

WEDNESDAY, 27 FEBRUARY 2024

PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:03.

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

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS – see col 000.

The House Chairperson for Committees, Mr A J Nyambi, announced that the virtual sitting constituted a sitting of the National Council of Provinces.

VIRTUAL SITTING

(Rules)

The HOUSE CHAIRPERSON (Mr A J Nyambi): Before we proceed, I would like to remind delegates of the Rules relating to virtual and hybrid meetings and sittings, in particular parts 21, 22 and 23 of Rule 103, which provides as follows.

A virtual sitting constitutes a sitting of the National Council of Provinces. Delegates in a virtual sitting enjoy the same powers and privileges that apply to a sitting of the National Council of Provinces. For the purposes of quorum, all delegates who are logged in on the virtual platform shall be considered to be present.

Delegates must always switch on their videos if they want to speak. Delegates should ensure that the microphones on their gadgets are muted and must always remain muted. All delegates may participate in the discussion through the chat room. Delegates are reminded that the interpretation facility is active.

Permanent delegates, members of the executive, special delegates and the SA Local Government Association, Salga, representatives are requested to ensure that the interpretation facility on their gadgets are properly activated to facilitate access to the interpretation services.

NOTICES OF MOTION

Ms N NDONGENI: House Chairperson, I hereby give notice that at the next sitting day of the House I shall move on behalf of the ANC:

That the Council debates mechanisms aimed at eradicating the increasingly unbecoming and violent behaviour unleashed by ill-disciplined pupils who attack and intimidate teaching staff.

Ms B M BARTLETT: House Chairperson, I hereby give notice that at the next sitting of the House I shall move on behalf of the ANC:

That the Council debates strengthening initiatives and programmes geared at decisively confronting gender-based violence and femicide by involving men to tackle their patriarchal attitudes and toxic masculinity.

Ms M L MAMAREGANE: House Chairperson, I hereby give notice that at the next sitting of the House I shall move on behalf of the ANC:

That the Council debates collaborating with social partners to create and expand opportunities to offer support, finance and market opportunities for young entrepreneurs.

Ms M L MOSHODI: House Chairperson, I hereby give notice that at the next sitting of the House I shall move on behalf of the ANC:

That the Council debates strengthening the partnership between government and the private sector to expedite infrastructure, finance and technical support as a means to accelerate the delivery of basic services, especially in rural and poorly resourced municipalities.

**MOHAMMED DANGOR HONOURED WITH THE OR TAMBO LIFETIME
ACHIEVEMENT AWARD**

(Draft Resolution)

Mr M I RAYI: House Chairperson, I hereby move without notice on behalf of the ANC:

That the Council—

- (1) notes and congratulates hon Ambassador Mohammed Dangor on being presented with the OR Tambo Lifetime Achievement Award at the Sixth Ubuntu Awards, which took place in Cape Town on Saturday, 12 February 2024 under the theme "Celebrating Excellence in Diplomacy - Working Together to Build a Better World;
- (2) further notes that the prestigious Ubuntu Awards honour South African business leaders, outstanding personalities and ordinary citizens who have made an

outstanding contribution to the promotion of South Africa's national interests and value in the world;

- (3) recalls that the lifetime achievement award is a prestigious honour bestowed upon individuals who have dedicated their lives to serving South Africa with distinction during or leading up to the new democratic dispensation; and
- (4) acknowledges the indelible contribution that Ambassador Dangor has made as an accomplished, dedicated and astute diplomat and as an anti-apartheid activist by living up to the stature and noble ideals of Oliver Reginald Tambo.

I so move.

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

**POLICE COMMENDED FOR ARRESTING PERPETRATORS OF ORGANISED
VIOLENT CRIMES**

(Draft Resolution)

Ms S SHAIKH: Chairperson, greetings, I hereby move without notice on behalf of the ANC:

That the Council—

- (1) notes with pride the successive breakthroughs made by the police in the successful arrests of the perpetrators of organised violent crimes in the recent past;
- (2) further notes that these arrests demonstrate the enhanced and improved gathering of intelligence and collaboration between law enforcement agencies;
- (3) also notes with concern the increasing number of foreign nationals involved in contractual murders;
- (4) congratulates the men and women in blue for their courageous work in bringing these violent perpetrators to book; and
- (5) calls on the Ministers in our criminal justice clusters to strengthen collaboration with their counterparts in the Southern African Development Community, SADC, region by pre-empting the detection and arrest of

foreign nationals who come to South Africa as part of organised groups to commit crimes.

I so move.

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

SUMMER FIRES DESTROY WESTERN CAPE AREAS

(Draft Resolution)

Mr F J BADENHORST: House Chairperson, I move without notice:

That the Council—

- (1) notes the courage and endurance displayed by the various firefighters across the Western Cape and the Overstrand Region during the past three months while combating devastating fires;
- (2) also notes the extent of the devastation of the fires that raged between Pringle Bay and Buffeljagsrivier, which resulted in the loss and damage to 13 structures and destruction of more than 9 000 hectares of vegetation;

- (3) further notes that more than 6 400 wildfires have been recorded in the Western Cape between December 2023 and February 2024, which destroyed more than 103 000 hectares of vegetation;
- (4) acknowledges the work of the firefighting teams from Overstrand Fire and Rescue Services, assisted by the Overberg District Municipality, the City of Cape Town, George Municipality, Garden Route District Municipality, Stellenbosch Municipality, the Greater Overberg Fire Protection Association, Working on Fire, SanParks, Cape Nature, the Western Cape provincial government, law enforcement agencies and land owners, ably supported by local farmers and communities, who managed to mitigate the extent of these fires in soaring temperatures and strong winds;
- (5) extends its gratitude to volunteer firefighter, Mr Frank Douglas specifically, who sadly lost his family home in a blaze whilst actively fighting to protect the homes of residents in his neighbourhood; and
- (6) congratulates and further thanks all firefighters who tirelessly combated these fires over the last few months.

