

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024
Page: 1

WEDNESDAY, 28 AUGUST 2024

PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 15:01.

The House Chairperson Mr C T Frolick took the Chair and requested members to observe a moment of silence for prayer or meditation.

NEW MEMBERS

(Announcement)

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members. Hon member, please take your seat. Order! Order, hon members! May I request the Chief Whip of the MK party to ensure that their members settle down. I don't know what all the excitement is about. Please calm down. Hon Minister of Water and Sanitation, you can exchange pleasantries with the new members outside. Hon members, will you take your allocated seats please?

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 2

Hon members, before we proceed with today's business, I wish to announce that the vacancies which occurred in the National Assembly owing to the resignations of Mr N F Shivambu and Mr M Manyi have been filled with effect from 27 August 2024 by the nominations of Mr M N Paulsen and Mr S Thambo respectively. There are the hon members. Welcome, hon members. Order, hon members! Thank you.

The vacancies which occurred owing to the loss of membership of the National Assembly by Mr L S Radebe, Mr M S Zungu, Mr T S Mjadu, Ms N M Gasa and Mr L G Shangase, in terms of section 47(3) (c) of the Constitution of the Republic of South Africa, 1996, have been filled with effect from the 23rd of August 2024 by the nominations of Mr L Montana, Mr G E Kobane, Mr S I Gama, Mr B Molefe and Mr T I Gamede, respectively. Welcome, hon members. Order, hon members.

Lastly, the vacancies which occurred ... Order, hon members! The vacancies which occurred owing to the unavailability of Mr T Xaba, Ms N P Khanyile and Mr H Motaung to take up their seats have been filled with effect from the 23rd of August 2024 by the nominations of Mr T S Mjadu, Ms N M Gasa

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 3

and Mr M Manyi, respectively. Welcome, hon members. Order, hon members.

The members have made and subscribed the oath and affirmation with the Speaker and I wish to welcome you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, please take note of the following announcement. I wish to announce that in terms of item 12(4) of the Code of Ethical Conduct and Disclosure of Members' Interests for Assembly and Permanent Council Members after a general assembly, a member must disclose his or her registrable interests within 60 working days after the member took the prescribed oath as contemplated in section 48 or section 62(6) read with Schedule 2 of the Constitution, as the case may be.

Disclosures opened on the 19th of July 2024 and it will close on the 14th of October 2024. These dates were communicated to all members by the office of the Registrar of Members' Interests and members must prioritise completing their declarations.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 4

Hon members, the only item on today's Order Paper is questions addressed to Ministers in Cluster 1: Peace and Security. There are four supplementary questions to each question. Parties have given an indication of which questions their members wish to pose a supplementary question on. Adequate notice was given to parties for this purpose. This was done to facilitate participation by members who are connecting to the sitting through the virtual platform. The members who will pose supplementary questions will be recognised by the presiding officer.

In allocating opportunities for supplementary questions, the principle of fairness, amongst others has been applied. If a member who is supposed to ask a supplementary question through the virtual platform is unable to do so due to technical difficulties, the party Whip on duty will be allowed to ask the question on behalf of their member. When all supplementary questions have been answered by the executive we will proceed to the next question on the Question Paper.

The first question has been asked by the hon Ramolobeng to the Minister of Correctional Services. The hon Minister?

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 5

QUESTIONS TO MINISTERS

CLUSTER 1

PEACE AND SECURITY

Question 1:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, the answer to the question is as follows. An investigator was appointed to look at the possible complicity of officials. Any consequence management and disciplinary action will emanate from the decisions taken following the investigations.

Regarding the video clip of a remand detainee, Bornface Banks, a Zimbabwean national, circulated on social media on the 14th of July 2024, the inmate was traced and found at unit G6A Room 4 at the Goodwood Correctional Centre. According to the investigation, the inmate had several videos recorded on his TikTok account and further investigation indicates that these videos inside the cell and in the courtyard were recorded owing to poor supervision by officials. The inmate was charged, degraded and immediately transferred to a maximum facility. The TikTok account was deactivated on the 28th of

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 6

July 2024 and the inmate forfeited his privileges such as visits and buying from the offender shop for a period of three months.

The national commissioner conducted a searching operation joined by the media on the 16th of July 2024 with an objective of bringing to light the conditions of the centre and to dispel the myth of a soft life behind bars at the Goodwood Correctional facility. A similar approach was to be observed by two other searching operations at Johannesburg and Durban correctional centres.

Removing contraband in order to ensure a safe and secure custody is a priority for Correctional Services. Hence, working with the media is strategic in amplifying a Department of Correctional Services message whilst educating the public about corrections as a societal responsibility. Mainstream media engagement has been cascaded to community media by means of securing slots. This is a platform that will ensure that the community is informed and engaged. By leveraging the power of community media, the department's message will find resonance with communities and be best positioned to drive

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 7

public education. Inmates are currently remand detainees at Goodwood Correctional Centre. Thank you, hon Chair.

Mr M M SOKOPO: Minister, thank you very much for your response. The steps taken against the inmate are noted and are well received. We also share your concern about inmates who still possess contraband in the form of communication tools and who are still communicating with the outside world. Can you indicate what the department's plans are to restrict unlawful communication by inmates in the centres, please?

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, there are various ways to deal with this matter of cell phones and connections from within our facilities to the outside world, although it's not that simple. For instance, you can have a jammer but some of our facilities are close to highways and the communities themselves. As such, you cannot restrict the jamming just to the centre and that will have an influence on communities as well. So we are looking at technology. There is sophisticated technology to make it a more focussed situation but it is expensive and we will have to look at our budget. Thank you.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 8

Mr J ENGELBRECHT: Minister, the actions against the inmate are clear. However, what specific failures in terms of oversight or management allows such issues to occur and what accountability measures are taken against those responsible for these lapses from within the department?

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, as we said it was quite clear that some officials were part of this breach and I can say that after the investigation a total of six officials were identified for disciplinary action to be instituted against them. An investigation was conducted and completed. The area commissioner of Goodwood took a decision on Sunday, the 25th of August 2024, to institute a disciplinary process against the six officials. The status at the moment is that all six members are formerly charged. Two out of the six are finalised, namely the head of the centre and the acting unit manager while four are still in the process of being finalised. Thank you.

Afrikaans:

Me H DENNER: Agb Minister, u het nou vir ons 'n uiteensetting gegee van wat met die amptenare in hierdie geval gaan gebeur maar ons weet dat gevolgbestuur in staatsdepartemente oor die

WEDNESDAY, 28 AUGUST 2024

Page: 9

algemeen 'n reuse probleem is. Ek sal graag van u wil weet hoe u van u kant af as Minister 'n sterk boodskap gaan stuur dat wangedrag deur amptenare nie geduld sal word nie en dat daar behoorlike gevolgbestuur in u departement sal plaasvind.

Die MINISTER VAN KORREKTIEWE DIENSTE: Agb Voorsitter, dit is baie belangrik, en ek het al op rekord gesê, dat die eerste stap om korrupsie te beveg is om te verseker dat daar gevolge vir daardie lede wat hulle skuldig maak aan oortredings is.

English:

So, consequence management is essential if you want to eradicate corruption in any department and as I said the officials are investigated. Some are concluded and there will be disciplinary steps.

Afrikaans:

Ek wil ook sê dat ek byvoorbeeld 'n gesprek gehad het met die ongeveer 2 000 lede van hoofkantoor. Ek het baie duidelik gesê dat korrupsie nie net deur 'n Minister beveg kan word nie maar dat ons hande moet vat want ek wil vir u sê dat die meerderheid van die lede van Korrektiewe Dienste is eerbare en hardwerkende mense met integriteit. Ons sal hande moet vat om

die vrot appels te identifiseer en daar moet dissiplinêre stappe teen daardie lede plaasvind. Dankie.

English:

The HOUSE CHAIRPERSON (Mr C T Frolick): May I just remind hon members on the virtual platform not to disturb proceedings by switching on their microphones and I'm asking the Table Staff that if it indeed happens just to mute those microphones please. The last supplementary question will be asked by the hon Zibi.

Mr S S ZIBI: Chair, this incident is definitely not isolated. Is the Minister going to do anything to ensure ongoing vetting of Correctional ... officials in order to systematically reduce the collusion between Correctional ... officials and offenders?

The MINISTER OF CORRECTIONAL SERVICES: I can say yes, we are prepared to look at all the officials that could probably be part of such, can I say, contraband coming into our facilities. If you follow the correct procedures it is impossible to have this contraband and therefore we are also going to take certain stricter steps to ensure that we go

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 11

through the process, and the security process as such, so that those officials are properly monitored to ensure that we eradicate this, can I say, contraband in our facilities. Thank you.

Question 37:

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:
House Chairperson, greetings to all members. The Minister has asked me to address this question. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Deputy Minister, my apologies. Can you just mute the microphone of ...
[Inaudible.] Please proceed, hon Deputy Minister.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:
Thank you very much, hon House Chairperson. Am I audible?

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, you are audible.
I just want to recognise the hon member in the House. Hon Kohler Barnard ...

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 12

Ms D KOHLER: Thank you very much. I was just wondering if you could explain to the members why the Minister is here, but the deputy is answering the question. Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon members we were informed that the Deputy Minister will deal with this matter given the responsibilities that has been allocated. More than that, we don't have further information on. The hon Deputy Minister Nel ...

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you very much, House Chairperson. Just to add to that is that the President has appointed Ministers and Deputy Ministers. Deputy Ministers are there to assist Ministers. I have in this instance been asked by the Minister as part of a team to answer this question.

I think first of all to say that we welcome the hon Breytenbach's question because we know that she shares our commitment to combating corruption and ensuring that never, never and never again, do we revisit the tragic chapter of state capture in our national life. The SA Airways matter involving the issues addressed in the US ... [Inaudible.] ...

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 13

by Mr Julian Aires is still under investigation by the Investigating Directorate against Corruption, IDAC. The IDAC continues to engage with the US authorities to assist with this investigation.

I think we can just add that the Investigating Directorate has authorised 18 new investigations, bringing the total number of authorised investigations since its establishment in 2019 to 115. Since its inception, the IDAC has brought a total of 37 matters before the criminal court. Among these cases, seven are related to state capture, addressing a total of 21 state capture recommendations. I think this underscores very clearly the IDAC's commitment to addressing corruption at all levels, particularly in cases involving state capture, which have significant ramifications for governance and accountability.

The IDAC remains at the forefront of the National Prosecuting Authority, NPA's efforts to tackle complex and high-level corruption cases with a focus on 21 major investigation categories spanning both the public and the private sectors. The IDAC's work encompasses a wide range of entities and individuals implicated in corrupt practises. Some of the notable entities and individuals under investigation include

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 14

Transnet, Eskom, Bosasa, Estina, Bain, Alexkor, SA Airways, the Public Investment Corporation as well. Several of these investigations have already progressed to court proceedings, while others remain ongoing.

With regards to the department playing a vital role in assisting and supporting the NPA to prosecute those involved in state capture, we can just say that in responding to the recommendation of the Zondo Commission, President Ramaphosa requested the Department of Justice, amongst others, to conduct a review of the Protected Disclosures Act to ensure that whistleblowers receive protection afforded by Article 32 (2) of the United Nations Convention Against Corruption.

The department has also drafted and championed the NPA Amendment Act, which was passed last year by this House to strengthen the IDAC as a permanent structure and to provide for the appointment of investigators in both the IDAC and the NPA. I think hon members would have read that recently the Investigating Directorate has been strengthened by the appointment of the likes of Advocate Terry Motau, Advocate Paul Pretorius, and Advocate Matthew Chaskalson.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 15

I think we can also say that the department's work in the areas of mutual legal assistance and extradition has also ...
[Inaudible.] ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister, your time has now expired.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:
Yeah, just to say that the yesterday Michael Lomas implicated in R745 million worth of corruption ... Thank you, House Chairperson. [Time expired.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister, your time has expired. Thank you. Hon members, may I just draw the attention of the House in response to the hon Kohler Barnard to Rule 138 sub Rule 3 that a Minister may authorise his or her Deputy Minister to reply to a question directed at that Minister provided that the Deputy Minister is able to respond competently to any permissible supplementary questions that may be asked. The hon Breytenbach...

Adv G BREYTENBACH: Hon Minister, considering that the department in which you preside is constitutionally bound to

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 16

assist the NPA and participate in policy making of the NPA to ensure successful and efficient prosecution, how will you manage the rather glaring conflict of interest between yourself as a suspect and the NPA as a body that tries to prosecute you? Thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Minister, did you get the question?

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: I did. Thank you very to the hon Breytenbach for that follow up question. I think a very relevant question, which the Minister herself is on record saying that she intends to give her absolute and full co-operation with all law enforcement agencies. I think it's also by now a matter of public record that President Ramaphosa has requested Minister Simelane to provide him with a full and a detailed report on the allegations against her. Thank you.

Mr N M PAULSEN: Chairperson, since it's alleged that the digital evidence from the Zondo gossip commission has disappeared conveniently, and essay law of evidence is very clear that no successful prosecution will take place on

WEDNESDAY, 28 AUGUST 2024

Page: 17

hearsay. What contingency plan does the department have to recover or reconstruct lost digital evidence related to state capture without incurring additional wasteful expenditure after spending close to R1 billion? And has an internal investigation been initiated to determine how the digital evidence from the Zondo Commission disappeared and actions taken to hold accountable those responsible for the disappearance of the digital evidence?

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:
Hon House Chairperson is a bit difficult for me to answer that question because I'm not aware of any such evidence going missing. The Minister and I have both received extensive briefings from both the NPA as well as the department and there is no indication that any of that material has been lost. There have been reports of challenges with accessibility related to the updating of certain of the software licences, but that's a question of access, not a question of the availability of the evidentiary material itself. Thank you.

Mr R A P TROLLIP: Hon Chairperson, corruption has sadly become an indelible blight in our society, and the dearth of successful prosecution of offenders despite the billions of

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 18

rand invested in the Zondo Commission and other law enforcement endeavours, is an absolute shame. Yet foreign nationals guilty of corruption and of corrupting South Africans are found guilty abroad, as in this case. Does having a Minister of Justice, who herself has a cloud of suspected corruption hanging over her head not undermine our efforts to win the war against corruption and notwithstanding her undertaking to co-operate fully. Is it not more prudent for her to vacate her position until her name has been cleared? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Hon House Chairperson, we note the comments and the ...

