in our struggle to end apartheid. In 1994 she was appointed to the first executive council of the Northern Cape and served as Member of Executive Council, MEC, for Education, Arts and Culture. In 1998 she was elected Chairperson of the ANC Women's League in the Northern Cape.

After the 1999 general elections, she remained in the Northern Cape Cabinet and served as MEC for Education. As an educator herself, she brought much-needed energy and leadership to the

education portfolio in the Northern Cape. During her tenure as MEC for Education, the Northern Cape had the highest matriculation rate in the country for three consecutive years and the number of schools with a pass rate of less than 20% was reduced to zero by 2000.

After the 2004 elections, hon Joemat-Pettersson still remained in the Northern Cape Cabinet where she served as MEC for Agriculture and Land Reform. In 2009 she was elected to the National Assembly and shortly afterwards, was appointed as the national Minister of Agriculture, Forestry and Fisheries. Thereafter, she served as Minister of Energy from 2014 to 2017. After the 2019 general elections, hon Joemat-Pettersson was once more elected into the National Assembly, where she served as chairperson of the Portfolio Committee on Police until her death in June this year.

Throughout most of her political career she served on the highest structures of the ANC including the national executive committee and national working committee. On 14 June, the Portfolio Committee on Police led tributes to the late hon Joemat-Pettersson, during which various stakeholders within the police portfolio took the opportunity to share their thoughts, emotions and condolences on the passing of the late hon Joemat-Pettersson.

During these tributes, the feelings expressed were unanimous in that she was dedicated to the committee's work with the sole intention of ensuring a safer and better country for all its people.

We all agreed that she had an amazing sense of humour but would not take anything less than competence and hard work. Her dedication to the work in the committee culminated in significant successes in the policing environment and police oversight. Her leadership and commitment led to the substantial reduction in the Deoxyribonucleic acid, DNA, analysis backlog and processing of the DNA Amendment Bill, which led to the full implementation of the Criminal Law Amendment Act.

She led the committee throughout the review of the Protection of Constitutional Democracy Against Terrorist and Related Activities Amendment Act, which strengthens the global fight against terrorism and terrorist financing. This was instrumental in addressing technical compliance deficiencies as highlighted by the Financial Action Task Force in the Mutual Evaluation.

Hon Joemat-Pettersson led the committee throughout difficult meetings in which critical issues were discussed, including crime statistics, firearm amnesties, police staff morale,

gender-based violence and femicide. All these paid major dividends in policing oversight.

She further led the committee through unprecedented times that affected Parliament when we had to abruptly adapt to virtual committee meetings during the COVID-19 lockdown and thereafter. These were uncertain times during which she was a constant pillar of support and leadership.

We will remember hon Joemat-Pettersson for her exceptional political acumen and leadership. She was a humble and dedicated servant to the ANC and the country as a whole. She stood firm in her beliefs and never shied away from holding the executive and departments under our oversight mandate to account. It was at times abrasive, but with good intentions for the betterment of safety and security.

Those who knew her better will remember her as a kind and caring person. She took an active interest in the lives of those close to her and she was always available to lend assistance or just words of encouragement when needed. She loved herself and had a good sense of fashion. She would go to an extent of asking you whether she looks beautiful and if you respond in the positive, she will ask you why don't you tell me?

Apart from her illustrious political career, her foremost priority was her children with whom she shared an extremely close bond. We express our most sincere condolences to her sons, Terence and Austin, and the family at large. They remain in our prayers and we wish them comfort in cherished memories with their mother. May her soul rest in peace and rise in glory. I thank you, House Chairperson.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): That concludes the speaker's list on this matter. I take it that there are no objections to the motion being adopted. Will members please rise to observe a moment of silence in memory of Ms Tina Monica Joemat-Pettersson.

Moment of silence observed.

The Presiding Officers associate themselves with the motion. The condolences of the House will be conveyed to the Joemat-Pettersson family.

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE -  
PUBLIC FINANCE MANAGEMENT AMENDMENT BILL**

Mr M J MASWANGANYI: Chairperson, let me present the report on the Private Member's Bill by Mr Lees. The Bill was introduced as a Private Member's Bill by MP Alf Lees, seeking to amend

the Public Finance Management Act to provide for parliamentary oversight when a request to issue a guarantee, indemnity or security is approved or rejected. Its fundamental purpose is to enhance transparency and accountability in the management of public finances, a goal that we all hold.