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

DISTRICT MUNICIPALITY FAILS AT WATER SUPPLY OBLIGATION

(Draft Resolution)

Ms C VISSER: House Chairperson, I move without notice:

That the Council—

- (1) notes with concern the perceived inability of the Dr Ruth Segomotsi Mompati District Municipality to comply with its constitutional obligations as a water and sanitation authority to supply reliable bulk water to the communities of the five local municipalities under its jurisdiction;
- (2) acknowledges that the shortages in the bulk water supply threaten the livelihoods and wellbeing of the communities residing in Piet Plessis, Pomfret, Bray, Vorstershoop, Geduldspan, Schweizer-Reneke, Ipelegeng and Taung, who have been forced to become accustomed to these shortages as the new normal;

- (3) recognises that although sewerage was detected in Morokweng by the Department of Water and Sanitation and despite the issuing of a predirective in 2023 already, dysfunctional sewer management continues to exacerbate the problem by contaminating boreholes, and even resulting in raw sewerage flowing into the Molopo River at Bray;
- (4) recalls that Eskom disconnected electricity supply to water pumps in the district municipality due to the municipality's failure to settle an unpaid debt of R800 million, leaving the residents in these towns without access to water continuously for days during a heat wave;
- (5) expresses concern that the district municipality is seemingly not taking its responsibility to protect the basic human rights, as enshrined in the Constitution of the Republic of South Africa, seriously by allegedly failing to take action to ensure a safe bulk water supply to the residents;
- (6) calls on the Department of Water and Sanitation and the Department of Co-operative Governance and Traditional Affairs to urgently intervene to ensure that a safe and

reliable bulk water supply is re-established in the Dr
Ruth Segomotsi Mompati District Municipality

Motion without notice not agreed to and becomes a notion of a
motion.

SMALL BUSINESSES RECEIVE FINANCIAL ASSISTANCE

(Draft Resolution)

Ms L C BEBEE: House Chairperson, I move without notice:

That the Council—

- (1) notes and commends the KwaZulu-Natal provincial government initiative of allocating a total of R22 million to support South African spaza shops, supermarkets and general dealers in KwaZulu-Natal;
- (2) also notes that the funding for this initiative in the form of the Zimele Traders Fund by the Ithala Development Finance Corporation was announced by the MEC of Economic Development, Tourism and Environmental Affairs on Tuesday 20 February 2024;

- (3) notes that the idea of a fund to assist spaza shops was announced towards the end of last year;
- (4) notes that spaza shop owners, including supermarkets and general dealers in the province who are strictly South African, can apply for a grant in the form of trading stock to the value of R20 000;
- (5) also notes that a total of approximately R11,9 million has been set aside for soft loans of up to R100 000 at 2% interest for a co-operative and 4% fixed interest for a closed corporation;
- (6) recognises that a total of R10 million has been set aside to benefit 500 spaza shops across the province; and
- (7) encourages all eligible spaza shop owners, supermarkets and general dealers to submit their applications for the grant, as the applications opened on Tuesday, 20 February 2024, and will close on 16 March 2024.

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

CRIME FIGHTING PARTNERSHIP

(Draft Resolution)

Mr M DANGOR: House Chairperson, I hereby move without notice:

That the Council—

- (1) welcomes the efforts of the partnership between the Gauteng government and the Vumacam company on fighting crime and crime syndicates to build safer communities in the Gauteng province;
- (2) acknowledges that crime impacts negatively on the economy;
- (3) understands that through this partnership, the Gauteng province received a much-needed boost to fighting crime with access to an additional 6 000 closed-circuit television, CCTV, cameras;
- (4) notes that CCTV cameras are part of the Gauteng provincial government's strategy to utilise technology to fight crime and that the cameras will go a long way towards achieving that objective;

- (5) also understands that the CCTV cameras are being placed in townships, business districts, high crime areas, roads, schools and other public places;
- (6) believes that the partnership between the Gauteng government and Vumacam will go a long towards strengthen the collaboration between the private and public sectors; and
- (7) further welcomes Vumacam's offering of an additional 5 000 partner cameras across South Africa.

Motion not agreed to and becomes a notice of a motion.

FACTS EXPOSE CADRE DEPLOYMENT

(Draft Resolution)

Mr K M MMOIEMANG: House Chairperson, I move without notice:

That the Council—

- (1) notes with concern the political hypocrisy of the DA on the issue of the cadre deployment policy of the ANC, which is an internal policy approach, as a cheap electioneering strategy as evidenced in a letter by

the former Western Cape MEC for Local Government to the DA municipal council to appoint specific DA loyalists, as exposed by the ANC member of the provincial legislature, Comrade Cameron Dugmore;

- (2) also notes that whilst the DA may seek to downplay this letter as an isolated act by one of its political delinquents, the truthfulness of the contents of the letter has been confirmed and corroborated by a former DA mayor in the Midvaal, a certain Mr Baloyi;
- (3) further notes that whilst the letter by Anton Bredell has been in the public domain for a while, the DA has never said a word on this issue, hence their deafening silence is abundantly clear; and
- (4) recalls that as the ANC we condemn this hypocrisy of the DA in the strongest possible terms and challenge them to lay bare their records on ANC deployment.

Motion objected to and becomes a notion of a motion.

EIGHT ANC SUPPORTERS KILLED IN BUS ACCIDENT IN ETHEKWINI

(Draft Resolution)

Ms N E NKOSI: Hon House Chair, I move without notice on behalf of the ANC:

That the Council—

- (1) notes with a deep sense of loss the tragic death of eight supporters of the ANC who lost their lives in a bus accident while travelling from the very successful launch of the ANC 2024 election manifesto at Moses Mabhida Stadium in eThekweni;
- (2) recognises that this tragic accident should bring to our attention the urgency with which to address the challenges of road accidents in this country, which causes a lot of deaths and costs the national fiscus billions of rand;
- (3) calls upon this august House to salute these fallen cadres of our movement for their unwavering commitment and loyalty to the ANC as the trusted movement of the people for the victory of the national democratic revolution; and
- (4) sends our heartfelt condolences to their families, colleagues, friends, the ANC and its alliance partners.