[Inaudible.]... realisation by the hon member, as is his right. But we believe that we have addressed that matter as raised by another member previously. I thank you.

Theory realisation

Mr S N SWART: Arising from your response hon Deputy Minister, the ACDP appreciates your response to the digital evidence that is available. But the concern that we have is apparently the NPA's IDAC do not have sufficient access to that information and that obviously negatively impacts upon the

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 19

successful prosecution of state capture. You mentioned the issue of licences, but there also seems to be a challenge that the NPA or the IDAC are requested for specific applications for specific evidence. And would you not agree that they should be given unrestricted access given the huge amount of information that it is very difficult when you're gathering evidence for prosecution to say this is the specific evidence that you require? Thank you.

The DEPUTY MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT:
I thank the hon Swart for that question because I think it's a very important and relevant question and I hope that it is one that the Minister and I could pursue with the portfolio committee because I think it demands ... it's a little bit more complex, that can be answered fully in the scope of one parliamentary question or follow up question. But just to say that the NPA and all other law enforcement agencies do have access to the database repository - the archive of the Zondo Commission. At the moment, there is a protocol and a framework in terms of which they can make specific requests for information. They've made a very strong plea and, in my view, a very strong case as well for broader access to be able to search that database.

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 20

The Minister has taken the initiative to convene a meeting with the National Director of Public Prosecutions, NDPP, as well as the relevant officials in the department. The Minister requested me, and I had direct meetings with the NDPP and other members of the NPA to gain a better understanding of their requirements and their requests and to see how that can be best facilitated. I thank you.

Question 24:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon House Chairperson...

IsiXhosa:

... hayi, ayoyenu, yeyamakomanisi kaloku.

English:

The Department of Military Veterans did these benefits to military veterans in line with the Act 18 of 2011 and the Military Veterans Benefits Regulations of 2014, including the policies and standard operating procedures. Chair, once the department receives a complete application form from a military veteran, it is processed, following all prescripts

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 21

and upon approval, the file is submitted to finance payment units. Thereafter, the payment is processed, and proof of payment is set with the applicant.

So, the only benefit that is currently not disbursed is the subsidised public transport to military veterans. The Department of Transport, as the lead department in the provision of public transport in the country, is developing national public transport subsidy to address the funding requirements for subsidizing public transport, including equitable allocation. The policy would do away with the dispensing of public transport subsidy on a historical level and enable the government to fund public transport at the right level.

So, the Department of Military Veterans will therefore collaborate with the Department of Transport on how the department subsidises public transport strategy so that it is aligned to the national policy towards the Department of Military Veterans Policy Development and Implementation. Thank you very much, Chair.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 22

Ms M RWEQANA: Hon House Chair, Minister, the veterans marched to the Union Buildings, demanding R15 000 a month pension and the Department of Military Veterans Advisory Council, year before agreed with the same amount. Now, why is the Department of Military Veterans paying out a lesser amount? They are not paying what was agreed upon by the Advisory Council. Why is the Department of Military Veterans, the stakeholders, were not told. Why were they not consulted? They were not even consulted. They are just issuing money, money that is lesser to what was agreed upon. This is what I want to know.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Chair, the question wanted me to know when are the directives being issued on processing the pension, not the R15 000 and what is being paid? So, I am answering the fact that directives have been issued and money is being paid. If the member wants to know why it was 57 or what, I think I can prepare and answer at the right time. What I can say, even from guessing, if wishes were horses, will all ride. So, I am not sure what had informed the amount allocated and the amount requested. I am responding to the questions that are being asked about directives. I can follow up and check for the member to say what happened between what would have been approved and what

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 23

is being paid? What informed that? But that is not what she had asked me. I cannot give you an answer if that is what you want me to respond to.

Ms M MODISE-MPYA: Hon House Chair, hon Minister, taking into considerations the challenges that are faced by the military veterans, could you elaborate broadly on the significant efforts and achievements made by the department to the military veterans' beneficiaries such as provision of houses, healthcare, access to educational support and more if any? Thank you very much.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Hon House Chairperson, I did visit the department to really get to know and understand what other benefits that the military veterans are getting and where there are difficulties, why do we still experience difficulties. From the report I received, I was told that to date, almost 2 225 houses were provided, and 608 mortgage bonds were rescued. That is what I received.

In terms of educational support, I was also told that more than 4000 learners for both basic and tertiary have been done. The number is going to be increased and for basic education

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 24

only, it was about 31 000, for tertiary it was about 10 000 and it has produced more than 700 graduates from the system. That is the information that I was supplied with.

In terms of healthcare, because also I had lots of veterans also raising issues about access to healthcare. I was informed that 19 657 military veterans have been provided with access to healthcare, but there is also a process where the Department of Military Veterans and the South African Medical Healthcare system of the of military veterans are being aligned to make sure that they can also receive the non-statutory and can also receive healthcare from the services.

There are also Memoranda of Understanding which are being worked on with provinces. I have spoken also to the Premier of Gauteng, but we will be speaking to other provinces to also align with that level. There have been lots of support mechanisms that have been put in place, like provision of healthcare, access to social workers and access to psychiatrists. So, there is a whole basket of services around healthcare which have been provided, but obviously they will not be adequate. Hence, on an ongoing basis, we are trying to

improve the services and are responding to the queries that are coming to us. Thank you.

IsiZulu:

Inkosi R N CEBEKHULU: Mhlonishwa sikhuluma ngodaba oludala uNgqongqoshe uMapisa Ngqakula osephumile walukhuma lolu daba. UNgqongqoshe ophumile izolo uNgqongqoshe uModise ubelukhuluma lolu daba kodwa akubonakali ukuthi ingola iyaphambili noma bayasizakala. Mhlawumbe ke umuntu angabuza.

English:

Hon Minister, with this in mind what is the rank of the military veterans who will receive the benefits?

IsiZulu:

Izikhundla zabo njengamanje abazonikwa.

IsiZulu:

UNGQONGQOSHE WEZOKUVIKELA KANYE NEZIGAYIGAYI ZEZEMPI:
Ngiyaxolisa IsiZulu sihamba singibalekele. Kukhona la

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 26

ngingezwanga kahle ukuze ngizokwazi ukuphendula kahle.

Akangisize angizwanga umbuzo ekugcineni.

Inkosi R N CEBEKHULU: Ngikhulume isiNgisi. Umbuzo wami ekugcineni ungesiNgisi. Bengithi Mhlonishwa ngokwezikhundla zalaba abazohlomula zikhundla zini nemihlomulo yabo?

UNGQONGQOSHE WEZOKUVIKELA KANYE NEZIGAYIGAYI ZEZEEMPI:

Ngiyabonga bengingezwanga kahle izikhundla. Sengizwe kahle njengoba ngisho udaba okufanele siqhubeke siluxazulula izinsuku nensuku. Yingakho kukhona abantu abaqashiwe kuyiqiniso ukuthi asikakwenzi konke okufanele ngabe kwenziwe kodwa kuyiqiniso ukuthi umsebenzi uyaqhutshwa. Izingane ziyafundiswa, abaphathekile bayafika esibhedlela, abahola impesheni iyabhadalwa kodwa okusalayo akusho ukuthi njengoba usho akukho okwenzakalayo kukhona okwenzakalayo. Siyaqhuba ukuthi sifinyelele lapho sifuna ukuya khona.

Ngokwesikhundla angikaze ngithi bangihlukanisele ukuthi ubani otholayo nokuthi ubani ongatholi kusikhundlasini. Nalokho ngingayobuza kodwa mina bengiziphendulela umbuzo omuzwe uRwegane ukuthi amaphi amalungelo esivalungisile. Ngiphendule lokho bengilungise lokho. Uma ufuna ukwazi ngokwezikhundla

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 27

ngiyathembisa ngizoyobambuza bangitshele ukuthi izikhundla zihamba njani. Ngiyabonga.

English:

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, Minister.
Hon Mente, why do you want to be recognised?

Ms N V MENTE - NKUNA: Hon House Chair, I think the Minister...

IsiXhosa:

... uze noSekela Mphathiswa, uNjengele. Xa kukho apho abhideka khona, uMphathiswa angacela nje uNjengele angenelele apho angafikeleli khona, siza kumvumela.

English:

The HOUSE CHAIRPERSON (Mr C T Frolick): No, the Minister is currently replying to the question.

Ms C T NONTENJA: House Chair, considering the study conducted at Wits University in 2023, which revealed that military veterans who were part of apartheid-related conflicts between 1960 and 1991 have suffered from depression, post-traumatic stress disorder, mental disorder or anxiety. This study showed

the self-reported rate of post-traumatic stress disorder was 91%. Hon Minister, what steps has the department taken to provide mental health care to military veterans, especially those who have not received their pension benefits payouts to address their mental health issues? Thank you.

IsiXhosa:

UMPHATHISWA WEZOKHUSELO NAMAGQALA OMKHOSI: Ndicinga ukuba ngekungcono ukuba lo mbuzo ubuwubuze phaya ekhaya, ebumelwaneni kwiUDM. Mandikuphendule ke kodwa, nangona kunjalo.

English:

In terms of psychiatric assistance, what I was informed, hon member is that, in the military health centres both Military 1 and Military 2 and Military 3, we have several psychologists and psychiatrists that do work with military veterans, pre apartheid, post-apartheid, if they are registered as military veterans. So, there is a few of them, but I guess they must present themselves. All the families present them so that they can get support from the department. I can assure you that those that have been presented, who have presented themselves

or have been presented by families do get support because there are systems in place to support them. I thank you.

Question 8:

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you 11151 very much, House Chair. Permit me to start by making a commitment to this House on my availability with regard to the response, if any, needed by the House, the committee or the Public Proctor on the issues that are doing the rounds. The allocation to question was on the basis of the delegation in the department. Hon Dugmore, there were seven remedial actions as given by the Public Protector in June 2024.

The first remedial action had to do with the department developing standards for a model court to deal basically with the services and the family courts to determine the service standards. A plan has been developed and guidelines have been circulated to all in sundry but also to ensure that the courts do make inputs.

The second remedial action was related to infrastructure. Eighty-two facilities have been identified to deal with minor capital works but also to make them gender-based sensitive,

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 30

particularly to the victims. Thirty-three minor of those capital works are currently underway with regards to infrastructure being done.

The third remedial action was the construction or the renovation as well, and for the procurement of all courts which have been identified for the audit. Yes, there were more than what the department can be able to deal with at the same time. The project plan which both involved the infrastructure that is referred to with regard to remedial action to and to the lower courts, have been finalised.

The fourth one dealt with the human resources and the courts on how to develop the plan regarding capacity constraints. The plan is also being finalised and it is going to be focussing on the lower courts because of the available budget.

The fifth remedial system was dealing with the filing system. Audit is in progress, and I must indicate that we do have challenges with regard to the overall filing system and management of our archives and records in the department. But the progress is happening there.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 31

The second last was dealing with the language options. Yes, it is still underway. Form 6, which we all know that it is the application for a protection order that a victim uses, together with Form 8 have been translated into all official languages. We must confess here that they are not printed, but on request the type of a form you need, we then print and make it available. This is on the basis of the availability of resources that we don't have.

We have currently concluded the Constitution and the information products of the gender-based violence, GBV, to also be on Braille and in large print. Our hope is that we will also be able to do that in all official languages.

The last remedial action was about the functional of the our portal and the application of protection orders, which we can now get from our online solution on a 24-hour basis. We have a minor challenge there with regard to the strength of our wi-fi, but the department is currently finalising Phase 2 which entails the end-to-end solution of linking the application directly to the magistrates and the police to ensure where possible a person doesn't die holding a protection order and there is faster response into that. So, the solution is being

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 32

piloted on all sampled 82 courts in collaboration with the civil society. Thank you very much, hon House Chairperson.

Dr L MANAGA: I wanted to find out if the Minister would like to take the question regarding the Venda Building Society, VBS, Bank.

The HOUSE CHAIRPERSON (Mr C T Frolick): No! Hon member, please look at the Rules Book and read it.

Dr L MANAGA: Thank you.

Mr C M DUGMORE: Thank you very much. Through you House Chair, I would like to thank the Minister for a very comprehensive response with regard to the remedial actions as recommended by the Public Protector in 2024. In these responses, the seven remedial actions, I think there's has been a very open and honest response as to where progress has been made and also where there is further work to be done. But what I would like to ask as a follow-up or supplementary question is that, given the difficulties and the need to ensure that the applications for protection orders, whether they are physical or online, are simplified given the fact that gender-based violence is

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 33

traumatic and complicated and that these forms can often be discouraging. In the Minister's response there was reference to language. What I would really like to ask is that, are there other ways of actually simplifying this process that the Minister and the département are giving attention to? Thanks.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you very much, hon House Chair. Yes, there are other ways. The department also has in its employ social workers and psychologists who assist in the courts. In the approved structure that the department has just received authorisation from the Department of Public Service and Administration, is to further look into the strengthening of the assistance. Psychologically in terms of support and referral and also care link to the Thuthuzela Care centres which are also overseen by our courts. In total in the country there are around 50 or 56, if I am not wrong. Yes, there's still much need for that. The support goes beyond the application and the filling of the form. The protection is the extension in terms of the relationship between us, the magistrates and the police in the jurisdiction where the order has been given.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 34

I am not saying there are no challenges of responsiveness on how issues could be improved, but there is progress on assisting in the centres and the 82 courts that have already been upgraded. Thank you.

Adv G BREYTENBACH: Thank you, hon House Chair. Hon Minister, the violence fatal gender-based violence attack on Deveney Nel appears by all accounts to have been entirely avoidable. The suspect is alleged to have raped an 11-year-old girl in 2020. At the time the 11-year-old victim was intent on filing a complaint to serve against any future violence by this boy. After a prolonged and disgraceful legal battle, the girl's mother was left distraught as the charges against the boy were withdrawn and no real retribution had resulted from the complainant. It was recommended that the boy be placed in an intervention programme. This by all accounts did not happen and with a very tragic result. What safeguards are in place to ensure that child perpetrators of gender-based violence are properly monitored and made to attend intervention programmes? Thank you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you very much. I would avoid in all forms to follow the

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 35

example of Minister Motshega by sticking into the question. But because it is a topical case that one has been able to go through as well individually. It is the alignment that I am talking about between the police, the magistrates and the social and psychological services. A joint system needs to be able to provide. You receive an order, the issue is investigated and the protection needs to go beyond the circumstances that the victim is facing at the time. It's a said case and one can only say we learnt from it in terms of strengthening our systems. But to be able to offer alternative and full support in the system in all our courts, it is practically not possible at this moment. But in courts where you are able to provide support, you do.