Let me provide you with some context. The Standing Committee on Finance gave this Bill the same rigorous treatment and consideration that we afford to ministerial Bills as guided by the Constitution. When we process a Private Member's Bill, we go back to the 2012 judgment, the Concord Judgment, or popularly known as the Ambrosini judgement. If you remember, then the late Ambrosini, took this Parliament to court seeking that an individual Member of Parliament should have the right to introduce a Private Member's Bill, and the Constitutional Court ruled in his favour. So, uthini Shenge? [What are you saying Shenge?]

Mr E M BUTHELEZI: ... [Inaudible.]

Mr M J MASWANGANYI: It was not Inkatha vs Parliament. It was Ambrosini.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Address me, hon member.

Mr M J MASWANGANYI: Okay, thanks, Chair. So, as Parliament, we believe in fostering an environment of equality and fairness when it comes to shaping our nation's legislation. Like any other Bill, we made a provision for public participation, both in written and oral submissions. Various stakeholders made submissions. On top of that, we requested National Treasury to give us a view or its opinion on this Bill. National Treasury expressed support for the Bill's core objectives but suggested that achieving them might be more appropriate through secondary legislation such as instructions or regulations issued under section 76 of the PFMA. They raised concerns about the potential complexities and unintended consequences that could arise from amending the principal Act. After careful consideration, the majority in the committee decided to reject the motion of desirability for this Bill, based in the main, on what the public have submitted and the reasoning of Treasury. So, there was no prejudice in processing this Bill. It was as a result of the opinion of Treasury and public participation that the desirability motion was rejected.

Ndza khensa. *(Translation of Xitsonga sentence follows.)*

[Thank you.]

*Declaration of votes:*

Mnu R A LEES: Sihlalo kade ngagcina ukukhuluma lana kule ndawo enhle kangaka. Ngakho ngiyajabula ukuthi ngibe nani namhlanje. Nanoma uMthethosivivinyo wami niwulahlile. (*Translation of isiZulu paragraph follows.*)

[Mr R A LEES: Chairperson, it has been a long time since I have spoken at this magnificent podium. Hence, I'm delighted to be with you all today, even though you haven't supported my Private Member's Bill.]

Mr Chair, this Private Member's Bill was introduced by the DA in 2018, some five years ago. The reading of the Bill today is simply a tick box exercise, as despite the ANC having no objection to the contents of the Bill, they voted that the Bill was undesirable. Section 70 of the Public Finance Management Act currently grants any Cabinet member the power to issue a guarantee, indemnity or security with the written concurrence of the Minister of Finance, despite the significant impact such a guarantee, indemnity or security may have on the economy of South Africa. The Act does not make sufficient provision for parliamentary oversight, as no provision is made for Parliament to be notified when such an instrument is being issued. The purpose of this Bill is to extend Parliament's oversight capacity in relation to the granting or refusal of government guarantees, indemnities or securities. This Bill provides that the Minister of Finance

must table a report in Parliament which sets out his or her decision to approve or reject such a guarantee, indemnity, or security no less than 30 days after such guarantee, etc, has been approved or rejected. Despite National Treasury's support in principle for the Bill, the committee endorsed National Treasury's strange proposal to outsource legislation itself, which in effect allows for National Treasury and the executive's continued unfettered freedom to potentially keep the door open to executive discretion in issuing government guarantees. National Treasury submitted that a regulatory instruction in terms of section 76 of the PFMA should be issued in place of this Bill and that such an instrument could be issued by August 2022. This ... the ANC accepted, and the Bill was voted as being undesirable by the majority, as the Chair has just said.

Fifteen months have passed since the committee rejected this Bill, and a year has passed since the August 2022 to date that National Treasury committed to produce such a section 76 instruction note. Yet, there is no indication that any such instruction note as proposed by National Treasury has been issued. Only yesterday the Minister of Finance, whilst appearing before Scopa, complained about the risks associated with government guarantees. Yet, here we are, rejecting what was clearly a nonpartisan and desirable Bill. There can be no doubt that an opportunity to fix a massive risk in the PFMA

that all parties and National Treasury accept is a real risk has been lost, seemingly on the basis that the Bill emanated from the DA. Because there is no way of Parliament doing oversight over the issuing of government guarantees, It's quite possible that a new and extensive government guarantee has been issued to Eskom so that they can borrow more on the backs of taxpayers or worse, perhaps SAA is still operational using funds borrowed on the backs of existing government guarantees or even new government guarantees. Parliament has no way of knowing, and Minister Gordhan is not likely to tell us. Perhaps the Minister of Finance will voluntarily report to Parliament. I guess probably not. What a sad state of affairs.

Mr M MANYI: Hon House Chairperson, the committee's decision to reject the Private Member's Bill concerning the disclosure of government guarantees prior to their approval is both irrational and actually nonsensical. What is even more shocking is that this decision goes against the legal advice provided by the committee's parliamentary legal services. We have legal advice stating that rather than relying on the executive to issue instructions or present legislation, we should act. Yet, we go against such sound advice purely due to partisan reasons.