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

**LAUNCH OF MPILISWENI MATHS, SCIENCE AND ICT SCHOOL OF
SPECIALISATION IN KATLEHONG, EKURHULENI**

(Draft Resolution)

Mr M E NCHABELENG: House Chair, I move without notice on behalf of the ANC:

That the Council—

- (1) notes the official launch of Mpilisweni Maths, Science and ICT School of Specialisation, which focuses on manufacturing and logistics in Katlehong, Ekurhuleni, on Tuesday, 13 February 2024;
- (2) further notes that the public secondary school seeks to benefit the economic development corridor in which it is located;
- (3) also notes that Mpilisweni is a no-fee school which relies entirely on a section 21 allocation for financial upkeep, and has maintained a 90% plus matric pass rate for the past three years;

- (4) recognises that the learners from the school are demonstrating a wide array of advanced skills, which include the building of a smart truck that uses solar power instead of petrol;
- (5) believes that learners at Mpilisweni will go a long way in benefiting from a wide array of skills which are in the manufacturing and logistics industry;
- (6) acknowledges the Gauteng government's initiatives in streamlining some of its schools' focus to match the economic development corridors, so that they can respond to the skills gap of each corridor; and
- (7) encourages more initiatives geared at advancing reforms in skills development, especially at the secondary school level, to give kids a foundation and a future in filling the skills gap in which our country is plunged.

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

**BRUTAL AND SENSELESS MURDER OF DR MICHAEL ISABELLE IN
DOBSONVILLE**

(Draft Resolution)

Mr I NTSUBE: House Chairperson, I move without notice on behalf of the ANC:

That the Council—

- (1) notes with the utmost concern the brutal and senseless murder of Dr Michael Isabelle, a Dobsonville general practitioner, during a robbery at his practice on Saturday, 24 February, in the afternoon in Dobsonville, Soweto, in the Gauteng province;
- (2) calls on the Minister of Police and the MEC for Community Safety in the Gauteng province to ensure that the police mobilise resources to ensure that the murderers of Dr Michael Isabelle are brought to book to face the full might of the law for the senseless murder of a community servant who dedicated his life to serving the people of Soweto and Gauteng at large; and
- (3) takes this opportunity to convey its profound condolences to the family of Dr Michael Isabelle on their tragic loss and wishes them strength during these difficult times.

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

SUSPENSION OF RULE 218(1)

(Draft Resolution)

The CHIEF WHIP OF THE NCOP: House Chair, I move the draft resolution printed in my name on the Order Paper, as follows:

That the Council resolves that Rule 218(1), which provides inter alia that the consideration of a Bill may not commence before at least three working days have lapsed since the committee's report was tabled, be suspended for the purposes of con-sideration of Cannabis for Private Purposes Bill [B19B-2020] (National Assembly - sec 75).

Question put: That the motion be agreed to.

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

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

ESKOM DEBT RELIEF AMENDMENT BILL

(Consideration of Bill and Report of Select Committee on
Appropriations thereon)

Ms D G MAHLANGU: House Chairperson, hon Chairperson and Deputy Chairperson of the National Council of Provinces, hon members, permanent and special delegates present on the platform and fellow South Africans, it is my pleasure and privilege to table before this august House a report on the Eskom Debt Relief Amendment Bill on behalf of the Select Committee on Appropriations.

The committee adopted the report while the DA and the FF Plus and the EFF reserved their positions. The Eskom Debt Relief Amendment Bill proposed to amend section 2 of the Eskom Debt Relief Act, and was tabled in Parliament by the Minister of Finance together with the 2023 Medium-Term Budget Policy Statement on 01 November 2023. The Bill was referred to the committee for consideration and report to the House.

After being briefed by National Treasury, the committee consulted with the Financial and Fiscal Commission and the Parliamentary Budget Office, PBO. Cosatu made a written submission and further made an oral presentation during a public hearing held on 01 December 2023. Two written submissions were received from the dearsqth@pegasus.aserv.co.za platform.

After intense deliberations, the committee made the following recommendations in respect of the Bill.

The Minister of Finance should gazette the proposed amendment of section 2 of the Eskom Debt Relief Act to provide for payment of interest by Eskom on amounts advanced as a loan, and for the Minister of Finance to be able to reduce the amounts for the requirements of Eskom in the event of noncompliance with conditions, and that these may not exceed 5% of the allocation.

National Treasury together with Eskom should, within 60 days of the adoption of the report by this august House, take steps to ensure that the interest charged to Eskom is not passed on to poor and vulnerable consumers.

Parliament through its relevant sector committees should continue to monitor the implementation of the Eskom debt relief programme.

National Treasury, together with the Department of Co-operative Governance and Traditional Affairs, the SA Local Government Association, Salga, and provincial departments of co-operative governance should, within 90 days of the adoption of this report by this august House as we present it today, ensure that municipalities develop clear measures to apply

effective revenue enforcement and credit control mechanisms to improve billing and accounting system, to increase payment and cost-recovery levels.

Hon members, the committee is of the view that the revocation of municipal electricity distribution licenses in the case of noncompliance may be too harsh, and recommends that alternative mechanisms be considered to better address noncompliance without eroding electricity distribution as a municipal revenue source.

We also recommended that National Treasury together with the Department of Public Enterprises, the department responsible for electricity, and Eskom should, within 90 days of the adoption of this report by this House, take steps to deal with fiscal leakages and ensure an accurate, cost-effective regime with a view to addressing irregular, wasteful and fruitless expenditure, as that is not acceptable.

The committee also recommended that National Treasury together with the department responsible for electricity, the Department of Public Enterprises, and Eskom should, within 60 days of the adoption of the report by this House, come up with a clear and decisive implementation action to end load shedding as it has affected many small and medium-sized

businesses, and continuously impacts negatively on much-needed economic growth.

The committee is that the view that the impact of the current energy crisis hampers government's efforts to address socioeconomic issues such as high levels of unemployment, poverty and equality.

In conclusion, hon members, let me take this opportunity to thank the committee members for their unwavering commitment throughout the processing of this Bill, the provincial finance and treasury committees for always being available and for their contributions, the committee stakeholders - the media and the public who came to public hearings - and the committee support staff. We really appreciate your contributions.