Secondly, jointly with the SA Police Service, SAPS, we are also even looking into the refinement of the 24-hour waiting period of a person who either would have been reported to be missing or reported, to have been a victim facing whatever form of abuse or intimidation to be assisted urgently rather than the reform of our systems and services.

I will get more information if you need on how best we could monitor. I think I agree with you that is a part that is

lacking particularly cases which are already on the roll which need a firm and a tight relationship between the investigation and the prosecution either by a court or a magistrate.

There is quite a number of examples even here in the Western Cape our last meeting with the Minister was about some of the cases which have been dropped which don't relate to sexual offences but it happened the arrest, the investigation and the dropping of the cases or the unavailability of evidence at a particular time. Thank you.

Mrs H DENNER: Thank you, House Chair. Hon Minister, you mentioned that one of the seven intervention steps are to make capital investments into facilities. Your predecessor, and I know you cannot speak to what he said to us, but your predecessor confirmed to this House in March this year that 98 court rooms have been upgraded between 2019 and December 2023, exactly to be used as sexual offences courts after the assertion of the Judicial Matters Bill. I would like to know, how many of those court rooms have indeed been finalised, can be used or are they all in use, or those 82 facilities that you mentioned part of the 98 because, as you know a great

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 37

shortage of sexual offences courts and this is a very serious matter and we need the facilities? Thank you, House Chair.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you, hon House Chair. In fact, the progress between that March and today is that there are additional 2, so we currently have 100 of those upgrades. I must contextualise that the limit of the infrastructure with regard to upgrade for the department is at around one million. The related development of infrastructure recites with the Department of Public Works. We are doing joint work not only in sexual offences courts but in magistrates' and high courts. We must indicate the challenges that both departments are facing in terms of shortage of funds, the availability of funds versus the demand for infrastructure improvements.

The 100 facilities have been upgraded. They are victim, they are victim user-friendly, and they protect the children in stances and cases where they are. Yes, there are still in all the magistrate courts that have not been covered in terms of that. As you move the target increases because we would want all courts and magistrates to be victim sensitive particularly

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 38

on gender-based related type of cases so that we don't second victimise our victims. Thank you.

Ms N L WEBSTER: Thank you Minister for the detailed responses. In your response you mentioned human resources capacity. My question is related and more about training. How is the allocated budget being distributed towards ensuring that staff and court officials are trained on GBV sensitivity and also on trauma informed approaches within the courts because that becomes some of the issues that happen in those magistrates?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Thank you very much. There are about four running programmes, and there could be more. We have the Magistrates Commission which deals with the training, the capacity, the allocation, the upgrades of magistrates and the related programmes. We have the Justice College that takes both the prosecutors and the prosecution and deal with cyber and forensic training. We have both the Special Investigating Unit, SIU, and the National Prosecuting Authority, NPA, running their own in-house training on the basis of what is needed. If you might have notices either last week or so, NPA has released and advert of recruitment to ensure that we get the young prosecutors and the

training which ensures that you beef up the system additionally. They are currently in the investigative directorate, ID, also having training programmes which goes into provinces to ensure that investigation and prosecutions is also stronger at the provincial level and not only dependent.

I might have left the judges, for examples, who have their own institute the Chandler Institute of Justice, CIJ, which deals with their own development as judges. We have the Women in Leadership, Sawil, which also has its own training. It's quite a number of training programmes that are able to assist with regard to improvement.

What we may want to guard against is to ensure, particularly in regard, the cybercrime, forensic and data analytics. Those are the areas where we have a shortage and it impacts the pace and the fastness on how some of the complex cases could be resolved. Thank you.

Question 54:

The MINISTER OF POLICE: House Chair, and the two hon members, before I answer directly to the question, I just want to make

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 40

a statement in this regard. The statement is that the gender-based violence and femicide, GBVF, and what is termed corrective rape are some of the most challenging anti-social behaviours in our society. Whilst the SA Police Service, SAPS, has a role in addressing these issues, it goes beyond ordinary policing. In fact, it is near impossible to police gender-based violence in its entirety, in the sense that these incidents take place in households, in bedrooms, and between people who are very close to one another, but that is not to say police have no role, but we are just talking about the origins of this, that make it very difficult to policing. It is important that we reorientate ourselves and not throw all the burden of policing these issues to police and confine them there. It requires an all of society approach to combat GBVF, we need to change societal attitudes through social engineering.

Now, when it comes to answering directly on this question, the SA Police Service is currently implementing the Gender-Based Violence and Femicide Action Plan, which is aligned to the National Strategic Plan on GBVF. Focus Area 4 of the SAPS GBVF Action Plan deals with the prevention of gender-based violence and sexual offences. The SAPS categorises rape as one of the

GBVF-related offences. The intended focus is to enhance the feeling of safety amongst women, children and vulnerable groups, which are an integral part of all society. The SAPS implement GPVF prevention and awareness raising programmes within the focus area as prevention measures, but also to encourage victims to report and seek assistance. The involvement of communities and stakeholders and the use of awareness programmes recognise that police action alone will not serve as a deterrent for intimate forms of violence like sexual offences. The interventions to address GBVF-related crimes include the following: Awareness campaigns that identified GBV hotspots; ministerial dialogues and izimbizo on GBVF; awareness programmes that are conducted specifically by family violence; child protection and sexual offences units, which investigate cases of rape and are therefore very familiar with prevailing trends; increased compliance assessment on GBVF-related regulatory frameworks at police stations; the improving of the involvement of community police forums, CPFs, and performing oversight on police stations and promoting community education, and so on. There is quite a few ... [Time expired.]

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 42

Ms M S LETLAPE: Minister, there is a steady increase and not a decline in the number of reported rape cases in the country over the past few years. We know the primary purpose for the murder of Uyinene Mrwetyana was for her perpetrator to commit rape. We know that Namhla Mtwla was murdered in Umtata in the Eastern Cape, and at the centre of her murder was a boyfriend who did not want to let go of her. What is sad with the issue of Namhla is that the perpetrator is still walking free in the streets of Eastern Cape due to the incompetence of the police to investigate. What I want to find out, what we want to find out Minister is that: What other measures and approach are you going to implement to make sure that prevention of violence against women and children stop in South Africa?

IsiZulu:

Ngiyabonga.

The MINISTER OF POLICE: That's not entirely what the hon member is saying that it's incompetence. To get somebody arrested and tried in a court of law, you need sufficient evidence. You can have an expert in investigating a case, but if you if you don't land in what is relevant for a particular case, you won't be able to. That case is amongst the cases

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 43

that are receiving our attention now in Umtata. You will understand that we have beefed up security there in the form of detectives and in the form of special operations people. But we have also sought to strengthen our relations with the people in the justice system. We had a chat with Minister of Justice to say there is a complaint from there that says that there is something that people are experiencing in terms of perceptions, that prosecutors are not doing what people would ordinarily expect them to do. Whether that is true or not is another matter, but we are discussing the matter with Justice whilst these operations are taking place, and we hope that some of these cases, including the one that you are highlighting, we will ... yes ... with the person that you are talking about ... be able to come up with something, depending on that with all the intensified kind of effort, we will be able to get sufficient evidence to get in that ...

[Inaudible.]

Ms N V MENTE-NKUNA: On a point of order.

The HOUSE CHAIRPERSON (Mr W Horn): Yes, just take your seat.

One moment, please, hon member. Yes, hon Mente.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 44

Ms N V MENTE-NKUNA: House Chair, we are dealing with a case that is very sensitive in terms of the question asked to the Minister by our member, and we have given the names of victims of brutal crime. For the Minister not to say the name, she has a name. Now it is a by the way and he is reducing her into some object that just disappeared. She has a name. She is Namhla Mtwá. ... [Inaudible.] ... a name so that he can understand ... [Inaudible.]

The HOUSE CHAIRPERSON (Mr W Horn): Hon Mente, we are not able to prescribe to the executive as to how to answer. So, whilst I take note of your comment, it is an opinion. Hon Cloete, please proceed.

Mr E A CLOETE: House Chairperson, Minister ...

The HOUSE CHAIRPERSON (Mr W Horn): Order, hon members. Please give the hon Cloete an opportunity.

Mr E A CLOETE: ... the prevention of crime in general and the rape in particular, requires a comprehensive and multisectoral approach by both government and society in general. That means that the question of morality in society, substance abuse, and

stereotypes of men to watch woman, the centrality of civil society organisations, as well as religious and cultural organisations are crucial in the prevention of rape. How are the police strengthening the multisectoral approach to fight crime in general and rape, in particular, Minister. Thank you, House Chairperson.

The MINISTER OF POLICE: The approach is along the lines that the hon member is outlining. Communities differ one from the other. Other communities are highly organised in the sense that they can organise neighbourhood watch groupings, others seek the help of private security, and others have CPFs. The intention is to involve everybody in the fight against crime, wherever it rears its ugly head. We, in relation to the metros have started a programme where we try out of our way together, like we did yesterday, in the City Hall here, get all the active social groupings in one place and listen to them, including their advice, and then start implementing the outcome of such. So, we do consult, we do involve, and we do work with social groupings in fighting crime. Thank you.

Ms C T NONTENJA: Hon House Chair, in April 2024, at the opening of the 64th Thuthuzela Care Centre in Stellenbosch,

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 46

the NPA head, Shamila Batohi, confirmed that despite the 75% conviction rate, there is a high number of GPV cases being withdrawn. Too many cases are not getting to court. Also, a total of 174 GBV matters were struck off the court roll between April and December 2023 due to the SAPS inefficiencies. Hon Minister, the question is: Have you or the department considered a more effective solution to reduce rape cases from being withdrawn and train police officers to be more sympathetic and sensitive with the GPV matters and victims? If yes, what are the relevant details?

The MINISTER OF POLICE: Well, thank you very much, hon member, I am not sure about the red tape and therefore I will not be able to answer what you meant by red tape. But you speak about what you allege to be inefficiency on the side of police, and you allude to Adv Batohi's statements. The fact of the matter is that, yes, there are instances where cases will be investigated, but there will be some holes or some weaknesses in the statements that would be prepared to go to court. We do experience that. And what is happening now is that we are having initial discussions to say how do we make improvements, not just in relation to statements relating to GBVF, but all statements in all cases, so that we improve in terms of the

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 47

quality of the statements that all police take in police stations when those matters get taken to court so that both the magistrates or judges on one hand and the defence lawyers on the other don't find easy loopholes so that cases get thrown out. So, there is that feeling amongst us that there is such, but it is not red tape. Thank you.

Mr W M THRING: Minister, on any day, about 148 women are raped in South Africa. Most of these rapes are the girl child under 18 years of age. With pornography being the theory and rape the practise, the ACDP has on numerous occasions called for the banning of all forms of pornography, which denigrates and objectifies women. That said, Minister, noting the poor conviction rate of around 14%, do you agree that better co-operation or crime fighting agencies need to be improved to increase the conviction rate and that there needs to be harsher sentences meted out to perpetrators of rape, including life sentences? If yes, how do you propose to implement this? If not, why not?

The MINISTER OF POLICE: I agree with the larger part of your statement that you need co-operation of more than one department in making sure that you increase the rate of

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 48

conviction. I have just alluded to one that we need to do what we have identified as one of the areas of improvement or in the SAPS work very closely with NPA. And from what I have gathered, including what would be discussed in the first meeting of the Justice Crime Prevention and Security Cluster, JCPS, it would be those areas that are being identified as areas that need very close co-operation. And in some of these cases, during investigation, you do need to have very close proximity with the NPA so that there aren't too many gaps between what the SAPS are doing and intend taking to the justice system and NPA themselves. There is agreement and there is willingness politically to do such closeness and ensure that the quality of our work getting to courts at the required level for convictions. What we intend doing, therefore, is to go exactly on those areas that have been identified. And we hope that once agreed upon and implemented, we will have an improvement. I just want to say that it is not only us here in this House that want higher convictions, even the police themselves, they want to see their job and their work resulting into a higher number of convictions. We talk about this every day. They want this themselves, and that is a plus in terms of the work that we need to do. Thank you.

Question 11:

The MINISTER OF HOME AFFAIRS: Hon Chair, the answer to the question relating to this Bill is, yes. It will be Tabled in due course. The Cabinet decision of 10 April 2024 did include a number of comments that need to be addressed through supplementation in the Bill and that is what we will do.

We also, of course, have a new administration elected by the people and supplementing the Bill will ensure alignment with the Government of National Unity's emerging priorities with the work of Operation Vulindlela and with the Medium-Term Development Plan. At the end of the day all of this will ensure that we present the strongest possible Bill.

It is very important that we get this process absolutely right so that the Bill that emerges from this process is absolutely watertight to legal challenges, I must emphasise this. I have made the point that Home Affairs needs to get out of court and onto service delivery and so the work we do in this regard has to be legally watertight. Finally, to the hon member, I think it is important to also point out that we have to actually prepare Home Affairs to effectively implement this Bill and

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 50

other legislation that is currently before the portfolio committee and that is emerging out of the work we do.

That is precisely why it is so important that we pursue digital transformation, reform of Home Affairs, strengthening our internal capacity including the understaffing problem that we have so that we ensure the system is in place to effectively implement this Bill, secure our borders and enable growth and development. Thank you.

Mr M S CHABANE: Thank you, Minister. The ANC has noted that extensive work has been done on the White Paper by the executive and ultimately approved by the Cabinet in the Sixth Administration. Notwithstanding areas of your concerns Minister that you have raised, can you outline timeframes on when will the Bill be presented in Parliament, given the experience of the last executive where Bills have been brought in Parliament towards the end of the term? Thank you.

The MINISTER OF HOME AFFAIRS: The initial planning indicates 31 March 2027. However, obviously with the supplementary comments that came out of the Cabinet process and the emerging priorities that need to be reflected, as I mentioned, the

WEDNESDAY, 28 AUGUST 2024

Page: 51

Medium-Term Development Plan as well as the work of Operation Vulindlela, that timeline will be something that we will have to look at in a dynamic process.