The political questions at hand do not necessitate input from the National Treasury or the executive. These are

straightforward questions that Parliament can address by passing legislation. We cannot depend on the executive to enact legislation that will bolster Parliament's oversight over the same executive. We cannot rely on the executive to pass legislation that tightens control over delayed submissions. Similarly, we look to the executive to draft legislation promoting transparency and participatory democracy. We are well aware that the executive seeks to obscure matters and sweep corruption under the rug, just as was seen with the Phala Phala scandal when the President was allegedly found laundering millions of US dollars hidden in his sofas.

The EFF rejects the committee report and asserts that it is high time that Parliament took the responsibility of legislating instead of passing this duty on to the executive. Thank you, House Chairperson.

Mr E M BUTHELEZI: House Chair, as we consider this Bill, specifically relating to amending section 70 of the Public Finance Management Act, PFMA, one is left stuck between a rock and a hard place. Yes, hon House Chair, the cause and objective of this amendment will increase the oversight authority of Parliament in refusing or granting government guarantees, while at the same time it may possibly delay the release of funds through guarantees, indemnities or security

to government departments or state-owned entities, SOEs, which may need urgent support.

In exercising oversight while mindful of overlegislating or creating more red tapes in issuing government guarantees, the IFP believes it is best to grant Parliament greater oversight over such decisions in this instance. The past few decades of mismanagement, poor leadership and poor internal financial controls within our government departments and SOEs, further cements this decision to support the amendment of section 70 of the PFMA.

Leaving such a decision in the hands of the Minister of Finance alone and by extension to the executive arm of the state, will be diminishing our role as the oversight authority. It is imperative that we take cognisance of the fact that the issuing of funds via guarantees from Minister to any department, public entity or state-owned company may negatively affect our credit rating and place our economy at risk.

We must protect our people's money and ensure that every cent is spent according to the stated objectives as sought by the relevant department. Therefore, in considering the submission made by Treasury bearing in mind the committee's decision, the

IFP supports the amendment of section 70 of the PFMA to reflect greater oversight for Parliament. Thank you.

Mr W W WESSELS: House Chair, we have a very big problem. Let's just think about what is being proposed here. It's a very logical amendment that is proposed by honourable Lees's Private Member's Bill. We have a problem currently that I don't think anybody in this House will dispute and that, is that government debt is out of control. Secondly, we have a problem which the State Capture Commission pointed to, that there's a lack of oversight by this Parliament.

Now, let's take those two aspects and think of what is being proposed by National Treasury and accepted by the members of the ANC of the committee. They propose that oversight should be done by the executive issuing secondary legislation. That is what Treasury proposes. Why would you fall for that? How is that logical? It's an irrational decision that ANC members in this committee have taken. And why? Because it's a Private Member's Bill by a member of the opposition. Show me one Private Member's Bill that is accepted by the majority party when it comes from the opposition. Not one.

Even though the chairperson of the committee stands here and talks about the importance of Private Member's Bills, you never accept it. You want it to come from the executive

because why don't you then make it a committee Bill if you want? You don't do that because you think, as the ANC, that the legislative task is that of the executive, and that is the biggest problem.

This legislature has lost its actual function because you are dictated to by the executive when it comes to legislation; you accept what they say about legislation, and you don't fulfil your role as legislators. We are completely against the notion that secondary and delegated legislation should take priority. Yes, there's necessity for it sometimes, but you can't give all powers to the executive to make secondary legislation and be vague in our primary legislation at the end of the day. We have a responsibility. This was a logical amendment, especially in the times that we are in. This is irrational and ridiculous.

Mr S N SWART: House Chair, the ACDP has taken note of the report, and we would like to remind the House what the Constitutional Court had to say about the importance of Private Member's Bills in the matter involving the late Member of Parliament, MP, Mario Ambrosini. It said:

The power of an individual member of the Assembly to introduce a Bill, particularly those from the ranks of opposition parties, is more than ceremonial in its

significance. It gives them the opportunity to go beyond merely opposing, to proposing constructively, in a national forum, another way of doing things. It serves as an avenue for articulating positions, through public debate and consideration of alternative proposals, on how a particular issue can be addressed or regulated differently and arguably better.

House Chair, the ACDP and our former colleague, Cheryllyn Dudley, was the first MP to succeed with a Private Member's Bill relating to paternity leave in the previous Parliament. It is against this background that it is regrettable that this Bill was not accepted. It is an eminently reasonable Bill and as Mr Lees pointed out, it sought to improve parliamentary oversight over the crucial issuing of guarantees, indemnities and securities. The crucial point being that once there is provision for reporting of certain circumstances, but not when such instruments are issued, and oversight is required from the outset.