The committee recommends to this august House that the Bill be adopted without amendments. Thank you very much, hon Chairperson. Ngiyathokoza. [Thank you.].

Debate concluded.

Question put: that the Bill be agreed to.

Declarations of vote:

Ms M DLAMINI: House Chairperson, the issue that we want to raise before we proceed is that there are members of the EFF who have been on the waiting room for a while. We are asking the support staff to let them into the sitting, please. Then I can proceed with my declaration.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okay, can those who are in the waiting room be allowed in. I think we have brought the issue to their attention; they will be assisted accordingly. You may proceed, hon Dlamini.

Ms M DLAMINI: The EFF rejects the proposed Eskom Debt Relief Bill. As the EFF, we agree that we need to recapitalise Eskom. We need to give Eskom enough money to maintain its overall generation, transmission and distribution infrastructure, complete the outstanding work at Medupi and Kusile power plants as soon as possible, and build additional generation capacity. However, this Bill tabled before us today seeks to do the opposite. This Bill does not solve any problems. If anything, it will only fast-track the collapse of the national grid.

This Bill that we are tabling today should be allocating money to new and additional generation, additional capacity to bring additional electricity to the grid, to protect the economy and improve our people's livelihoods. The Bill should be

allocating money to insulate essential services such as water supplies, clinics, small- and medium enterprises, and other essential infrastructures from the damage that may occur as a result of electricity blackouts or a complete grid collapse.

We should be allocating money to attract investment in all special economic zones for the manufacture of solar panels, inverter batteries and other electronic equipment that are essential for hybrid and off-grid solutions. The Bill that should be before us today seeking approval for the allocation of money should be a Bill that seeks to give our people in informal settlements and townships immediate and practical solutions to deal with electricity blackouts.

It should be a Bill that seeks to give small businesses some relief so that they can continue to operate when the national grid is under pressure. But we know there is no capacity. We do not understand why the Minister of Public Enterprises has not resigned because we have repeatedly told him that he has failed the people of South Africa and must resign. The EFF rejects the proposed Eskom Debt Relief Bill. Thank you, Chair.

Mr N M HADEBE: Hon Chairperson, as the IFP has previously stated, we find ourselves in a never-ending cycle of bailouts when it comes to Eskom. Every few months, we are considering the same solutions and allocating more money. Eskom's problems

are not financial; they are structural and deeply immersed in corruption, greed, and government failure. However, the problems at Eskom are again man-made and carefully crafted to ensure the deliberate and total collapse of the entity. I say this because time and time again, the IFP has called for the government to prioritize public-private partnerships. However, our calls have fallen on deaf ears, and our practical solutions have been ignored. This could only be because the government wants to keep Eskom in the dire and collapsing state it is in. Notwithstanding that, the IFP supports the Bill. Thank you.

Mr D R RYDER: House Chair, this Amendment Bill is a half-hearted attempt at fixing a bad Bill that was passed by this House on 21 June, last year. The DA opposed that Bill and some of the reasons that ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Ryder, unmute.

Mr D R RYDER: Yeah, House Chair, it is telling me that the host muted me.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Sorry for that.

Mr D R RYDER: Thank you very much. I will start over, House Chair. This Amendment Bill is a half-hearted attempt at fixing

a bad Bill that was passed by this House on 21 June, last year. The DA opposed that Bill and some of the reasons that we gave for opposing the Bill are addressed in this amendment. If only you had listened back then. Yet we still cannot support a Bill that just allows Eskom to continue down the same path without a real step change.

Eskom is killing South Africans by taking the food off of their tables. The sustained load shedding is breaking businesses and driving up the costs of basic goods and food as businesses turn to expensive stand-by electricity generation. But more than that, Eskom's ridiculous price hikes are driving up the cost of living. Every single industry that supplies food, clothes, services, and essential needs to South Africans uses electricity. Electricity is a cost driver of every industry. And so, each time the toothless National Energy Regulator of SA, Nersa, allows Eskom to increase the cost of electricity by the massive amounts that they have granted for the past 10 years, the cost of goods that South Africans need goes up. That is inflation. Eskom is driving up inflation. That is why the Reserve Bank is keeping interest rates high because of inflation, and because of Eskom.

The DA has a plan to fix this. Our energy and electricity policy is available on our website and details exactly how we plan to rescue South Africa from the doldrums that the ANC has

steered us into. Unbundling Eskom was our suggestion. The ANC finally came around and agreed, but now they are moving so slowly on this that it is clear that there is no political will to drive this.

South Africans suffer as the economy grows slower than our population does, making us poorer every day. But Ministers with hands in the tender process steal billions and do not want to unbundle because it will reduce their opportunities to loot. A wise man once said that the Minister doesn't support progress because nobody can steal wind or sunlight.

This Bill is a weak attempt to improve a flawed piece of legislation that does not take South Africa forward. Eskom's debt, incurred through gluttonous state capture with the help of inept, complicit, and corrupt cadres deployed to Eskom, is not adequately fixed by this comb-over of a Bill. We reject it and call upon South Africans to reject the crafters of the Bill when they get the chance on 29 May. Thank you, House Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Delegates, we will now proceed to voting.

Question put: That the Bill be agreed to.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, the results are as follows: Those who voted in favour, 25; those who voted against, 15; and there are no abstentions.

Bill agreed to in accordance with section 75 of the Constitution.

CANNABIS FOR PRIVATE PURPOSES BILL

(Consideration of Bill and Report of Select Committee on
Security and Justice thereon)

Ms S SHAIKH: Hon Chairperson, greetings to your good self and to all hon members.

Hon Chair, the Cannabis for Private Purposes Bill gives effect to two Constitutional Court judgements: The Prince judgement and the Centre for Child Law judgement.

In *Minister of Justice and Constitutional Development and Others v Prince*, the Constitutional Court declared section 4(b) and section 5(b) read with part III of schedule 2 of the Drugs and Drug Trafficking Act, and section 22A(9)(a)(i) of the Medicines and Related Substances Act, read with schedule 7 of Government Notice No R.509 of 2003, unconstitutional on the premise that they criminalise the use or possession of

cannabis by an adult for that adult's personal consumption in private, in violation of the right to privacy.