Nevertheless, I think it is important to make the point that we will be working very diligently to make sure that what is ultimately Tabled is something that passes legal master and is implementable. I think the only thing worse than what the hon Chabani mentions is if a Bill is passed and it gets tied down in legal processes for years or even decades in some cases and ultimately becomes unimplementable.

So, we have to get this absolutely right. We have to make sure that the department is capable of implementing the measures that we want to take. I am confident that we can do that certainly in this administration. I agree with the hon member that we should not leave things for the last second. That is why this work is underway and our commitment is to get it absolutely right so that it can withstand scrutiny at all levels. Thank you, Chair.

Ms B E MACHI: Hon Minister, paragraph nine of the White Paper states that the department has no idea as to how many illegal

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 52

immigrants are in South Africa, while paragraph 103 states that the sheer number of illegal foreigners in the country makes it impossible to detect all of them. Considering this, what are the expected outcomes and measures the White Paper 6 is to put in place in terms of clamping down on the influx of illegal immigrants at the local government? Thank you.

The MINISTER OF HOME AFFAIRS: Yes, indeed, this is an issue that is really of great concern. It is like asking how many illegal weapons are out there or how much illegal cigarettes are out there. By its nature it is illegal and, therefore, it is not something that comes forward and says detect me, find me. By its nature, it seeks to evade detection and the law.

Nevertheless, that is exactly why we have to focus on this area. We have to build systems to detect. We have to make sure, in fact, that we have continuous ability to track, monitor and audit the number of illegal immigrants in South Africa. There is really only one way to do this, we have to build an integrated system that is able to scan any document that someone may present to you and it is able to detect whether that is a fraudulent document. In the case of it not being a fraudulent document, it is able to link with various

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 53

other databases to check whether this person may have a criminal record or anything of that kind.

So, that is where the big focus for us really lies, so that we build those systems including by using the technology that is available in the year 2024, to be able to detect fraudulent documents for example much more rapidly. I would point out the recent case we had with the Miss SA issue, I mean, there is a case that dates back 23 years and you cannot believe the amount of resources required to actually investigate and verify some of these things because these were even then, of course, more paper-based and more manual processes than they are today. So, that just consumes a huge amount of resources.

If we want to efficiently, you know, clamp down on illegal immigration, if we want to understand the scale and the extent of the problem given that these are not people that come forward and say, please detect me, we will have to really invest very aggressively in building the technology to help us do that. As I said, that is really part of the commitment.

Thanks.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 54

Ms L M NGOBENI: Thank you, Minister. I hear you saying that you want to get the process absolutely right. While we are cognisant of the fact that the process for the White Paper is underway and it must be concluded this year, but then, of course, the Bill will come much later.

However, given the significant challenges currently faced by our country in managing immigration including border management issues, that includes security, illegal immigration and the processing of asylumseekers, how does the timeline that you speak about for the development and implementation of the proposed overhaul align with the urgent need for these reforms?

Furthermore, Minister, can you give definitive assurances to South Africans of the interim measures in place to address these pressing concerns while the White Paper and the Bill processes are underway? Thank you.

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, Minister. Before you take the floor, hon members, you are reminded that follow up questions are supposed to be a single topic and not

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 55

subdivided. Nevertheless, Minister, you are welcome within your two minutes to take a bite at both cherries. Thank you.

The MINISTER OF HOME AFFAIRS: I think it is an important issue that we can't wait obviously for a particular piece of legislation to pass and then deal with problems. So, there is a huge amount of work that we have started doing and that we will follow as the months progress to make sure that we put in place exactly the kind of system that we are talking about.

In fact, a Bill - and we have seen this so many times in our country - you can write a piece of legislation and you can write an excellent Bill, the question is, how are you able to implement it? If we are talking in this Bill about our ability to monitor movement at the borders, you can write the sentence, let's monitor movement at the borders. How are you actually will do that, especially in a context where the Border Management Authority is underfunded by R4,3 billion? You heard that correctly, R4,3 billion.

When you are dealing with an environment in Home Affairs that has 40% of the staff component that it requires. So, there is just no way that we must believe as important as legislation

is and these reforms are that that alone will solve the problem. We are very focused on the administration side, on the systems building side and for that we are currently in conversation with various stakeholders, people who can assist us with capacity and we are looking very closely at how we can reform our internal processes to make sure that we start moving away from these vulnerable systems.

Again - just to use a recent example - the issue of the Libyans who came into this country. We are talking there about handwritten paper visas that someone was able to use with their pen, picked up his pen and write in that, you can come into this country. The applications in some cases were not even complete. There was not a specific selection of I want this kind of visa and yet because human discretion allows for people to make these decisions in some cases at the whim, they were able to issue those documents.

Noting further, in this case that, that was actually an official from the Department of International Relations and Co-operation, Dirco. Why is that happening? We are reliant on the department like Dirco because we don't have enough staff. So, you really ... [Time expired.] ... Thank you.

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 57

Xitsonga:

Tat S M GANA: Ndza khensa, Mutshamaxitulu.

English:

Hon Minister, there is the first safe country principle for asylumseekers. Do you believe that this is a principle worth pursuing? The first safe country principle, do you believe that it is a principle worth pursuing for this country and what will you do to ensure that it is realised? Secondly, do you believe that what we are dealing with in South Africa it is a question of true asylumseekers or we are dealing with economic migrants? Thank you.

Xitsonga:

Ndza khensa, Mutshamaxitulu.

The MINISTER OF HOME AFFAIRS: I note the two cherries again, Chair, but it is fine. Just on the second part of the question, hon member, we have to have systems in place to differentiate between the two. There is certainly and undoubtedly too many cases of economic migrants who claim

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 58

asylum, for example, when they would be arrested. We must differentiate from those cases and genuine asylum cases.

However, the principle there is correct, the first safe country principle. This requires international co-ordination because the truth is, if someone crosses, you know, 6 or 7 borders in order to get to South Africa and some of those countries would be classified as safe, being we sitting with the problem because we can't eventually take on the whole world's problems, we have to co-ordinate with international partners to make sure that that principle is actually applied.

So, that is why I think there is an important conversation to be held globally as well with partners at the United Nations, UN, for example. We know the world is dealing with various crises. We have wars, we have conflicts and we have migration issues everywhere but you can't just leave Africa and forget about migration in this continent and specifically in the case of South Africa as a as a big receiver. I think we will have to do more in this administration to put pressure internationally as well and say you have to come to the table and enforce those kinds of principles as we go forward. Thank you, Chair.

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 59

Question 62:

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, the answer to the question is as follows. The conditions of service are determined through negotiated process with organised labour unions, a process which guarantees that the interest of all racial groups are represented. The department has implemented various occupations, specific dispensations, so, with these, which brought about unique salary structures that are fairly competitive for different occupational categories within the Department of Correctional Services. The Department of Correctional Services complies with the requirements of section 21 of the Employment Equity Act, where its employment equity annual report depicting remuneration and benefits received in each occupational category at all levels of the Department of Correctional Services workforce is submitted to the Director-General of the Department of Employment and Labor for monitoring purposes.

Sectoral agreements on the occupation specific dispensations make provisions for career advancement through career passing measures. These measures refer to pipe progression to higher notches within the same grade and grade progression where

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 60

movement is from a lower salary grade to the next higher grade, based on satisfying the agreed requirements that includes performance and years of service. In addition, the department also applies post advertisement for promotion to higher posts where any official who meets the advertised requirements may apply and be considered for appointment to such advertised posts. It's open competition. The department does not have its own pension rules, instead, it has been implementing rules of the Government Employees Pension Fund, GEPF, insofar as it relates to the pension payout. Thank you.

Mr G F JONAS: Chair, with reference to the Police and Prison Civil Rights Union, POPCRU, march to the Union Buildings in 2022 to hand over memorandum of demands for amongst: others, salary increase, decent living and working conditions. What measures does the Minister intend to put in place to ensure that correctional services employees do not face racial discrimination for occupational levels, but receive fair and competitive wages and be established as transparent and effective model for promotions and pension payout? Thank you.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Minister before I recognise you. Hon Jonas, this was the question you submitted

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 61

and which the Minister has already responded to. In terms of the rules, you have an opportunity to ask the first supplementary question, so there's no need to just repeat the question. If you have a supplementary, do ask. Hon member.

Ms S G KHOJANE: House Chairperson, my apologies to the Minister. We did not put a request for a supplementary question as it's indicated. So, it was a mistake for him to ask the same question, but there was not a request for supplementary. Thank you.

The HOUSE CHAIRPERSON (Mr W Horn): Okay, thank you. We will skip you, but just remember, in future, when you are afforded an opportunity for a first to ask the question, you automatically have the right to ask the first supplementary. Thank you.

Ms H O MKHALIPI: Chairperson.

The HOUSE CHAIRPERSON (Mr W Horn): Yes.

Ms H O MKHALIPI: Chairperson, but they are sitting together, and they are not focusing on this thing. It's embarrassing.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 62

The HOUSE CHAIRPERSON (Mr W Horn): Hon Mkhalipi, all caucuses seem to have their problems these days. Let's move on. The next opportunity to ask a supplementary question is that of the hon Moela.

Mr M S MOELA: House Chair, the follow-up question will be to the Minister that, following the strike of POPCRU in 2002 and the dissatisfaction of members by their trade union, what steps has the department taken to boost the morale of the staff in this regard? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, firstly, I sit in the previous question. I spoke to all the personnel from head office about 2000, and to uplift the morale I said to them that each and everyone of us must play the role and I've referred to say, let's get rid of the bad apples because it's those bad apples that also affects the good apples that are hardworking people with integrity, and it starts with consequence management. I also said that they can come forward with problems and referring, for instance to POPCRU, I am going to meet with them one of these days to see how we can ensure that our people are protected against discrimination.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 63

Although we must also say this to each other, the declaration of intent, when it comes to the Government of National Unity, GNU, it is quite clear that we say that when we appoint people, it must be on merit, based on experience, based on, for instance, qualifications. We must also ensure that we get the best person in that position. That's part of the declaration of intent, and that's what I am going to do in the department and I've already started doing. Thank you.

Mr D D KLOPPER: Hon Minister, pertaining to the civil rights march in 2022 and considering wages are best average for correctional service facility officials, considering the circumstances in which they work, will increases in danger by specifically be implemented in the remuneration structures for correctional service officials, considering the dangerous and daunting circumstances that they work under, or will these concerns go unaddressed? Thank you, hon...

The MINISTER OF CORRECTIONAL SERVICES: Chair, I think it's fair to say that we must look into that specific matter when it comes to endangered situations or dangerous situations, and what I think and what I've already asked, for instance, is that I want the statistics on all the employees who are, for

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 64

instance, in a specific position for the last 10 years, 10 to 20 years and 20 to 30 years, and I want to see whether there was increases in their salary, what type of increases, were they also promoted to higher categories or not, because I think you cannot have a person, say for 20 to 30 years in a specific position and they are only very small, can I say very small increases in payment. We will have to look into that, and that's why I said we're going to meet with POPCRU as. well, to see how we can ensure that specifically our wardens, are actually in a dangerous position, we had a couple of cases where they were attacked by inmates with sharp objects, and we will have to make a differentiation. However, I will follow that process quite dearly.

Ms B K DIALE: Minister, the POPCRU march to the Union Buildings in 2022, entailed more than just the narrow-coloured nationalism that the PA seeks to portray. The much sought to address some key operational and policy shortcomings at SA Polise Service, SAPS, including the need for tackling rampant overcrowding, gangsterism and corruption in our correctional service facilities that had made it difficult for officials to maintain law and order. What we need to know, Minister is, since assuming office, what steps have you undertaken to

specifically deal with gangsterism at correctional facilities, which is making it harder to maintain order at these facilities? Thank you.

The MINISTER OF CORRECTIONAL SERVICES: Hon Chair, part of maintaining order is as I said that here must be consequence management, and I see consequence management as part of the situation where there are contraventions of certain rules, and they are personnel involved with that, who are complicit. Then to ensure better order, then they must be actions and consequences for those personnel. The problem is impunity, and actually, impunity is the problem of whole of South Africa, where our criminal justice system is at stake. So, I strongly believe that the moment you have good, fair and just consequence management, you will improve the situation and have better order. I thank you.

Question 34:

The MINISTER IN THE PRESIDENCY: Hon House Chair, although kidnapping for ransom has been identified as one of the modus operandi used by terrorist actors in South Africa and globally, there are more than 50 daily kidnappings here in South Africa relate to various criminal activities, including

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 66

extortion rackets. So, the kidnapping for ransom, specifically to fund terrorist activities in the country, remain unconfirmed. We are currently attending to 23 suspected cases.

Criminal investigations into the kidnapping for ransom cases, including with links with terrorism financing, are ongoing, and have been prioritized. This investigations form part of a concerted effort to address key deficiencies in South Africa's anti money laundering and countering terrorism financing regime, as identified by the Financial Action Task Force. Which resulted in South Africa grey listed.

And therefore, the State Security Agency, along with other relevant departments, remain at work to identify, investigate and when appropriate, to assist in preparation of cases for prosecution to counter sources of terror financing.

The State Security Agency, SSA, continues to strengthen its counter terrorism capabilities and its capacity to counter the financing of terrorism financing through specialized recruitment, specialized training, technical assistance with relevant private sector institutions and close cooperation and

coordination with both domestic and foreign law enforcement agencies, including non-security cluster departments.

As part of strengthening of capabilities, the SSA has finalised and is currently implementing the national countering the financing of terrorism strategy and the targeted financial sanctions operational framework.

And furthermore, the SSA in the second part of the question is not responsible for arrest or prosecution of any cases.

However, the SSA continues to fulfil its threat detection mandate by identifying threats relating to terrorism financing and elevating this to relevant authorities and departments for court driven investigations and prosecution. Thank you.

Ms D KOHLER: Thank you, House Chair, Minister, generally agreed that the blame for the fact that extortion syndicates are running rampant within our country, be it kidnapping, construction, water, school, hospital and clinic mafias, lies at the feet of our intelligence agencies, the State Security Agency, crime intelligence and to a lesser extent, defence intelligence. Now it's globally known that there is financing of terrorist groups flowing out of South Africa, perhaps via

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 68

these rackets. Is it that the agencies have chosen not to do anything for all these years, or are they incapable of doing it? Thank you.