The ACDP shares the view that these financial instruments may have a significant impact on the economy and may affect the country's credit ratings, and therefore oversight is crucial. National Treasury supported the principle but suggested that itself should exercise that through a regulatory instruction. Of course, this is unacceptable. Leaving the executive to

prescribe how Parliament may do such oversight is not acceptable because in future, the Minister may decide not to issue the instructions, as we have heard from Mr Lees, or to withdraw them. The ACDP agrees and supports the need for this legislation and therefore, regrettably, we cannot support this report. I thank you.

Mr S M JAFTA: House Chair, we have gone through the proposed Public Finance Management Bill and its intended purpose. We agree with the spirit of the Bill given the extent of decay of our SOEs. The continuous use of state resources to bail out liability-riddled SOEs is an affront to the poor.

The Bill envisages a parliamentary monitoring tool through an amendment to the PFMA in order to insert provisions dealing with the tabling of a report by the Minister of Finance in Parliament according to which the decision to approve or reject the issuing of a guarantee, indemnity or security ought to be given no less than 30 days after such an instrument has been approved or rejected in terms of section 70(1) of the Act.

National Treasury's own submission supports the Bill in so far as the proposed oversight mechanism is concerned but does not agree with the mechanics of such regulations. In its view, the National Treasury argued that the proposed Bill must fail

because its objectives could be achieved through a regulatory instruction issued in terms of section 76 of the Act.

We argue strongly against this proposition. The National Treasury fails to provide laudable and sound grounds for rejecting the Bill. The proposed legislative route will cure the existing framework where guarantees are granted willy-nilly without parliamentary scrutiny. The other benefit of this route is its binding effect. In the result, we support the spirit with which the Bill is canvassed. I thank you, House Chair.

Ms P N ABRAHAM: House Chair and hon members, good afternoon. The Public Finance Management Amendment Bill as revised, seeks to place Parliament in a position to codetermine decisions on extremely sensitive financial matters for which the National Treasury was constitutionally set up to oversee. The Amendment Bill is couched in the language of proactive, parliamentary oversight. Yet, its intentions would mean that Treasury would have to seek the approval of Parliament over the issuing of guarantees, indemnities and securities.

The Public Finance Management Act makes provision for Cabinet members to report any circumstances that result in a payment being made and a guarantee, indemnity, security or financial instruments to the National Assembly, but not when such

instruments are issued. The proposed amendment seeks to ensure that the issuing of such financial instruments is subjected to public scrutiny from the outset, in order to manage or eliminate risks that they pose to the fiscus. This is codetermination by Parliament over matters which reside with Treasury, while saying it is to strengthen accountability. Practically, it will create an administrative nightmare with a backward and forward to Parliament to get authority over highly sensitive information, which under other legislation is protected.

The views of Mr Lees ...

... mazambane siyakuva ... (*Translation of isiXhosa sentence follows.*)

[... potatoes we hear you ...]

... and your views are very clear. He has, in fact, expressed his views in several committee meetings. Practically, guarantees, indemnities and securities are being issued all the time. The sponsor proposes a new clearing House, Parliament. Now tell us who in Parliament is going to have that technical knowledge on a weekly basis to authorise Treasury to proceed and what damage will we create to

competitors both in and outside our country, by involving Parliament, the overseer in such a practice that is public?

The Amendment Bill proposes that there must be a form of oversight given to Parliament in the process of the Minister of Finance either agreeing or disagreeing with the issuing of government guarantees. What is being called for in the Amendment Bill is oversight over contingent liabilities included in the liabilities for all spheres of government such as current creditors, payments due to suppliers but not paid, for example, municipal debt to Eskom, employee leave pays, capital projects and so on. Imagine the scenario where Parliament rejected a guarantee given and the amount of money. It would mean Parliament is telling Treasury that you have misspent the amount of money, reverse the process. Litigation would then be the next thing that would follow and any aggrieved party to the agreement would begin to get the state into legal and financial quagmire.

We certainly have no difficulty having a Minister of Finance report on the reasons why a guarantee was approved at the appropriate phase in the budgetary cycle. The arms of state are clear and distinctive. Parliament correctly objects to any interference in how we take decisions. This Amendment Bill calls upon the executive to get permission on operational matters. This is not to say that the content of what the

Private Member's Bill wants to achieve cannot be achieved under the current arrangement in Parliament or through delegated legislation or a Treasury instruction.