The court suspended the order of invalidity for 24 months to give Parliament an opportunity to correct the constitutional defects in the Drugs Act and Medicines Act.

The court granted interim relief by way of a reading-in to ensure that, during the period of suspension of invalidity, it would not be a criminal offence for an adult person to use ... [Interjections.] ... [Inaudible.] ... to use or be in possession of cannabis for his or her personal consumption in private and to cultivate cannabis in a private place for his or her personal consumption in private.

The wide-scale commercial production of hemp is prohibited in terms of the Drugs Act and the Medicines Act. The Department of Agriculture, Land Reform and Rural Development has requested that the Drugs Act and the Medicines Act be amended to provide for the commercial production of hemp in South Africa.

Furthermore, in *Centre for Child Law v the Director of Public Prosecutions and Others*, the Constitutional Court declared section 4(b) of the Drugs Act to be inconsistent with the

Constitution and invalid to the extent that it criminalises the use or possession of cannabis by a child.

The court reiterated the need for a social response to cannabis use or possession by a child and concluded that the response should be wholly centred on rehabilitation, support and recognition of the inherent vulnerability of the child. As such, the response should not be located within the criminal justice system.

The Bill, therefore, creates a new legal framework through which to govern cannabis for private use by adults, and suggests an alternative means to deal with children and cannabis use, in line with the Constitution and the Constitutional Court judgements handed down in *Prince* and the *Centre for Child Law* in 2018 and 2022 respectively.

The Cannabis for Private Purposes Bill, therefore, seeks to respect the right to privacy of an adult person to use or possess cannabis; regulate the use or possession of cannabis by an adult person; provide for an alternative manner by which to address the issue of the prohibited use, possession of or dealing in cannabis by children, with due regard to the best interest of the child; prohibit the dealing in cannabis; provide for the expungement of criminal records of persons convicted of possession or use of cannabis or dealing in

cannabis on the basis of a presumption; amend provisions of certain laws; and provide for matters connected therewith.

In response the Select Committee on Security and Justice's invitation for public written comments, the committee received a total of 46 submissions, of which 19 substantive submissions were received on the Bill. Submissions of a more general nature were received from 13 individuals and organisations.

In addition to comments on the substance of the Bill, the issue of trade or commercialisation of cannabis was raised in public comments, which is not covered in this Bill.

On 25 January 2024 the select committee received a briefing from the Department of Justice and Constitutional Development on the public submissions received on the Bill. At this meeting, the parliamentary legal advisor also clarified that the Bill had been correctly tagged as a section 75 Bill and that there had been extensive public participation on the Bill both in the National Assembly as well as in the National Council of Provinces.

Furthermore, during this meeting the department informed the committee that the right to cultivate is not prohibited by the Bill. Instead, clause 4(5) prohibits the cultivation of

cannabis in excess of the number of plants that will be determined by the Minister in the regulations.

The Bill responds to the *Prince* judgment which legalised the use, possession and cultivation of cannabis for personal consumption. The legalisation of cannabis for personal use gives effect to the adult's right to privacy.

The Bill does not, however, give children the right to use or possess cannabis. The Bill provides for alternative means to deal with children and cannabis use.

Furthermore, the Bill provides for penalties which had been significantly reduced during the Portfolio Committee on Justice's deliberations on the Bill.

The sale of cannabis, however, will be regulated by the contemplated national legislation to be promoted by another national department, and not the Department of Justice and Constitutional Development.

The committee welcomed the Bill, in particular that it aims to protect children, but at the same time allows adults to exercise their right to privacy.

The Select Committee on Security and Justice, having considered the Cannabis for Private Purposes Bill a section 75 Bill, referred to it on 14 November 2023, and recommends that the Council pass the Bill without proposed amendments.

I so move. Thank you, Chair.

Question put: That the Bill be agreed to.

Declarations of vote:

Ms M DLAMINI: Chairperson, the EFF is in support of the Cannabis for Private Purposes Bill.

While we support the Bill, we think that the provisions of clause 2, particularly those in relation to decriminalisation of use and possession of cannabis, in criminalising the sale of cannabis, counters the purpose of the Bill, as not everyone will be in the position to grow cannabis for private use. So, those who use it must buy it from somewhere.

There are rural communities, particularly in areas in and around eMampondweni in the Eastern Cape, who are exclusively dependent on the production and sale of cannabis. They have been doing this for generations and know no other economic activity. This Bill will criminalise those old men and women and sentence them to jail for a period of 10 years.

We do, however, welcome the expungement of criminal records of people who have been found guilty of the crime of possessing cannabis.

Overall, the Bill is still extremely limiting and does not provide for economic exploitation of the herb.

The EFF is in support of the Bill, but we feel that much more could be ... [No audio.] ... Thank you, Chair.

Ms B M BARTLETT: Chairperson, the ANC supports the Cannabis for Private Purposes Bill.

In the case of the *Minister of Justice and Constitutional Development and Others v Prince*, 2018, the Constitutional Court unanimously declared certain sections of the Drugs Act and the Medicine Act unconstitutionally invalid to the extent indicated because they infringe on the right to privacy as enshrined in section 14 of the Constitution.

The effect of the judgement is twofold: It decriminalises the use or possession of cannabis by an adult for that adult person's personal consumption in private, and also decriminalizes cultivation of cannabis by an adult in a private place for that adult's personal consumption in private.

However, the use or possession of cannabis by a child anywhere or by an adult in public is not decriminalised.

In the case of the *Centre for Child Law v Director of Public Prosecutions, Johannesburg, and Others*, the court made the following remarks: Children are precious members of our society and any law that affects them must have due regard to their vulnerability and the need for guidance. We have a duty to ensure that they receive the support and assistance that is necessary for their positive growth and development.

Considering section 28(2) of the Constitution, which states that a child's best interests are of paramount importance in every matter concerning the child, the court then posed the question: Is it in the best interest of the child to continue to criminalise the use and/or possession of cannabis by a child?