The MINISTER IN THE PRESIDENCY: House Chair, as indicated in my earlier reply, we continue to strengthen our capability and is because terror financing and terrorism on its own continues to change its own modus operandi. So, it's a matter of continuous change and improvement on our system, as I've indicated, even with the grey listing, we have managed to get a new strategy approved that it integrates, and the operational framework on strategic targeted financing. It includes the ability to designate those who finance terror and also to sanction those who finance terror in it from our country, so that work continues.

There are other announcements that will be made when the team has reported on the work we're doing on grey listing, which is the integrated team that is led by Department of Finance, SAA, the SA Police Service and the Department of Justice, the entities within the Department of Justice. Thank you.

Siswati:

WEDNESDAY, 28 AUGUST 2024

Page: 69

Mk L S MAKHUBELA: Ungibonge Sihlalo Wendlu, Mphatsiswa, emaphoyisa abike kutsi kuletinyanga letisitfupha letengcile, bosomabhizinisi labalishumi nakubili, 12, kanye nebantfwana lababafundzi labasitfupha, bebatfunjiwe ngenhloso yekutsi kutfolakale imali. Basitwe ke ngulelitsimba lelitihlaka letehlukahlukene ...

English:

... which is multidisciplinary ...

Siswati

... leliholwa litsimba lemaphoyisa aseNingizimu Afrika, kutsi basitakale. Tjela tsina ke Mphatsiswa kuze nalabasemakhaya beve kutsi ngutiphi tinhlaka lowutisekele wena ulitsimba le-State Security Agency kutsi unikete emaphoyisa naletinye tikhungo temtsetfo kutsi kulwisane nalobugebengu bekutfumba nekutsi bantfu bafune tigidzi tetimali? [Kwaphela sikhatsi.]

English:

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, hon member, thank you. Yeah, before we hand over to the Minister, it would

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 70

seem translation services was not assisting us, when this question was asked. If we can please attend to that, hon Minister.

The MINISTER IN THE PRESIDENCY: Hon House Chair, my Siswati is not very bad, but there was a part that I missed when she says *utsimba*.

Siswati:

Mk L S MAKHUBELA: *Litsimba*.

English:

The MINISTER IN THE PRESIDENCY: Okay thank you. Thank you for the in-house translation services. Hon House Chair, we continue to work with the multi-disciplinary team of the police, and that's why we call them intelligence driven operations. And that's why I have specified 23 cases that we've been working on. And the Minister of Police will soon make major announcements on breakthrough cases on the kidnapping for ransoms that have to be taken not only to court but which we think with that crackdown, we'll get into the root of the kidnapping foreign ... [Inaudible.]

[Interjection.]

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 71

The HOUSE CHAIRPERSON (Mr W Horn): Hon Minister, my apologies to interrupt you. There is a hand on the virtual platform. Of the ... I can't see that's far, unfortunately, the hon Souls.

Mr A SAULS: Hon House Chair, my hand was raised before the Minister stood up, so it is not on the Minister, but I wanted just for you to note, House Chair, that us who are online, totally have no interpretation service, so we are unable to follow the proceedings properly, just to note.

The HOUSE CHAIRPERSON (Mr W Horn): Yeah, thank you. In this case, you were not worse off than those in the Chamber, but we have asked that that be looked into. Hon Minister, were you done or was there still a part?

The MINISTER IN THE PRESIDENCY: Thank you, hon House Chair, and it's a pity that my chain of thought has been a bit disorganised, but we, in terms of the work that were doing, the police will make the necessary announcement. And we are confident that with the work done in terms of kidnapping for ransom, we will also be able to prosecute on the matters.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 72

I do not want to pre-empt that work, but it's a part of ensuring and also dealing with the matter that was raised by hon Kohler Barnard, that we are being effective in dealing with terrorism and counter terrorism work, including the extortions, including the other rings.

If you recall, the Minister of Police announced work that is being done for the extortion groupings, whether they are water tanker groups, whether they are construction mafias and all others. So, we have multidisciplinary teams across the country, and we are going to have the handle of things and get a crack of things as soon as ... [Inaudible.] ... hon member. Thank you.

Mr N M HADEBE: Hon Minister, what proactive action has your department taken, to ward off the targeting of South African citizens for kidnapping by foreign nationals, international syndicates and terrorist groups? And whether does your department consider it a threat to national security? Thank you.

The MINISTER IN THE PRESIDENCY: Hon House Chair, in terms of the national intelligence estimate and also national

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 73

intelligence priorities, terrorism, including kidnappings and extortions are band one priorities. And we should soon release the national intelligence estimate for the country so that the country understands, the kind of work that we are doing and the challenges that the country focuses on, because national security is everybody's responsibility.

As indicated earlier, we continue to work with the police, the prosecution ... [Interjection.]

The HOUSE CHAIRPERSON (Mr W Horn): Hon Minister, my apologies. I'm going to do it to you again. There is now a hand of the hon Skosana on the virtual platform, hon Skosana.

Mr D M SKOSANA: Thank you, House Chair, and to the Minister. Hon House Chair, this issue, which is not resolved now again, the issue of interpreters ... [Interjection.]

The HOUSE CHAIRPERSON (Mr W Horn): No, hon Skosana, can I just ask you to pause there. I don't think it's in the best interest of the oral question session for us to come into this matter whilst the Minister is on the floor. I will come back

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 74

to you just after the Minister has concluded, please, thanks.
Hon the Minister, my apologies.

The MINISTER IN THE PRESIDENCY: ... hon House Chair, I want to plead that if there's a hand on the platform, I'll be allowed to complete the response and then you entertain the hand. Because it's quite disruptive in terms of ... [Interjection.]

The HOUSE CHAIRPERSON (Mr W Horn): The difficulty is it might be a point of order, hon Minister, but please, proceed.

The MINISTER IN THE PRESIDENCY: ... as earlier indicated, hon House Chair, that we continue to work with the multidisciplinary teams and providing the intelligence work for the targeted efforts that we are on this area. As I've indicated, we will soon release the national intelligence estimate and the national intelligence priorities as approved by Cabinet for the country to understand the type of national security threats that we are dealing with.

And also, the concomitant responses and work that is being done by the multidisciplinary law enforcement teams to respond to those threats and we continue to plead and call upon all

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 75

South Africans to respond and assist the law enforcement agencies when dealing with crime, including the extortion ...
[Inaudible.] Thank you.

Mr D M SKOSANA: Hon House Chair, are you bringing me back now? I'm saying this issue is unbecoming. We can't be complaining about interpreters all the time, we are told we don't have interpreters. People at home wants to listen. People want to listen. With all these other languages are being prioritized.

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, hon Skosana, yeah, we take note of your point. And it's not that there are no interpretation services available today. There were just some technical difficulties, but Information and communication technology, ICT is attending to that. Thank you.

Adv S SALIE: House Chair, Minister, the International Court of Justice has found Israel to be responsible for apartheid policies, the United Nations declared Israel an apartheid state in June 2024. South Africa signed the International Convention on the Suppression and Punishment of the Crime of Apartheid. During apartheid South Africa our freedom fighters

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 76

and liberation movements were branded terrorists, and many were put on trial for terrorism, amongst other charges.

What steps is the State Security Agency taking against Zionist South Africans who financially supports acts of terrorism against Palestinians and those who joined the Israeli Defence Force to perpetrate acts of terrorism in occupied Palestine? Thank you.

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, before you take the floor, hon Minister, hon Souls, your hand is raised again. Is it a new matter? We have responded to the issue of the translation services.

Mr A SAULS: No, House Chair, but I think you were somewhat misguided as to how this took place. I raised the hand online. I think there's a delay. So, you responded whilst the Minister was on the floor, and it looked like we interrupted the Minister. So, I want to apologise to the Minister. But I think there's a delay online. I raised my hand online long before the Minister, so he only recognised it during the Minister. So, apologies to the Minister. It wasn't meant to interrupt her.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 77

The HOUSE CHAIRPERSON (Mr W Horn): OK, thank you, hon the Minister.

The MINISTER IN THE PRESIDENCY: House Chair, apology accepted and on the question of terrorism and the designation and classification of terrorism, there are two factors. The first one is that South Africa is a signatory to the relevant UN, United Nations, conventions. Therefore, the designation of terrorist organization and terrorists is as per the UN in line with the UN Convention. Including our own framework for the operational framework that we use, our designation of terrorists is in line with what the UN prescribes as terrorists.

We not responding to any designation by any other country except that which South Africa has determined in line with the United Nations.

And in terms of that work, everyone who violates and qualifies to be designated in terms of the United Nations framework and the South African Operational Framework as a terrorist will be

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 78

deemed as such. And treated as such and the money flows are going to be blocked as such. Thank you.

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, Minister. Before we move on to the next supplementary question, I believe the hon Skosana has again raised the hand.

Mr D M SKOSANA: Yes, hon House Chair, thank you so, so much. Once again, I want you to put this on record. There's vacancy on these languages, I'm talking about Siswati and IsiNdebele. There's vacancy in IsiNdebele. The lady has retired, she has retired and Siswati, there's no one. There are no technical issues here. We should not be misleading the House. There's vacancy, there's no one. As we speak, I'm asking you House Chair, this matter has to be addressed as a matter of urgency ... [interjection.]

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, hon Skosana, we will look into that hon members. We proceed... [interjection.]

Mr D M SKOSANA: ... don't look at it, address it House Chair.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 79

The HOUSE CHAIRPERSON (Mr W Horn): Yeah, thank you, hon Skosana, obviously, if there's vacancies, they must be attended to urgently. May I also plead that you lobby your whip to take this matter to the chief whips' forum, so that we don't take away from the time, the executive is to account by way of answering questions any longer.

Question 14:

The MINISTER IN THE PRESIDENCY: Hon House Chair, the principal responsibility of the State Security Agency as indicated in the National Strategic Intelligence Act of 1994, is to provide government with intelligence or counterintelligence on domestic and foreign threats or potential threats to national security, security of the Republic or its people.

In doing so, the State Security Agency, SSA plays a crucial role in supporting law enforcement agencies in the fight against crime and corruption, which threatens the authority of the state. In this regard, intelligence products are shared with the National Intelligence Co-ordinating Committee, Nicoc and its other principal members, who are Crime Intelligence of SA Police Service, SAPS, and the Defence Intelligence.

We also share information with the South African Police Service directly and the national current operational and intelligence strategies. But also, we share intelligence with the departments that are concerned on the matter that we pick up. So, the SSA regularly provides intelligence to departments of the state as and when required or when the matters arise.

In intensifying efforts to fight crime, the SSA plays a counterintelligence role on departmental intelligence, by conducting countermeasures against espionage, sabotage and subversion, security vetting, security, advising, security investigations, securing of government events and the provision of security awareness within departments.

To improve on intelligence sharing and co-ordination through the Nicoc, the Minister after consultation with the Joint Standing Committee on Intelligence of the Sixth Parliament, gazetted the Regulations for Intelligence Co-ordination in April 2024 for years since time immemorial.

The SSA gathers intelligence with the purpose of countering crimes and supporting other structures such as the South African Police Service, the Directorate of Priority Crime

Investigation and others. This is done through the provision of forewarning and insight, as well as developing intelligence on proactive measures against crime by identifying, profiling and investigating criminal individuals or groupings and networks that are involved in crime.

The SSA also takes part in crime fighting joint operations and investigations with its counterparts, with the aim of prosecuting identified criminal networks operating within and outside the borders of South Africa. In this regard, the SSA liaises with intelligence and security services of other countries within the Southern African Development Community, SADC, African continent and the rest of the world with the aim of countering transnational organised crime. Thank you.

Ms M C DIKGALE: Hon Minister, the co-ordination of intelligence work on the state was found to be one of the weaknesses during the 2021 July unrest. What is the assessment of the Minister regarding the level of co-ordination of the intelligence community? Thank you.

The MINISTER IN THE PRESIDENCY: Indeed, there was a problem with the co-ordination of intelligence that led to the

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 82

challenges of July 2021. But since we took over with the responsibility, we have worked with Nicoc and the other principal members of Nicoc to make sure that we've got the National Intelligence Co-ordination Regulations which are the first since the establishment of the SSA to make sure that we co-ordinate intelligence.

That has resulted in improvement in the co-ordination of work. It is for that reason that, members would have noticed that whenever the police are acting, they indicate that it is intelligence driven. The mechanism of sharing intelligence has also improved, but also the functionality of the Justice Crime Prevention and Security Cluster, JCPS has improved and matters of intelligence are also discussed in that forum, so that we can improve that co-ordination.

It is for that reason that we have been able to deal with a number of issues. You know, there were threats towards the election, both the election itself and the postelection environment. But because of the intelligence work, we were able to thwart those before the threats materialised. Thank you.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 83

Ms D KOHLER: Minister, there's a saying that, "one swallow doesn't make a summer." One massive drug bust by crime intelligence actually shows the magnitude of the problem rather than being an end to the issue. The fact that we have drug laboratories set up at upmarket estates all around the country and that we have no X-ray machines checking trucks driving who knows what, in and out of the country. That generally government technology is so out of date.

It does seem that our intelligence agencies and services are expected to achieve miracles with their budgets being slashed and their hands tied behind their backs. What's the solution?

The MINISTER IN THE PRESIDENCY: Hon House Chair, I think today my sin is sitting next to the Minister of Police and the Minister of Home Affairs because I'm settled with questions that must be sent to my colleagues. Indeed, we require technology as the Minister of Home Affairs referred to earlier to enhance some of the work.

As the SSA we are improving our technology capability to make sure that we respond. That technology capability does not mean that SSA must develop that capability, but must also have

access to that capability. There is important capability that the country has, that sits in the Council for Scientific and Industrial Research, CSIR for instance. We are going to be able to have access to that technology and in view which will improve some of the work that we are doing. But internally, we are working to enhance that capability.

We are also given the level of co-operation, are able to work and have access to what the police can see, what Home Affairs can see and what other departments can see, more especially those that are technology driven. We are integrating our work to be able to have a view of the whole country at a life level and that detail will be provided to the Joint Standing Committee on Intelligence as and when it's established.

We will also take notes of the issue around the budget of cyber security and technology related within SSA. We are working with the management team to review that budget, and we'll do the necessary submissions when the time is due. Thank you.

IsiXhosa:

Nksz N V MENTE-NKUNA: Masibulele Sihlalo. [Thank you Chair.]

English:

Minister, it is good to hear that there is some integration taking place between your department and the other departments because earlier on, we heard from National Treasury that the issue of the 30% policy is not their law or their policy.