The quarterly reports of Treasury to Parliament and the annual report of Treasury to Parliament allow for the opportunity for matters such as indemnities to rise. For that matter, this happens across committees when such matters are questioned on a quarterly basis in reports. Where the ANC does have some sympathy with you, hon Lees, is that Treasury should have at the outset provided a return response to the Private Member's Bill. Merely talking of a review process of the Public Finance Management Act, PFMA without providing timeframes when dealing with a Private Member's Bill is not sufficient.

The proposals in the Amendment Bill are not practical or workable, and hence the majority in the committee agreed that the remedy should be dealt with through a regulatory instruction issued by the Minister of Finance in terms of section 76 of the PFMA. The ANC agrees with the committee's decision to reject the motion of desirability. I thank you, House Chair.

There was no debate.

Mr B A RADEBE (On behalf of the CHIEF WHIP OF THE MAJORITY PARTY): Hon Chairperson, I move that the report be adopted.

Question put: That the motion moved by Mr B A Radebe be agreed to.

Division demanded.

The House divided.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, the Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used for this division. Firstly, in order to establish a quorum, I would request the Table to confirm the requisite number of members physically present in the Chamber and on the virtual platform to take this decision. Party Whips will then be given the opportunity to confirm the number of their members present and indicate if they vote for or against the question. A member who wishes to abstain or vote against the party vote may do so by informing the Chairperson.

We have confirmed that we have the requisite quorum and we will now proceed. The question before the House is that, the Report of the Standing Committee on Finance and Public Finance Amendment Bill be agreed to. Are the doors closed? Thank you.

Voting - when I talk of doors, I even asked the Table staff to monitor the virtual platform. There shouldn't be people coming in. Voting will now commence. The doors of the Chamber must remain locked, and members are not allowed to enter the virtual platform until the voting is concluded. Whips, I hope you are ready now to confirm the number of your members present in the Chamber and on the virtual platform, and indicate if they vote for or against. The Table staff will assist me. Are the party Whips ready to record their votes? I will start with the ANC.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES - 136: (ANC - 136).

NOES - 97: (DA - 70; EFF - 10; IFP - 6; FF Plus - 6; ACDP - 4; AIC - 1).

ABSTAIN - 1: (PAC - 1).

Question agreed to.

Report accordingly adopted.

**UNPARLIAMENTARY LANGUAGE**

(Ruling)

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, before I go to the Second Order of the Day, I just want to let this one go. Order, hon members. Let me dispose of this one where I promised that I would be ruling on the first motion that we had in the House. I know it's very unusual that this happens when we have motions of condolence that we have to make rulings. It's unusual but I have to. Hon members, in accordance with Rule 84 which was quoted as a basis for a point of order, the remarks by hon Manyi were actually not out of order. He was reflecting on events which were widely reported in the media and prefaced his remarks that they were alleged. A condolence motion is always meant to give comfort to the family and fellow members as we reflect on the loss of one of our own. While in this instance I do not believe that the remarks were out of order, I wish to plead with and encourage all members to bear in mind the nature of this motion and be conscious of the grief of the families, friends and political parties they belong to. So, as such, I will say that the point of order is not sustained. Thank you.

**PUBLIC FINANCE MANAGEMENT AMENDMENT BILL**

(Second Reading debate)

There was no debate.

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

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE -  
PUBLIC FINANCE MANAGEMENT AMENDMENT BILL**

Mr M J MASWANGANYI: Chairperson, I stand again before you to introduce another crucial piece of legislation that we dealt with as per our report - the Public Finance Management Amendment Bill, B13-2020. This Bill, introduced as a Private Member's Bill by hon G Cachalia, aims to amend the Public Finance Management Act to introduce additional measures when an executive authority fails to table the annual report, financial statements and audit report for a department or entity in the National Assembly or provincial legislature. It underscores our collective commitment to transparency and accountability in the management of public finances. I want to emphasise that the Standing Committee on Finance has approached this Bill with the same diligence and impartiality that we apply to ministerial Bills. We are steadfast in our dedication to upholding principles of fairness and equity in our legislative processes.

The journey commenced with a comprehensive briefing by the Bill's sponsor, hon G Cachalia, who presented the Bill's objectives and its potential impact on reinforcing our oversight of financial matters. Following this, we initiated an inclusive and democratic public participation process, actively seeking the input and insights of various stakeholders. During this process, National Treasury presented its response to the Bill. They not only highlighted their concerns, but also proposed an alternative approach to tackle the identified challenges. Their perspective offered an invaluable insight into the complexities of financial management and the necessity to strike a balance between accountability and practicability.