The court went on to say: It is implausible to claim that the child has a right to personal consumption of cannabis in private. There are valid reasons to protect children from the use of drugs. This matter is about the consequences of use and/or possession of cannabis by a child.

Our focus in this matter is on decriminalisation, not legislation. It is about choosing the appropriate manner in which to respond to a child using or possessing cannabis.

The focus of the *Prince* judgement was a right to privacy while that of the *Centre for Child Law* judgement was the best interest of the child.

The ANC supports the Bill. I thank you, hon Chairperson.

Bill agreed to in accordance with section 75 of the Constitution.

DIVORCE AMENDMENT BILL

(Consideration of Bill and of Report thereon)

Ms S SHAIKH: Hon House Chairperson, once again, greetings to yourself and all hon members of this august House. On 28 June 2022 the Constitutional Court handed down a landmark judgment in *Women's Legal Centre Trust versus President of the Republic of SA and others* - known as the WLCT judgement.

The Court recognised the need for and the importance of protecting Muslim women and children of Muslim marriages on dissolution of a Muslim marriage. The Constitutional Court

held that the Divorce Act was unconstitutional to the extent that it failed to recognise Muslim marriages which have not been registered as civil and valid marriages.

The Constitutional Court held that the Divorce Act was inconsistent with the Constitution, sections 9, Equality; 10, Human Dignity; 28(2) which refers to a child's best interest and clause 34, Access to courts. Specifically, sections 6, 7(3) and 9(1) of the Divorce Act were declared to be unconstitutional. As on the dissolution of the marriage, these failed to safeguard the interest of a minor or dependent children of Muslim marriages in the same manner as children of other marriages. They also failed to provide for the redistribution of assets and failed to make provision for the forfeiture of patrimonial benefits in the same terms as other dissolved marriages. Parliament was given 24 months to remedy the constitutional defect, that is by 28 June 2024.

Regarding amendments to the Marriage Act, the Department of Justice and the Department of Home Affairs have been engaging extensively on the Department of Home Affairs proposed Marriage Bill to align timeframes and policy approaches insofar as possible between the Marriage Bill and this Bill. It is now apparent that the parallel timing of the Marriage Bill and the Divorce Amendment Bill is not possible given the

shortened period to process Bills as a result of the rising of Parliament due to the elections.

The WLCT judgment is a departure from the current position. Muslim couples who choose to marry according to Islamic law can only rely on the Divorce Act if they also conclude and register a civil marriage. The Bill seeks to amend the Divorce Act to address the issues in the WLCT case. The Bill aims to provide recognition of and protection for Muslim women and children of Muslim marriages on the dissolution of a Muslim marriage.

The Bill will not require a separate civil registration of a Muslim marriage for the parties to a Muslim marriage to rely on the provisions of the Divorce Act - recognising the validity of a Muslim marriage for the purposes of civil divorce.

The Bill does not constitute or replace Islamic divorce - women who are in Muslim marriages and wish to be granted a religious divorce will still need to follow Islamic law. Therefore, the Divorce Amendment Bill seeks to define a Muslim marriage, provide for the protection and to safeguard the interests of dependent and minor children of a Muslim marriage, provide for the redistribution of assets on the dissolution of a Muslim marriage, provide for the forfeiture

of patrimonial benefits of a Muslim marriage and to provide for matters connected therewith.

In the select committee's request for public submissions, the committee received five submissions on the Bill. The department, in its response to the public submissions on the Bill, was clear that the Bill addresses the Constitutional Court judgement in *Women's Legal Centre Trust v President of the Republic of SA and Others* and that the remaining matters will be addressed in the Marriage Bill of the Department of Home Affairs. The department, on request from the committee, also spent some time explaining the rationale in respect of the retrospective application in the Bill which is limited to balance the rights and interests of Muslim women and children and third parties and to limit potential unintended consequences.

On 14 February 2024 the committee adopted the Bill without proposed amendments. The committee is of the view that the Bill will go a long way in protecting the rights of women in the dissolution of Muslim marriages as well as children born of those marriages. Furthermore, that this Bill is important in advancing women's rights in South Africa.

The Select Committee on Security and Justice, having considered the Divorce Amendment Bill, B22-2023, referred to

it on 15 November 2023 and classified by the JTM as a section 75 Bill, recommends that the Council passes the Bill without proposed amendments. I thank you, House Chair.

Debated concluded.

Question put: That the Bill be agreed to.

Declarations of vote:

Ms M DLAMINI: The EFF is in support of the Divorce Amendment Bill. This Bill is a step in the right direction in bringing previously excluded groups into the protection given to most by the Constitution. We are in support of the amendment that now ensures that Muslim marriages will be treated the same as civil marriages. We particularly support the provision that these sorts of marriages can also be dissolved by courts. This gives the certainty of judicial supervision of marriage dissolution proceedings which women married according to the Muslim customs were not provided with. We also welcome the extension of support after dissolution of marriage to minor and dependent children of couples married in accordance with the Islamic rights.

The fact that it has taken this long to regulate the rights of couples in Muslim marriages is very concerning. It speaks to the need to have a law of general application relating to

marriages while still maintaining the rights and integrity of customs and those who are adhere to specific beliefs and customs. The ultimate goal must be to ensure that while the institution of marriage is respected, women and children in particular who have been victims of abuse and neglect get the full spectrum of rights available to them. We support the Bill.

Ms B M BARTLETT: Hon House Chairperson, the ANC rises in support of the Divorce Amendment Bill, B22-2023. The Bill is as a result of a Constitutional Court judgment in the case of Women Legal Centre Trust versus President of the Republic of SA and others. The court recognised a need for protecting Muslim women and children of Muslim marriages, particularly upon the resolution of a Muslim marriage. The court recognised than nonrecognition of Muslim marriages in civil law has the effect that the person married in terms of Islamic law only has no right to approach a court of law for a decree of divorce.

Furthermore, the Constitutional Court held the Divorce Act unconstitutional as it fails to safeguard the interest of minor or dependent children of Muslim marriages in the same manner as the children ... [Interjections.]