This is what is being used on the ground to stop a lot of projects and service delivery for our people. We see waste not being collected because waste trucks are being intimidated. Construction sites are being intimidated and all of that. How do you get involved there to curb such horrible crime?

Secondly, we saw people setting up military camps in South Africa. People of Nelspruit and surrounding areas woke up one day to some men that were intimidating young women and businesses. What was your role there? Thank you.

The MINISTER IN THE PRESIDENCY: Hon House Chair, I will deal with the question that is relevant to the first question, which is the question of what we are doing with to deal with extortion rings, the construction mafias, the water tank

mafias and related. As indicated earlier, jointly with the police, we've got multidisciplinary teams that are focusing specifically on that work.

We have targeted high priority areas that are largely affected and that detail in terms of the work of state security will be provided to the Joint Standing Committee on Intelligence. The police do not report, they only report when they make arrests. Thank you.

Xitsonga:

Tat S M GANA: Ndza khensa Mutshamaxitulu ...

English:

Minister on that very point, would you say yourself that the proliferation of these extortion rackets points to the failure of the domestic branch of State Security Agency or is it a success?

The MINISTER IN THE PRESIDENCY: I do not understand how the domestic branch of State Security Agency gets affected and gets to be a failure because of the extortion rings. If you go to the reasons why you had extortion rings, it is people who

were economically disadvantaged and opportunistically use those opportunities to become destructive in the country. That is why they go and claim that they want 30% in the business that they do not even have capacity to deliver on. It has nothing to do with a domestic branch.

The responsibility that we have as a country is to make sure we build an economy that young people and other people who do not have opportunities for access to economy, can not be exploited by criminals and criminal syndicates for their nefarious means. That is the real issue that the Government of National Unity has made an apex priority of making an economy that works, but also creating employment so that young people do not become victims of criminal opportunists. Thank you.

Question 25:

The MINISTER OF DEFENCE AND MILITARY VETERANS: Chair, I want to indicate that I have bad flu and this aircon is not making my life easy. If I'm unable to continue, the Deputy Minister will be able to continue, but I'll try.

IsiZulu:

Nginomkhuhlane.

English:

Defence intelligence does form part of the government's interagency that is collaborating in pursuit of identifying all establishments and activities that may pose a national threat to the Republic of South Africa. So, in line with the Defence Intelligence mandate, the Department of Intelligence continues to identify any imminent threats of a military nature in defence of the Republic of South Africa.

Thank you, Chair.

Mr S R MOODLEY: House Chair, what do you call a country with no border? Not a country. It is leaking like a sieve. People are coming in and out of this country. The people who had these private armies were foreign nationals. They weren't from this country. So, how safe are our people?

Hon Minister, your response fails to detail who is protecting our borders while a significant portion of our forces is deployed elsewhere like peace missions. Bring them back home. Let them take care of our borders so that our borders are safe so people can't infiltrate, and our people will be safe.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 89

We're spending taxpayers' money trying to fight other people's wars. We are deploying people elsewhere. Can you provide exact numbers and a strategy to ensure that South Africa's borders are secure against potential external threats, even though we are mandated by the people to prioritise national security? Thank you very much.

Mr N L S KWANKWA: House Chair my apologies, on a point of order: I have been advised that there were one or two instances where I unintentionally unmuted myself while the House proceedings were on. It was a mistake. I apologise. I just wanted to say that.

The HOUSE CHAIRPERSON (Ms Z Majozi): Apology accepted. The Hon Minister?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Chair, I didn't hear the question. I heard the statement that they must come home. We're not safe. I thought the follow-up would be a question. So, ...

IsiZulu:

... sizwile ngoba awukho umbuzo ongibuze wona.

WEDNESDAY, 28 AUGUST 2024

Page: 90

English:

Mr M D LEGOETE: House Chair ... [Interjections.] ...

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members, please can we listen to the speaker? Thank you.

Mr M D LEGOETE: Thank you very much, hon House Chair, for your protection, and thank you very much to the Minister for guaranteeing us that our territorial integrity and sovereignty are still intact.

Just as a follow-up question to you as a member of the executive from me and us as the oversight authority, can you, hon Minister, elaborate on any additional strategies being developed to strengthen oversight and prevent similar security risks in the future, particularly to private entities or private security companies involved in military training or semi-military security-related activities that undermine our territorial integrity and sovereignty?

The MINISTER OF DEFENCE AND MILITARY VETERANS: Chair, Defence Intelligence's main function is to secure borders and gather

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 91

intelligence on imminent threats to the country, but also in terms of our borders. It is the work of integrated intelligence that collects that information, so we are part of that body, so we don't do it alone as a body.

We are part of the integrated intelligence, and it is the Inspector-General of Intelligence broadly who does that surveillance and as a team work with him. So, working together is what we continuously do daily to make sure that there are no internal threats and external threats internally led by the inspector-general, on our own, looking at military threats of people attacking the country, not operating illegal camps.

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Minister, if maybe you do feel that you are being affected, as you had said before, we can then give over to the Deputy Minister to take over with regard to the questions because I can hear when you are answering that there is a struggle with your throat.

Mr C HATTINGH: Hon Chair, taking into account the severe financial constraints throttling the SA National Defence Force, SANDF, the impact that it has on training, the maintenance and procurement of equipment, and in general, the

SANDF's restricted operational capacity and the current Democratic Republic of Congo, DRC, Mozambique and border deployments.

Can the Minister give the assurance that the SANDF will be able to successfully deploy 25 000 capable, fully equipped and supported soldiers on short notice in a situation that threatens South Africa's safety and security as was the case during the Zuma riots, claiming the lives of more than 350 people?

IsiZulu:

UNGQONGQOSHE WEZOKUVIKELA NEZIGAGAYI ZEMPI: Lona wona umfushane.

English:

I can assure you. I can give you the assurance that we will be able to do it.

The HOUSE CHAIRPERSON (Ms Z Majosi): Hon members, please, can we give an opportunity to a member that is asking a question so that we are able to hear all the responses? Thank you.

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 93

Mr L W MAHLATSI: Thank you, House Chairperson and thank you, Minister, regarding the White River military camp in Mpumalanga province, within the framework of counterintelligence, it is indisputable that the entire intelligence community has been compromised.

Now, the question I'm asking is have you carried out a nationwide threat assessment to ensure the absence of a similar terrorist camp? Thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Fortunately, the Minister of Intelligence is here. So, if you don't mind, Chair, ...

IsiZulu:

... ngicela angilekelele ...

English:

... but the general can also answer.

IsiZulu:

Inde lento. Engithi uthe ulwazi bezempi? Nangu uNgqongqoshe Wezolwazi Lwezezimpi.

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 94

English:

If the Chairperson allows ...

IsiZulu:

... kanti yimi yini onguSihlalo?

English:

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members, there is Rule 135, that if the question is not relevant to the department, it does not apply to the Minister, but the Minister is doing a courtesy of saying the Minister of Intelligence is here, maybe he can respond to that. If you don't, then want that response, because it is not all of you who asked the question, it's hon Mahlatsi who asked that question. So, it can't be all of us responding to the Minister, please. Honourable Mahlatsi?

Mr L W MAHLATSI: Chair, no pressure, Minister, because if you hear my question, it is based on the intelligence community, which comprises the SANDF, the SA Airways and the SAPS, but specifically in the framework or the context of

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 95

counterintelligence. So, the whole community can answer if they want.

The MINISTER OF DEFENCE AND MILITARY VETERANS: You know questions of intelligence are not answered in the House but ... [Interjections.] ... no, it's true ...

IsiZulu:

... noma anazi kanti anikakhonjiswa indlela yokusebenza. Ikhona imibuzo esingayiphenduli la ...

English:

... but Mr Mahlatsi we can say, on an ongoing basis, surveillance is being done to make sure that we can protect the country, and we can tell you of so many incidents that have been counteracted in good time. As you said, some of them will go through the cracks, but there is ongoing work that happens under intelligence for internal threats to protect the country and external threats. So, ... [Inaudible.]

Question 59:

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 96

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon House Chair, the total number of statutory rape cases that have been successfully prosecuted as per the question in the period of April 2023 to March 2024 is 166. Of course, hon House Chair, both we as a department and the National Prosecuting Authority, NPA do not keep the statistics.

What we then did so that we could be of assistance to the House, we extracted the information from the electronic case management system which we jointly have got access to as the Justice, Crime Prevention and Security Cluster, JCPS.

The breakdown for the period of March 2024 to August was 251 and the outcomes in the cases that have been handed over that are dealt with, the first in the 166 period were the cases relating to the first part of the question which were reported, and the conviction rate is at about 148 out of the 166 for that period and direct imprisonment was 37,8.

During the period of March to August, of the 251 cases, the conviction was 227 cases, with the conviction rate of about 90%. House Chair, one must appreciate that the capturing of

statistics within the Criminal Justice Cluster in its entirety does prove to be difficult.

For example, murder, even if it relates to gender-based, may still be categorised as murder, and you need to go out through the records on how the conviction has been made. So, a system of ensuring that the two tally but also are properly identified in how they relate could be of assistance, but this is how far we have attempted to respond to hon Mkhwebane's question.

Mr S THAMBO: Minister, we have a lot of school children under the age of 16 years who gave birth during this financial year and the youngest being 10 years old. What measures including legislative changes etc, are being planned to prevent statutory rape and support victims in our communities? Thank you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Well, I don't believe we have statutory problems, we've got compliance problems. Firstly, from reporting or possibly holding the parents or families where protection of such crimes happening in households, and they are not reported or

victims are encouraged if reported to withdraw such crimes and families believe they will need to resolve them amongst themselves.

I believe that the system in this instance does protect the rights of the children even in how the cases have been heard and, in some instances, of course, though minimal, the children themselves, through the educational programmes have got access on how to report using the next of kin, including educators, psychologists, nurses who oversee, or treat such cases.

I think it could be more of a public education enhancement particularly to the young children themselves to be able to understand when they are being violated and how the Constitution protects their rights in terms of not being violated.

Ms F HASSAN: Thank you very much, Chair and to yourself Minister, for a very comprehensive response, but perhaps just as a follow up question, what collaboration does this department have with the Department of Basic Education to deal

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 99

with sexual assault and statutory rape amongst learners who become pregnant below the age of 16? Thank you.

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon House Chair, as I've slightly touched it, there is collaboration between the Department of Education, between the Department of Health and between the Department of Social Development in terms of such of assistance, including our magistrate courts that deal with our maintenance clerks and officers to deal with that.

If I'm recalling, for example, the report which is also stated in the Statistician-General in the past financial year, we had an estimate of 100 children between the age of 10 to 19 years who dropped out of school, of which 700 were between the ages of 10 and 15 or 10 to 14 years.

There is collaboration and can also be enhanced. Firstly, the improvement of the basic regulations with terms of access for girls to continue with school and be assisted by educators. Yes, challenges arise because educators are not necessarily trained to be of assistance when such a need for maternal care occur at school or during school hours.

Our learners are allowed to continue with their education. They are assisted through the department. In most instances, the cases that are reported are reported from the Department of Education and the Department of Health. The challenges we have are with the cases where it's not necessarily learners but young people, because families protect in some instances or that the children who drop out without an explanation or relocation to other areas, which defeats the system in terms of understanding what the issues are. And again, I think the issue of collaboration is of importance. The issue of education and educating our young children and girls is of importance.

Ms K KGOBISA-NGCABA: Minister, I'd like to give you a chance to reconsider your answer to the hon Tambo. The statistics you gave, from what I can hear, the maths is not strong. It sounds like less than two thirds are prosecuted. It sounds like less than a quarter get prison sentences. Now, I also heard you blaming families and then I heard you saying the department is doing enough. Are you really satisfied with those statistics? and do you think you're living up to the constitutional duty to put the best interests of children of paramount importance?

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon Chair, I'm not sure what is the clapping for before I could even respond, but nonetheless it is okay. Well, I understand you are clapping to your question. Well, that's very interesting.

Hon House Chair, firstly, I explained that we've extracted the information. So simply, if we were a Ministry which didn't want to assist and honestly respond, we should have said the question is not necessarily relevant to the department. I mentioned that we extracted from the system. I gave the numbers of what the system has extracted.

Secondly, we are at the end of the Criminal Justice Cluster. An act happens, an investigation happens after reporting and then prosecution happens. So, if cases are minimally reported, you cannot prosecute what is not in court. We did not come across anything that suggests there are more cases in the system which are categorised.

I further elaborated that yes, there is a weakness, insisting that in some instances cases may not necessarily be recorded

WEDNESDAY, 28 AUGUST 2024

Page: 102

as statutory rape, but may be recorded as rape or may not be aligned in terms of the age. So, if the system has given figures in your view that are not correct, I may not be able to be helpful to the question. S

So, the question of how many were then reported? We pulled into the system, and we looked into the outcome of what are the issues that exist? Remember a conviction rate and an imprisonment imposed are two different things. You could be found guilty and be given a fine. You could be found guilty and have direct imprisonment. So, in the conviction, for example, March 2024 ... [Time expired.] ...

Ms N L WEBSTER: Minister, part of the reason why there's a call for the National Register of Sex Offenders to be made public is for the protection of children and so that isn't the case now. So, I'll ask the question that relates to the register as it stands now with the statistics that it has now. When you talk about the prosecutions that you're talking about now, how many of those prosecutions, of those who were prosecuted are repeat offenders who sit on that National Register for Sex Offenders as it is now?

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 103

The MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT: Hon House Chair, I may not have the exact figures and I will request to refer on that part of the question so that I'm truthful to the House. The register is open, but I don't have a direct response when your question is directed to how many repeat offenders. I need to go back to the system and look for the repeat offenders and categorise the numbers that I've given to the House. Thank you very much.

Question 17:

The MINISTER OF POLICE: House Chair, the SA Police Service has established or established some time ago a forum called the National Forum for Municipal/Metropolitan Police Services, and they are abbreviated as MPSS. It includes relevant structures such as Civilian Secretariat ...

Ms H O MKHALIPI: ... [Inaudible.] ...

The HOUSE CHAIRPERSON (Mr Z Majozi): Hon MkhaliPhi, please do not disturb the Minister while he is giving a response.

Continue, hon Minister.