The National Treasury's alternative approach is worth noting. After thorough deliberations, the majority of our committee members opted to reject the motion of desirability of this Bill. While we acknowledge the Bill's intent to enhance transparency and accountability, we believe there are alternative avenues and mechanisms to achieve these goals that warrant further exploration.

Our decision was taken with the utmost care and a commitment to finding the most effective and balanced solutions. It is crucial to understand that our committee's decisions should not be misconstrued as a dismissal of the critical issues

raised in this Bill. Rather, it underscores our dedication to identifying the most appropriate and robust methods to address these concerns.

In conclusion, I want to assure everyone present that our unwavering commitment to the principles of transparency, accountability and good governance remains resolute. We will continue to engage with National Treasury and other stakeholders to ensure that the challenges identified by this Bill are comprehensively and effectively addressed.

Ndza khensa, Mutshamaxitulu. (*Translation of Xitsonga sentence follows.*)

[I thank you, Chairperson.]

*Declarations of vote:*

Mr G K Y CACHALIA: Chair, the Public Finance Management Act of 1999 regulates financial management in the national government and provincial government and seeks to ensure that all revenue, expenditure, assets and liabilities of those governments are managed efficiently and effectively. Who could argue with that? Section 65 of the Act provides that the executive authority responsible for a department or public entity must table the annual reports, financial statements and the audit report on those statements in the National Assembly

or in the provincial legislature. The annual accounts, reports, financial statements and audit reports on such statements must be tabled within a month after the accounting officer for the department or the accounting authority for the public entity has received the report. However, this Act does not provide for additional measures in instances where such reports and statements are not tabled, and the department or public entity is not required to table such reports and statements within a specified time period after a written explanation has been tabled.

This piece of legislation, which follows a similar history as the hon Lees referred, therefore seeks to provide for additional measures in instances where the executive authority fails to table an annual report and financial statements of a department or public entity and the audit report on those statements in the assembly or a relevant legislature. It proposes that the annual report, financial statements and audit report and such statements referred in section 65 must be tabled within 60 days after a written explanation has been tabled - hardly a controversial statement. The general purpose of the financial statements that you should know is to provide information about the results of operations, financial position, statement of shareholders, equity and cash flows of an organisation vital for oversight which is severely hampered by the inability or unwillingness to table such reports.

Now, given the behaviour of state-owned enterprises, SOEs, in this regard, and how this hampers oversight over entities that are literally bleeding the fiscus dry without any meaningful contribution, and take Transnet for example, where the respected Grain Group has just reported that its failures are costing the country R1 billion a day. This culture of delays has suddenly become the norm - and that's just one zombie SOE, which, along with others, failed to produce annual financial statements timeously. How on earth are we to conduct oversight without timeous access to these crucial documents? How on earth are we to evaluate SA Airways, SAA's, for example, fatuous claims about interim profitability and get a handle on what is happening and transpiring at Denel or Alexkor for that matter?

Under these circumstances, you would imagine that the portfolio committee and Treasury would be in full agreement with the intended legislation, but no, Treasury wants to address it differently and the portfolio committee is patently unable to come up with one original thought, lest it portrays the ANC in a poor light. Speaking of poor light, If Eskom were able to literally shine a light on these matters, we would be appalled by the nonadherence to basic reporting procedures which prevent scrutiny of performance - organisational and financial. It's hardly a wonder that we have this pickle we find ourselves in. A state of affairs in which we have

loadshed more hours this year than the last previous eight years combined.

So, go on and show some fortitude and help pass this hardly contentious piece of legislation. Make no mistake, the nation is watching, and investors are watching, and any dereliction of your legislative duty will simply be providing yet another nail into the coffin of an already moribund organisation.

Twenty twenty-four is around the corner - come on, do the right thing in order that information is timeously shared, and oversight enabled in line with Zondo and proper governance. Do the right thing with proper care. Thank you.

Mr M MANYI: House Chairperson, there is continuously a disturbing tendency that we as the EFF have been raising in the past, the tendency of shifting the responsibility of making legislation to the executive. This is particularly the case when we deal with Bills related to public finance.

We always agree on the problem and the solution, but somehow, we are always told, 'just wait for Mr Ismail Momoniat from the National Treasury to bring an executive Bill'. What's really so special about the National Treasury?

What is challenging about agreeing on a Bill, working on the amendments and passing a law within our powers?

We have the power, as per section 55(1) of the Constitution, to consider, pass, amend or reject any legislation before this Assembly. Why must we always wait for the executive?

We have a problem. We cannot hold the executive accountable if they do not table annual reports; as simple as that. We know this because the last time we saw credible audited financials from SA Airways, SAA, was many moons ago. All this time we have been relying on the words of Mr Jamnadas Gordhan, while money is being siphoned off.