Considering the dictates of a free democratic society where human rights are entrenched, the court remarked that there was no justification order as to why children born of Muslim marriages should not enjoy the automatic court oversight of section 6 of the Divorce Act in relation to the care and maintenance.

The strategic objective of the ANC is the transformation of our country into a united nonracial, nonsexist and prosperous society. The question of gender equality as framed within the principle of nonsexism is central to the ANC's programme of the National Democratic Revolution. The Bill is important for advancement of women's rights as well as those of children. It contributes to a more just and equal society.

I close off with the words of the longest serving president of the ANC, president OR Tambo, when he said: "South Africa will never be free as long as women are not free." Indeed, the basis on which to judge the liberation of a country is to know the extent to which women are free. The ANC supports this Bill. I thank you.

Voting.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, the results are as follows: In favour, 39; against, 3; and abstention, 0.

Bill agreed to in accordance with section 75 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON HEALTH AND
SOCIAL SERVICES - RATIFICATION OF THE PROTOCOL TO THE AFRICAN
CHARTER ON HUMAN AND PEOPLE'S RIGHTS ON THE RIGHTS OF OLDER
PERSONS IN AFRICA, DATED 01 DECEMBER 2023**

Mr E Z NJADU: Chairperson, I present the report of the Select Committee on Health and Social Services on the ratification of the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa dated 1st December 2023.

Chairperson, the Select Committee on Health and Social Services, herewith the "committee", having considered the ratification of the Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa reports as follows.

The government of the Republic of South Africa is one of the African Union member states that adopted the Protocol to the

African Charter of Human and People's Rights on the Rights of Older Persons in Africa on 31 January 2016. This took place at the 26th Ordinary Session of the AU Assembly of Heads of State and Government in Addis Ababa, Ethiopia.

The protocol is a product of years of consultation and ...

[Inaudible.] ... the commitments made by African states on the 2002 AU policy framework and plan of action on ageing so that these form part of regional human rights law. This is crucial, given that older women and men in Africa continue to experience discrimination, abuse, neglect and violence in all spheres of life.

Chairperson, the protocol is a transformative legal instrument of providing norms and standards in ensuring respect and the protection of the rights of older persons in Africa. The purpose of the protocol is to promote and protect the rights of older persons and guarantee that older persons are entitled to contribute and participate in society.

The adoption of the protocol would ensure that older persons are treated with dignity and respect as equal members of society. It will serve as a tool for the development of age-friendly policies and legislation that recognise the potential and talents of older persons. This will ensure the full

enjoyment of the human rights and freedom in increasingly ageing societies.

The protocol will set standards necessary for the elimination of discrimination to ensure access to justice and equal protection before the law. To date, about 18 AU member states have ratified the protocol. This includes Zambia, Mozambique and Lesotho.

Signing and ratifying these protocols strengthens the multilateral and international measures created in Africa for the safeguarding of the interests of older persons. In addition, it will demonstrate South Africa's commitment to human rights in this area, while also providing further impetus to the consolidation of the protection of the rights of older persons domestically.

Chairperson, in terms of parliamentary processes, the ratification for the protocol was tabled in Parliament on 26 October 2023 and was referred to the committee on 8 November 2023. The committee received a briefing on the protocol from the Department of Social Development on 1 December 2023. The committee recommends that the House, in terms of section 231(2) of the Constitution of the Republic of South Africa of 1996, approves the protocol and that the report be considered. Thank you very much, Chairperson.

Debate concluded.

Question put: That the Report be adopted.

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

Report adopted in accordance with section 65 of the
Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND
JUSTICE PROGRESS OF EXECUTIVE UNDERTAKINGS MADE BY THE
MINISTER OF POLICE, DURING THE TAKING PARLIAMENT TO THE PEOPLE
IN UGU DISTRICT MUNICIPALITY, KWAZULU-NATAL, FROM 14 TO
18 NOVEMBER 2022, REFERRED TO THE COMMITTEE ON 4 AUGUST 2023,
DATED 29 NOVEMBER 2023**

Ms S SHAIKH: Hon Deputy Chairperson, greetings to you and all
hon members. The Minister of Police made six executive
undertakings during the Taking Parliament to the People in the
Ugu District Municipality, KwaZulu-Natal, which took place
from 14 to 18 November 2022.

The executive undertakings are as follows.

The first executive undertaking is related to an agreement that the national department, the Speaker of the provincial legislature and the MEC for Transport and Community Safety will visit Umuziwabantu Local Municipality on 28 November 2022 to attend to the taxi violence that has engulfed the area.

The second undertaking is related to moving the Msinsini police station. It has been operating far from communities and there are engagements with traditional leaders in the area to move that police station.

The third executive undertaking is related to a mobile SAPS station for KwaMgayi, which was finalised, and the Minister undertook that it will be introduced shortly.

The fourth executive undertaking is related to the Gamalakhe SAPS station handover, where the launch could not happen due to heavy rains. The undertaking is that the station should not be closed at night, it should be staffed at all times and the department will open the station officially.

The fifth executive undertaking is related to stipends for community policing forums, CPFs. The Minister undertook to further investigate options in relation to stipends for CPFs and related structures.

The sixth executive undertaking is related to internal discipline. The Minister stated that SAPS will work hard to root out police officials who do not serve the people and become involved in criminality.

On 22 November 2023, Minister Cele and relevant officials of the department appeared before the Select Committee on Security and Justice to report on the progress made in implementing these executive undertakings. The committee received the Minister's response to each executive undertaking and was satisfied with the progress made on the undertakings made and the progress thereof. The committee made the following observations and findings.

Firstly, the committee noted that issues of policing, safety and security were prominently brought to the delegation's attention in Ugu District. The committee commended the station commissioner for being on top of issues of crime, communication and interaction with the community. The committee urged the Minister to continue building on the important collaboration between the police and communities in the fight against crime.

Secondly, the committee acknowledged the Minister's report that a means of travelling and transportation was offered to the community police forums to enable their effective

functioning. With the necessary support, equipment, and material transport, the CPF must work with the police in the fight against crime. The CPFs are an important component of the whole police service in our country. The committee noted that the Minister must consider giving priority to CPFs in the next financial year.