The MINISTER OF POLICE: It includes some amongst others, Civilian Secretariat for Police Service, the Independent Police Investigative Directorate, Ipid, the Road Traffic Management Corporation, the Road Traffic Infringement Agency and the SA Local Government Association. So, these are the forums and there are a quite number of them. The main objective of the forum includes identification of challenges which may hamper effective service delivery by the MPSSs to deliver mechanism to remove the challenges and to take decisions aimed at enhancing co-ordination and co-operation amongst stakeholders by ensuring the effective utilisation of resources in the performance of law enforcement functions.

Hon members may be aware that over and above these, we have initiated an agreement. We called it co-operation agreement across the spheres of government, national, provincial and local because we want to increase personnel, share resources and increase and tap on each other's resources. But the main thing is to align all the anticrime forces against criminals at whatever level.

Now to further enhance adequate collaboration between SAPS and MPSSs the forum developed an implementation collaboration

strategy in 2019, and a memorandum of understanding was agreed on and it also provide oversight for Ipid. But during July 2024, the Minister of Police said we have initiated this new bodies. All of which are aimed to fight on the ground. Thank you.

Ms J L MOKOENA: Chair, section 205(2) of the Constitution provides that the national legislation must establish the powers and functions of the Police Service and must enable the Police Service to discharge its responsibilities effectively, taking into account the requirements of the provinces and section 206(1) further provides that a member of the Cabinet must be responsible for policing and must determine the national policing policy after consulting with the provincial government and taking into account the policy needs and priorities of the provinces as determined by the provincial executive.

Hon Minister, is there any limitation in law for the collaborative and co-ordinated approach between the spheres of government to fight corruption and ensure the safety of the people? I thank you.

WEDNESDAY, 28 AUGUST 2024

Page: 106

The MINISTER OF POLICE: Where we are now, we are at an advanced stage of completing the policing policy in the country. When we started the 7th Administration there was a draft which was not complete and then which is now at the very advance stage. Once it is completed, it will then enable provinces to make inputs in accordance with that policy and will collaborate accordingly once that policy has completed and indicates how the provinces will play their role. They will have an opportunity to also participate and make inputs. Thank you.

Ms L SCHICKERLING: Minister, I would just like to ask; I heard you speak a lot about policy, but policy doesn't work underground. How frequently do the SAPS in the local and on Metro Police meet to discuss crime traits, share intelligence and co-ordinate strategies and conduct joint strategy sessions and training sessions to ensure all units are familiar with each other's procedures and strategies? Thank you.

The MINISTER OF POLICE: I have just covered an area in that question by saying that on Friday this week, we are signing a co-operation agreement with the Western Cape government and the metro, in particular. The reason for that is to

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 107

collaborate. The reason for that is to share information. The reason for that is to align all the resources that we have as a state across the spheres of government. We will go on to the Eastern Cape to do the same. We will also do the same in Gauteng, wherever there are metro police because there are the resources available to the state.

But what is happening is a situation where there is no collaboration, there is no alignment. Therefore, we fight the same battle, but we do not know each other. We don't know who is doing what like our alignment. This will then enhance capacity for the state as a whole to fight crime together across the spheres of government. It will also include even private companies that will be selected, and it will involve communities via Community Policing Forums, CPFs, as it were so that we will all lined up inside of the fence and we leave criminals on the other side of the fence. Thank you.

Ms D E JAMES: Minister, SAPS hold the authoritative mandate in terms of law enforcement. However, I am concerned that there is an Aberrant right subclavian artery, Arsa, down syndrome has developed in communities and police stations across South Africa. Let me give you some examples, SAPS refuses to work

WEDNESDAY, 28 AUGUST 2024

Page: 108

with Metro Police Departments because they feel that they are paid more than what they are being paid as SAPS members. They have access to overtime. These are some of the realities on the ground as well as the difference in government in terms of you have an MMC from a different party and that MMC wants to take the credit and shine and not the bigger idea at the station. So, those are the realities. This is particularly worrying as it often hampers collaboration and joint efforts to combat crime due to the lack of effective co-operation from all these spheres.

My question to you is what your plan is to address this issue and ensure that beyond this law enforcement co-operation in joint operations there is a sustained inclusion. I heard you speaking about ... [Inaudible.] ... and I am glad ...

[Inaudible] ... of communities NGOs ... [Inaudible.] ... Thank you. [Time expired.]

The MINISTER OF POLICE: Well just with due respect to yourself, over and above on what I have said, I will again respond. The initiative that we are taking aims to resolve exactly those problems where in a particular police station there is no alignment because police are this and that as you

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 109

say. It is now to make sure that we work together, the police and not just with Metro Police where there are police but also go further to work with organised anticrime community formations on the ground. We are identifying them. That's why we are initially going to the four provinces that are crime ridden, Western Cape, Eastern Cape and then Gauteng.

I know you want us to prioritise Gauteng and then KwaZulu-Natal. If you could have reasonable control crime in those four the country will have more likelihood to follow in terms of reduced criminality in the country. So, the initiatives that we are taking go down to the ground. All formations, of course we will select so that we make sure we don't get unnecessarily infiltrated. But that's the aim so that all of us get involved in fighting crime because we know better. Those criminals come from amongst us. We have been worshipping them. There are well known people now in communities just for criminality and they have become popular, and they are known and feared. This is what we want to deal with.

Question 41:

The MINISTER OF POLICE: The response is there are no dockets that were stolen from any specific police station in Limpopo -

none. The 26 dockets in question were stolen during three separate incidents of theft of a motor vehicle. The first incident occurred when the state vehicle from Seshego Family Violence, Sexual Offence and Child Protection Unit was broken into, and 15 case dockets were stolen.

Seven case dockets were stolen out of Lebowakgomo FCS estate vehicle in the second incident and the third incident was also a theft out of a motor vehicle where four case dockets were stolen out of a state vehicle of the Provincial Serial Electronic Crime Investigation Unit. The FSC provincial SECI units are serving different stations around the province that is the reason that the dockets from different stations were stolen during the incident.

Cases of theft out of motor vehicles were opened for all three incidents and all 26 dockers were fully reconstructed by investigating officers and are being attended to. The following immediate measures are put in place to prevent any losses in the future:

Firstly, registration and management of case dockets and are handled according to the National Instruction 3 of 2011

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 111

registration case dockets of the Crime Administration System and National Instruction 13 of 2017 Case Docket Management.

Secondly, all case dockets opened on the community service centres in police stations are inspected for correctness by the floor manager by completing the SAPS 6 checklist and the condense case dockets are scanned to preserve the information which includes but not limited to, the cover of the case docket and the statement from the victim or complainant.

Lastly, the station commanders were instructed to ensure that all case dockets that are registered are discussed during station crime combating forum to ensure that charges were correctly formulated, and all cases accounted for. Thank you.

Ms L SCHICKERLING: Thank you, ma'am. It's very strange to me that the dockets that were all stolen all relate to rape and GBV and nothing else in Limpopo, but nevertheless, we are very much aware that the investigating officers are very overburdened in our country. I mean, we know that they sit between 400 and 500 cases each. It is heavy case load. The loss of stolen dockets definitely has raised a concern since 2004. It is not a new thing, and it is a serious issue that

WEDNESDAY, 28 AUGUST 2024

Page: 112

undermines the foundations of our criminal justice system.

Minister, what is the outcome been of IPID investigations into these losses and what findings were made by the Directorate into its investigation into the theft and loss of case dockets at SAPS stations? Thank you.

The MINISTER OF POLICE: Well, again, I have just indicated the measures that we are taking in terms of making sure that we preserve or even prevent any further losses of dockets. Over and above this, we note that SAPS is quite lower than required in terms of technology and this is a weakness that we have identified. We seek to address it well if budget allows, but we want to make an effort even over and above the availability of finance. This is an urgent matter. This is 2024. It's no longer, I mean, 19 warawara. It's 2024 and I think it is important that even SAPS come of age in terms of modernisation, which is part of the professionalisation which our country requires now. Thank you

Mr W T D PLAATJIES: Thank you, House Chairperson, Minister with your answer to the previous question, you have kind of covered me on the modernisation of the management of your dockets in the police. I am glad that you have now actually,

WEDNESDAY, 28 AUGUST 2024

Page: 113

considered the loss of dockets in your department. So, what we would like to see is the implementation and timeframe's of it so that we understand when you will start and finish with it with your management so that it moves in that fashion.

However, I think you have covered me on the management of the docket system and moving to new technology.

The MINISTER OF POLICE: What I can say is that

IsiZulu:

... siphezukwayo ... [Uhleko.]

English:

It's not that we haven't started. We have already started. But when you interview, you discuss intensely with the officials as they brief you that they have started. You want to get a sense of the coverage in the whole country and their response is that: Yes, we are doing this, but it looks like it is slow because they say by the time they get to the next province, some of their technology would have expired or would have lost impact. Therefore, we need to change the approach such that we do not experience such things, but it is not like there is nothing they are doing. They are working.

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024
Page: 114

IsiZulu:

Baphezukwayo njengoba ngisho nje.

English:

What is remaining is, pace and quality, so that we really have a sense that in the whole country, in terms of technology we are at 60%, but the whole country or we are at 70% just on dockets, at the moment it is not exactly the case. Thank you.

Ms P R MAILOLA: Thank you, Minister. Minister ...

Sepedi:

... ge o ka tsitsinkela o ka kwešiša gore go katwa ga basadi le bana ke tlhobaboroko go rena. Go timelela ga ditokhete ka Kgorong ya Sephodisa ke taba yeo re sa swanelago go e dumelela. Tona, e ka ba ke mokgwa ofe wa maleba woo o nepagetšego woo o tlogo go šomišwa gore ditokhete di se timelele ka dikantorong tša sephodisa? Naa e ka ba maphodisa a rena, ao a swanetšego go re šireletša, ba a utswetšwa?

English:

How can you steal from the police station? Are our police the ones that are stealing the dockets or do we have an issue?

Sepedi:

Ke a leboga.

IsiZulu:

UNGQONGQOSHE WAMAPHOYISA: Okunye Mhlonishwa bengingcofa lapha nalapha, ngingakutholi kahle ukuthi uthini, ngenxa yolimi ...

English:

... but to respond to you as honestly as possible, there are such cases and incidents of dockets. Not mysteriously, as it would go in terms of the legend disappearing, but it's part of the corruption that we need to rid ourselves off and rid SAPS off where there would be some connections outside and then dockets disappear. It is a serious issue because it affects the image not only of SAPS but of the country, as a whole and it is something that we are focusing on. Firstly, to do what I am saying, modernise, so that it is not easy or if it does not even happen, because once you have modernised, and you ensure that you are now electronic. It will be very difficult to experience such incidents. I think people are exploiting the

fact that we have been very slow in making sure that we modernise and that is the way of resolving. However, ...

IsiZulu:

...ke uma kukhona lapho ngishiye khona, nginganqofanga kahle khona usuyongithethelela.

IsiXhosa:

Nksk N V MENTE-NKUNA: Sihlalo weNdlu, uMphathiswa uthi, ukuba uthe wanendawo ayishiyeleleyo, ucela ukuncediswa. Uye wena awamvumela ukuba simncedise. UMphathiswa ushiyelele la ndawo ibibuza ukuba kutheni la madokethi angashicilelwa ngokufotwa (scan) xa efakwa ukuze angalahleki. Uye washiyelela loo ndawo.

IsiZulu:

USIHLALO WENDLU (Nk Z Majozi): Lungu elihloniphekile Mente, uma ngimuzwe kahle uNqongqoshe uthe, uma ngabe lapho athathe thathe khona angazwanga kahle ucela amthethelele. Bengithi usho njalo. Bengingazwanga ukuthi ucela amcede ngombuzo. Angazi ngabe ngizwe kahle Nqongqoshe?

UNGQONGQOSHE WAMAPHOYISA: Sizwene kahle kodwa empendulweni yami ephambili...

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 117

English:

Before I responded to it, I did mention that to address what ...

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Mailola, Sorry hon Minister, I need you to listen to the response because it is particularly you who asked the question. Thank you.

The MINISTER OF POLICE: I did respond, and I did talk about this in terms of the steps that we are taking to prevent a repeat or a repeated occurrence of losses whether through stealing or corruption. Even in this case of the other question, where dockets get lost because of whatever happened in the vehicle, we have started addressing that problem. I did indicate in my response which I cannot see now, but registration and management of case dockets are handled according to Instruction 3, and so on. Then, all case dockets opened at the community service centres which are in police stations are inspected for correctness by the floor manager, and the Station Commanders were instructed to ensure that all case dockets that are registered are discussed during station

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 118

crime combating forum. So, there are measures, for instance ... [Time expired.]

Xitsonga:

Tat S M GANA: Mutshamaxitulu, ndza khensa. Holobye, ndzi mi twile.

English:

When ... uh, the Minister will translate.

Xitsonga:

Loko hi vulavula hi mhaka leyi ya tidokete, ntiyiso lowu hi faneleke ku wu vula hi leswaku maphorisa va xavisa tidokete.

English:

Let's not beat about the bush. It is the police that are selling the dockets. What are you going to do to the policemen and women who are selling dockets and claim that the dockets have been stolen?

The MINISTER OF POLICE: Any policeman or woman, I'm now specific, who gets known or when we find out that this has

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 119

happened, they get charged. It is not something that is going to happen. It is something that has happened. This is one of the offences that a policeman or a policewoman can do to make a docket disappear.

People have been charged and they have lost their jobs, and I can indicate to you that just from January to now, more than 30 police officers have lost their jobs via corruption related matters. I cannot say whether it involved dockets, but it's various offences by police. So, I am indicating that steps are being taken each time there is something, there is a misdemeanour that happens because we are saying police are a law enforcement agent and individual members must take the responsibility of making sure they protect. That statement that you are making, that police sell dockets is not necessarily true. It would be a specific policeman or woman. Who would do that, and they are very limited in number. Very, very limited in number, but yes, it is not police in general, it would be that particular person at that time. I'm trying to say, the connotation of the statement should not be read as saying, you will find police selling on the street. It doesn't happen like that. It is particular incidents at a given

moment, and each time it happens, we act on them, and we will continue to act on them. Thank you.

Question 21:

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much. The G20 is the premier forum for global economic co-operation ...

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Minister, could you come closer to the microphone or maybe if you don't mind you can sit. Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much. The G20 is the premier forum for global economic co-operation whose members, according to the Organisation for Economic Co-operation and Development, OECD, represent around 85% of the global GDP, 75% of the global exports and 60% of the global population.