There is a sound proposal on the table, that we amend the legislation and set a timeline. What could be wrong with this?

Now we are expected to wait for the very same collective executive which cannot submit annual reports on time, wait for them to amend the legislation or implement regulations that address their own incompetence and disregard for the Constitution. This is really madness presented with some facade of rationality that we are subjected to in this Parliament.

We really reject the approach of the majority party. We think this goes against the grain and spirit of constitutional democracy. It cannot be that majoritarianism is used to

undermine what is proper accountability and oversight that this Parliament is expected to carry out. Thank you, Chair.

Mr E M BUTHELEZI: House Chair, the Public Finance Management Act, PFMA, is one of the most important legislative guards government has in place to protect the public purse. It ensures that strict checks and balances are in place for better accountability.

Therefore, we simply cannot argue against any further measure that will curtail the circumvention of the law by the department.

Hon Chair, the IFP welcomes the amendment of section 65 of the PFMA to include the timeframe for tabling of reports after such written explanations as to why the department has failed to submit such.

We cannot leave these responsibilities to solely rest on the Minister of Finance in issuing a regulatory instruction to a mischievous department as set out in section 79.

Hon Chair, I think we must use this moment as we strengthen our financial legislative session to consider reasons as to why we have found ourselves here.

To be frank, hon Chair, the decade-long denigration and degradation of our national and provincial government departments at the hands of the governing party has led us here. The deeply entrenched systems of governing party's patronage, nepotism and corruption have eroded the institutions to a level where even junior officials no longer care about the due process, let alone completing work on time.

Under this government we have seen time and time again extraordinary provisions turned into standard practice. Why then should senior officials and financial managers care to ensure that things happen at the right time, knowing fully well that there is no consequence for their actions?

Chairperson, our country does not lack much of financial resources but do lack improper financial management and full adherence to legislation.

The IFP supports the amendments which will allow greater oversight by Parliament. It is surely the role of this Parliament to hold the executive to account. We cannot therefore extend this responsibility.

Indeed, we have incredibly talented people who serve in the public sector as they are patriots. But like cancer, these individuals have become infected by the spread of looting and

constant flouting of rules and regulations by those in charge of the departments. Like Spartan culture, laissez-faire attitude towards taking responsibility and being held accountable by Parliament, has continued to develop unabated.

Hon Chair, in prevention of this culture of disregard for law and legislation from spreading across the entire public sector, the IFP supports this Bill. Thank you.

Mr W W WESSELS: House Chairperson, similar to the previous Bill that we just handled, once again, National Treasury made an irrational recommendation which the majority of the members, the ANC members of the committee, accepted.

It's once again a recommendation that is encroaching on the doctrine of separation of powers that is fundamental to our constitutional democracy.

Once again, the legislature is trying to give or delegate legislative power to the executive in the form of secondary and delegated legislative powers, which is unacceptable.

But, Chairperson, there are broadly two reasons why there is noncompliance and non-tabling of annual reports and audit reports. It's, firstly, some departments and public entities just do not and have not compiled the necessary information

and there is nothing submitted to the Auditor-General for an audit; and that is hugely what happens, especially in our public entities, our state-owned enterprises, SOEs.

Secondly, then there is also disputes. There are audits that take place and then departments, especially provincial departments, dispute the outcome with the Auditor-General. And it's because of a misconception of what an audit is supposed to be. The fact that everybody tries to have this whole thing of clean audits, and that's an ANC legacy, you went about your business trying to say that everything is about clean audits, but it's not. It's about getting the outcome and rectifying what is wrong.

If there is no audit report, then there is no audit action plan to actually rectify and make things better. And that is what happens, not only at provincial and national level, but especially at municipal level as well, because of those disputes.

But luckily, apart from this proposal that would have been logical, we do not have the mechanism, and that is the Public Audit Act, which provides for the Auditor-General to table an audit report in the legislature if the department fails to do so. And we call on the Auditor-General to use those powers

more and we call on this Parliament to then act efficiently on that tabled report by the Auditor-General.

This has happened in provinces; it has not happened at national level yet, but it can. And the Public Audit Act does provide for such powers for the Auditor-General.

We reject this report, and we support the logical amendments proposed by this Bill. Thank you.

Mr S N SWART: House Chair, the Bill tabled by the hon Cachalia, as with Mr Lees' Private Member's Bill, seeks to improve parliamentary oversight. And who could have a problem with this?

It provides that executive authorities responsible for public departments or public entities must table annual reports, financial statements and audit reports on those statements in the National Assembly or provincial legislatures within a month of receipt, but not later than six months.