In this regard, our presidency of the G20 places South Africa in a strategic position to lobby for policy gains within this influential international platform that will benefit our country, region and the continent. Among the areas we will

focus on in this regard are to promote policies that ensure economic benefits for South Africans, in particular the economically marginalised members of our society, pushing reforms for a global debt architecture to ensure that debt crisis do not undermine the realisation of the *Sustainable Development Goals*, SDGs, in South Africa, our sub-region and the continent, mobilise financing to close development financing gap which is currently estimated at US\$4,2 trillion annually, up from USD 2,5 trillion before the COVID-19 pandemic, curbing the illicit financial flows, IFFs, have contributed a great deal in reversing and delaying the continent's drive towards achieving Agenda 2063 and SDG targets. Every year, approximately US\$8,6 billion is lost from the continent due to the IFFS.

The extension of the implementation of the Debt Service Suspension Initiative by G20 is one of the unfulfilled initiatives that could unlock Africa's fiscal constraints. Africa stands to benefit from the initiative as many of the countries on the continent service their debts instead of providing basic services such as health, housing and jobs. There is the establishment of a cross-sectoral and innovative multi-sector stakeholder partnership to facilitate universal

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 122

access to reliable and affordable energy and strengthen skills development for the youth.

In addition, South Africa's presidency of G20 will have a strong focus on Africa and its development as highlighted by President Ramaphosa in his 2020 Sona. South Africa will use the opportunity presented by its presidency of the G20 platform to advance priorities for the African Union, AU, Agenda 2063, working closely with the African Union, including its Regional Economic Communities, RECs, which is also a member of G20.

In this regard, South Africa will advocate for improving trade facilitation and creating a conducive investment climate on the continent, particularly within the context of the African Continental Free Trade Area, South Africa will also lobby the G20 to increase their investment and technical support on an ongoing infrastructure development project across Africa, which are vital to deepening regional cooperation and integration. Lastly, South Africa's presidency of the G20 will further endeavour to continue highlighting the needs, aspirations and ambitions of developing countries and will serve as a platform for engagement on issues that are critical

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 123

to the countries of the Global South, and in particular, the African continent. This is a prime platform and will call the whole nation to rally behind these great initiatives aimed to resolve some of our developmental challenges as a country. I thank you.

The HOUSE CHAIRPERSON (Ms Z Majozi): Thank you. The first supplementary question will be asked by the hon

[Inaudible.]

Ms R S NALUMANGO: Thank you, hon House Chair. Minister, considering the critical role the G20 plays in shaping global economic policies, how will Minister ensure that South Africa's presidency actively promotes the immediate economic interest of all African nations, as well as challenges like sustainable development, equitable trade practises, and investment in infrastructure? Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you, Chairperson. We have already started the process to integrate our programme of the G20. We have done so in the recently held the Southern African Development Community, SADC, Summit, where we advocated for issues related to the

critical minerals, the industrialisation of the region, increasing of trade among the regional players in SADC, where it was found that in the region we are still trading at about 21%.

If we can work more with our development finance partners, we can be able to increase. We have also engaged on issues related to one-stop border posts in the region, which is now expanded to economic corridors, which we believe with this integration it will advance our agenda in the G20 for the region to work together to be inclusive in terms of regional trade, to be inclusive in terms of regional integration, and also in us advocating for the critical minerals that are abundant in our region and also in the African continent as a whole. I thank you.

The HOUSE CHAIRPERSON (Ms Z Majozi): Thank you. The second supplementary question will be asked by the hon Powell.

Ms E L POWELL: Chairperson, the question will be asked by the hon Smith.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 125

Mr R SMITH: Thank you, hon House Chair. Hon Minister, South Africa is the only African country in the G20 and will be the first on the continent to host its summit in 2025. The G20 Summit has always served as a platform where geopolitical conflicts are raised and deliberated on, particularly those which threaten the regional stability of member states. Given the Russian Federation's continued involvement in destabilisation efforts and attacks on African democracy by means of the Wagner Group and Afrika Corps, most recently in the civil war in Sudan, will the Minister address this with Russian President Vladimir Putin, and how will he take up the nefarious intentions of Russia's presence in Africa as a means to stifle democracy and incite conflicts and crimes against humanity? Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you very much, House Chair. South Africa's policy is very clear in terms of regional peace and stability and advocating for human rights. We do so irrespective of which country, whether it is from the north or from the south. We will not be specifically targeting any country. We will participate in the G20 and will invite all G20 partners to participate. Russia is part of the G20, and they will be

invited to participate in our country through the platform of the G20, which they've always participated in. We will continue to advocate for regional integration. We will continue to advocate for preferential financial stability, which is preferential and favourable to developing countries.

We will continue to use the G20 platform as a premium platform to advocate for the development of the African continent, as I have already said, with regards to issues related to debt structuring, for the benefit of the continent, because most of the countries in the continent find themselves having to pay their debt instead of dealing with issues of service delivery. So, all these issues South Africa will advocate for, and we will continue to play our role in regional peace and stability in the African continent, across the continent, through our platform in SADC, and through our platform in the AU, through Agenda 2063, with an agenda to silence the guns, irrespective of where the guns come from. Thank you, Chairperson.

The HOUSE CHAIRPERSON (Ms Z Majosi): Thank you. The third supplementary question will be asked by the hon Montwedi.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 127

Mr M K MONTWEDI: Thank you very much, House Chair. Minister, as the president of G20 in 2025, South Africa will have a rare opportunity to drive reforms in some key multilateral institutions. Indeed, you mentioned what are some of those reforms that you intend to drive.

Now, with specific reference to the International Monetary Fund, IMF, and the World Bank, who are known for driving structural adjustment programmes, which severely inhibit the capacity of developing economies to drive major social reform programmes, there are not clear accountability structures to hold these institutions to account. Now, what reforms, Minister, in relation to the IMF specifically, will the South African presidency in the G20 seek to achieve in 2025? Thank you.

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION: Thank you, House Chair. South Africa continues to play its role in advocating for reform of multilateral institutions, including the United Nations, UN, Security Council, the IMF, and other global financial institutions where South Africa is a member. You will remember that even during the COVID-19 period, we played a driving role for the African continent to

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 128

reform in the manner in which our vaccine was allocated, including for the continent itself.

Even with the IMF, when it ended up providing loans to the African continent, we advocated for conditions free loan. This is our role to champion for such kind of financial institutions to provide preferential financial instruments that are favourable to the development of the African continent. And as I've said already, debt structuring is also a key feature of this agenda, because most of the money in the African continent end up only being used to pay for debts instead of development, service delivery, and so forth.

So, this is an agenda South Africa will continue to advocate for when we are at the equivalence of G20 to drive an agenda to develop our continent, and also to feed into Agenda 2063, but also to enhance the African Continental Free Trade Area. As I have said, we have already started with the recently held the SADC Summit because we see this platform of G20 not just for ourselves as South Africa, but for the continent as a whole. It must help us to enhance regional integration. It must help us to find favourable financial instruments, and also to help us to industrialise our country, including for

beneficiation in the continent through the critical minerals that the Department of Mineral Resources is spearheading in our country. Thank you, House Chair.

The HOUSE CHAIRPERSON (Ms Z Majozi): Thank you. The last supplementary question will be asked by the hon Letlape.

Dr S K T LETLAPE: Thank you, Chair. Hon Minister, low-cost energy is the bloodline of any economy. We have moved from Eskom being the lowest cost producing utility in the world, and being a global electrical company of that year, to exporting our black gold and importing loans we cannot afford from G20 countries.

What will you do to facilitate - because all the things that we talk about without low-cost accessible energy is just a catastrophe. We have had four deaths because people are illegally connected. What will you do to ensure that the G20 partners that we give our precious coal to, to produce low-cost energy in their countries, will give us favourable rates and loans for the greenness that we seek at the expense of the economy? [Time expired.]

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 130

The MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Thank you, House Chairperson. Indeed, one of the tracks of the G20 is to deal with the issues of finance for development, including the just transition into the low carbon emissions. It is part of the programme to find such favourable rates that will enable us to continue to generate much-needed energy for our economy in a more favourable and less expensive way.

This hosting of the G20 gives us a platform to engage with developmental finance institutions, and to also engage with the people of the world and those developed countries to provide with us such financial instruments that will enable us to finance our migration into the green economy in a manner that is less expensive and in a manner that is sustainable, but also in a manner that enables us to take our people as we transition, so that we don't leave our peoples and their skills behind, but we move with them. Also, the electricity is sustainable, and it is what our economy can afford. I thank you.

RULING

The HOUSE CHAIRPERSON (Ms Z Majozi): Thank you, hon Minister.

Hon members, the time allocated for questions has expired.

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 131

Outstanding replies received will be printed in Hansard.

Before the hon member can stand, I would like to bring to attention a matter that I have made a ruling on that took place on 23 July 2024. During the debate on Vote No 1, the Presidency, a point of order was raised by the hon Mathafa regarding the remarks that were made by the hon Ndlozi about the mental health and /or status of the President. Hon Ndlozi had said that when engaging with the President, and I quote, "The House may be dealing with psychosis, whose symptoms are delusions and illusions. But our candidate tonight truly believes in the delusions that he gives us. We have passed the stage of fiction, and we are dealing with mental illness." I ruled that the hon Ndlozi should withdraw the remarks, whereupon the former member of the House, hon Shivambu, rose on a point of order and argued that the word schizophrenia had been upheld as not being unparliamentary. Based on legal advice and previous rulings by presiding officers in the House, I then ruled that I would study the Hansard and revert to the House with the considered ruling.

Having had the opportunity to study the Hansard, I rule as follows. Section 58 (1)(a) of the Constitution of the Republic of South Africa of 1996, as well as the National Assembly Rule

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 132

63(1), state that Cabinet members, Deputy Ministers, and members of the National Assembly have freedom of speech in the Assembly and in its committees, subject to its rules and orders. National Assembly Rule 84 states that no member may use offensive, abusive, insulting, disrespectful, unbecoming, and unparliamentary words or language, nor offensive, unbecoming, or threatening gestures. In terms of National Assembly Rule 29(f) and (g), directives and guidelines of the Rules Committee and rulings by the Speaker and other presiding officers are part of the sources of authority of the National Assembly.

Hon members, a close reading of the Hansard reveals that the hon Ndlozi directed his remarks to the President, whom he referred to as the sitting President. It is also evident that the Hansard that the hon Ndlozi contravened National Assembly Rule 84 as he made an abusive and insulting, disrespectful and becoming an unparliamentary pronouncement on his purported diagnosis of the President's mental health, particularly when he said and I quote, "We may be dealing with psychosis, whose symptoms are delusion and illusion, but our candidate tonight truly believes in the delusion that he gives us. We have passed the stage of fiction and we are dealing with mental

illness. Let me also state that the hon Shivambu's submission that the word schizophrenia had been upheld and has not been unparliamentary based on legal advice and previous rulings by presiding officers in the House and substantiated. Instead, on 2 December 2020, a ruling was made in the House that it was unparliamentary to refer to another member as having a form of mental illness.

Hon members, I am advised that the hon Ndlozi has joined the platform. The hon Ndlozi's remarks went beyond the privilege granted to members in terms of section 58(1)(a) of the Constitution and the National Assembly Rule 63(1) because that privilege is subjected to the Assembly's Rules and orders. The House imposes the restriction upon itself to, among others, ensure the orderly conduct of proceedings in determining whether a remark is parliamentary or not. The presiding officer takes into consideration, *inter alia*, the context and tone of a particular remark or inference. Rule 84 has been further elucidated that years of establishment practice and convention ... Hon Ndlozi. Hon Ndlozi. Hon Ndlozi.

Dr M O NDLOZI: Yes, Chairperson. I am all ears.

UNREVISED HANSARD
NATIONAL ASSEMBLY
WEDNESDAY, 28 AUGUST 2024

Page: 134

The HOUSE CHAIRPERSON (Ms Z Majozi): Okay. Please withdraw your remarks that when engaging with the President in the House, we may be dealing with someone suffering from psychosis or mental illness.

Dr M Q NDLOZI: Hon Chairperson, I respectfully reserve my right to ...

An HON MEMBER: Point of order, Chair.

The HOUSE CHAIRPERSON (Ms Z Majozi): What's the point of order?

An HON MEMBER: We request that the hon Ndlozi should show his face on the platform.

Ms H O MKHALIPHI: What Rule is that? Which Rule? Which Rule is that? Please ... [Interjections.]

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members. Hon members, please, I have allowed the hon Ndlozi to speak. The hon Ndlozi is on the platform now. I am the presiding officer. I do not mind other people who will be speaking, I will rule on it. If

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 135

I want the hon Ndlozi to show his face, I will do so. Hon Ndlozi. Hon Ndlozi, please proceed.

Dr M Q NDLOZI: Am I audible, House Chair.

The HOUSE CHAIRPERSON (Ms Z Majozi): Yes, you are audible.

Dr M Q NDLOZI: Yes, I respectfully reserve my right to challenge the ruling at the Rules Committee. I think that it is a bad reading of what I had said and the operative word, quite frankly, is the co-ordinate conjunction "may". So, I really think that it is not a correct reading, and reserve my right to challenge it through the parliamentary process with the Rules Committee. I accordingly refused to withdraw. Thank you very much.

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Ndlozi, as you state that you reserve your right to challenge the ruling, but as the House chair now my ruling is that you withdraw from that, then you will challenge it later, if you want to do the processes of challenging it. As the presiding officer I am now saying that we must withdraw from what I have stated in the ruling. Hon Ndlozi?

UNREVISED HANSARD

NATIONAL ASSEMBLY

WEDNESDAY, 28 AUGUST 2024

Page: 136

Dr M Q NDLOZI: House Chairperson, I am saying that I reserve my right to challenge the ruling at the committee.

The HOUSE CHAIRPERSON (Ms Z Majozi): So, you don't want to adhere to the ruling of the presiding officer?

Dr M Q NDLOZI: I think that the ruling must be challenged.

The HOUSE CHAIRPERSON (Ms Z Majozi): I am questioning you because I will ask ICT to remove you from the platform.

Dr M Q NDLOZI: House Chairperson, I think that it must be challenged. It's a wrong ruling.

The HOUSE CHAIRPERSON (Ms Z Majozi): Are you challenging that? ICT, please remove the hon Ndlozi from the platform. Order, hon members. [Interjections.]

The House adjourned at 18:17.