Surely, no one can have a problem with this because our committees often sit with late tabling of annual reports or non-tabling of annual reports, financial statements and audit reports; and this negatively impacts on our oversight.

As in the previous Bill, National Treasury supported the principle of extended oversight proposed by the Bill, but again submitted that there was no need for the Act to be amended in order to achieve this, and again proposed that this oversight be done through a regulatory instruction issued in terms of section 76 of the Act.

Now, obviously, the draft and sponsor of the Bill, again, cautioned against this approach because what it is in effect doing, it's leaving the executive to prescribe how Parliament may do its oversight through regulatory instructions, which obviously, can also compromise the principles of delegating plenary power but may also result in problems in the future, where a Minister may decide not to issue instructions or withdraws them.

The ACDP agrees, it is sad that this mechanism to improve parliamentary oversight was not agreed to by the majority members of the committee.

Therefore, the ACDP cannot support this report. Thank you.

Ms M D MABILETSA: House Chair and hon members ...

... le badudi kamoka kua gae ... *(Translation of Sepedi sentence follows.)*

[... and all the citizens of this country ...]

... the intention of the sponsor of the amendment Bill is to provide for additional measures in instances where reports and statements are not tabled in Parliament within the prescribed six-month period. The Public Finance Management Act states that such statements must be tabled one month after the accounting officer for the department or the accounting authority for the public entity has received the audit report.

In the current scenario, if the executive does not table these reports within six months after the end of the financial year, then the executive authority needs to table a written explanation to the legislature on the reasons why that has not happened. Currently, section 65 of the Public Finance Management Act provides for an explanation to be tabled where such reports and audited statements are not tabled as prescribed but does not provide the timeframe for the tabling of the report after such written explanation is tabled. The sponsor of the amendment Bill seeks to place an obligation to table such deferred reports within a specific time period after the written explanation. The amendment Bill proposes that the annual reports, financial statements, audit reports and any such statements be tabled within 60 days after a written explanation has been tabled.

As the ANC, we have no difficulty with the proposed 60 days for the report to be tabled after the written expansion has been filed. However, where we had a difficulty was in putting such an instruction in the Act, which would, in cases of complicity, not provide the option to extend that time period. Therefore, the route of a section 76 Treasury instruction was preferred by the ANC. We do not agree with the argument that we have omnibus regulation clauses such as section 76 (4) (g) of the Public Finance Management Act. Regulations are designed to address specific issues where there are shortcomings. This does not suggest that the executive is deciding for Parliament. We determine what should go into regulations in terms of the framework and the executive drafts the regulations according to what we have put forward.

Delegated legislation is not a function of Parliament. As it has long indicated, it does not have the capacity or time to conduct regulatory drafting. The majority in the committee agreed that what the Bill sought to remedy could be dealt with through a regulatory instruction issued by the Treasury in terms of section 76 of the Public Finance Management Act. We want to acknowledge that Treasury's instruction number two of 2022-23 on the tabling of annual reports, financial statements and audit reports has been received by Parliament. It directly addresses the concerns raised by the amendment Bill in that it provides for 60 days as proposed by the sponsor of the

amendment Bill, to all government departments to submit outstanding reports after the letter of explanation for late submission has been tabled. Therefore, there cannot be debate that what we asked to be done has been done.

Like other members, we do raise our concern that Treasury did not submit detailed comments on the amendment Bill. We understood well that Treasury was, at the time in 2022, conducting a comprehensive review of the Public Finance Management Act and the Municipal Finance Management Act, with inputs from national and provincial departments, public agencies and constituency institutions listed in the Public Finance Management Act Schedule.

The Treasury also considered issues identified in the Private Member's amendment Bill in its reviewal process. As part of that process, Treasury also reviewed its own regulation. The challenge with the Treasury's proposal that we as the committee had been that national Parliament was being asked to wait for an executive process that may be tabled in 2024. We could not agree; hence, this gave rise to the instruction regulation that has been issued. This being the case, the ANC supports the committee's decision to reject the motion of desirability of the amendment Bill as the concerns have been made. Thank you.

Mr B A RADEBE (On behalf of the Chief Whip of the Majority Party): Chairperson, I move that the report be adopted.

Question put.

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

Report accordingly adopted.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, before we proceed to the Fourth Order, which is the last Order, I've been informed that the 'not' was not clear when I said it. So, I'm going back to the Second Order to do it again. That is, if there is no list of speakers, I will now put the question. Are there any objections to the Bill not being read a second time as recommended by the committee?

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

**PUBLIC FINANCE MANAGEMENT AMENDMENT BILL**

(Second Reading debate)

There was no debate.

Question put.

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

The House adjourned at 15:57.

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