Thirdly, on the issue of discipline of the police members, the committee appreciated the measures taken by the department. The committee congratulated the Minister on the work they are doing within all provinces, including the Western Cape. The committee noted that South Africa has a national police service that must serve the whole country.

The committee therefore urges and recommends that the department steps up its efforts to remedy the challenges regarding CPFs and finalises the draft resourcing model to properly resource the CPFs in the next financial year.

The committee acknowledges that the fight against crime requires collaboration and therefore recommends that the Justice, Crime Prevention and Security Cluster should work together in the fight against crime.

The committee encourages the department to ensure that all necessary disciplinary measures are taken against implicated

police members. Police members should conduct themselves in a manner above reproach to gain the confidence of the public in the fight against crime in South Africa.

The committee recommends that the department should continue to work closely with communities and CPF structures to ensure that it understands the nature of crimes within specific communities, to effectively fight crime. The committee urges co-operation and collaboration at all levels in the fight against crime.

The Report of the Select Committee on Security and Justice on the progress of executive undertakings made by the Minister of Police during the Taking Parliament to the People visit to Ugu District Municipality is tabled for the House's consideration. Thank you very much.

Debate concluded.

Question put: That the Report be adopted.

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

Report adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON SECURITY AND
JUSTICE - PROGRESS OF EXECUTIVE UNDERTAKINGS MADE BY THE
MINISTER OF HOME AFFAIRS, DURING THE TAKING PARLIAMENT TO THE
PEOPLE IN UGU DISTRICT MUNICIPALITY, KWAZULU-NATAL FROM 14 TO
18 NOVEMBER 2022, REFERRED TO THE COMMITTEE ON 4 AUGUST 2023,
DATED 29 NOVEMBER 2023**

Ms S SHAIKH: Hon Chair, the Minister of Home Affairs made eight executive undertakings during the Taking Parliament to the People in Ugu District Municipality, KwaZulu-Natal, which took place from 14 to 18 November 2022. The following executive undertakings were made.

The first undertaking related to Home Affairs officials limiting the number of people getting services per day. The Minister indicated that this issue was taken very seriously, and the Minister undertook to address staff behaviour.

The second executive undertaking, the department will increase the number of mobile offices and will acquire another 120 mobile offices in the next financial year.

The third executive undertaking is that the department will acquire mobile offices with satellite dishes to minimise disruption during load shedding.

The fourth executive undertaking related to the fact that the department wants new births to be registered within 30 days of birth and a birth certificate issued to guard against identity theft.

The fifth executive undertaking, the department has piloted the provision of Home Affairs services at Menlyn Mall and is currently assessing if more services are made available to people.

The sixth executive undertaking, the department will be undertaking a digitisation process. The department has 350 million records and 10 000 unemployed graduates with ICT qualifications who will be hired to digitise the record system in the department.

Regarding the seventh executive undertaking, the department is addressing corruption biometrics with retina recognition being introduced to curb the scourge of fraudulent documents. Arrests are being made concerning corrupt staff. However, investigations have proven to be lengthy and costly.

The eighth executive undertaking is that SA Connect seeks to meet the technology goals of the National Development Plan of creating an inclusive information society and to position the government to play an enabling role in the provision of

broadband to the number of underserved district municipalities, and thereby bridge broadband connectivity gaps.

Hon Chairperson, on 22 November 2023, Minister Motsoaledi and relevant officials of the department appeared before the committee to report on the progress made in implementing the executive undertakings under consideration.

The committee received the Minister's response to each executive undertaking and was satisfied with the progress that was made on the executive undertakings.

The committee made the following observations and findings. The committee noted an improvement in the registration of children at birth. However, the committee noted that the accuracy of capturing must be improved.

The committee welcomed the response from the Minister explaining the ratification process that exists and the initiative by government to employ 1 000 unemployed graduates to digitise 350 million records.

The committee congratulated the Minister on following up on undocumented foreigners and citizens. But the issue of crime and corruption remains a question that needs addressing. The

Minister reminded the committee of successes in the past year with the department and, in particular at the time, with a Pakistani national who was fraudulently producing passports.

The committee requested clarity on how far the engagements with the State Information Technology Agency, Sita, were progressing and whether there was some kind of time frame when the matter would be addressed. The Minister indicated that they had raised their concerns and requirements at all times and were engaging the Council for Scientific and Industrial Research, the CSIR, to try to help on this issue.

Hon Chairperson, the committee recommended that the department focus its efforts on increasing mobile support in rural areas throughout the country as vulnerable communities need these services the most, and this will enhance the prestige of the department.

In respect of the registration of children at birth, the committee recommended that the department should implement training to ensure that, upon registration, children's names are recorded correctly. The committee was of the view that this is a historical problem and that the department should address this with urgency.

The committee urged the department to prioritise the needs of citizens in all their work and to ensure that their services were rolled out in a manner that considers the needs of citizens and communities. Members emphasised that service delivery is of paramount importance in addressing the needs of citizens effectively and in ensuring that we are a responsive and caring government.

The committee encouraged the department to continue with the good work it is doing in addressing corruption via the Counter Corruption Unit as these steps are progress towards promoting and fostering respect between the department and citizens in terms of service delivery.

The committee recommended that the department make every effort to ensure that Sita is rolling out its services effectively and timeously to improve service delivery throughout the country. In this regard, the department should make every effort to hold Sita accountable to ensure that it delivers its services in a timely fashion.

Hon Chair, the Report of the Select Committee on Security and Justice on the progress of Executive Undertakings made by the Minister of Home Affairs, during the Taking Parliament to the People in Ugu District Municipality, is tabled for consideration.

Debate concluded.

Question put: That the Report be adopted.

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

Report adopted in accordance with section 65 of the
Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON TRADE AND
INDUSTRY, ECONOMIC DEVELOPMENT, SMALL BUSINESS DEVELOPMENT,
TOURISM, EMPLOYMENT AND LABOUR - WORLD TRADE ORGANIZATION
AGREEMENT ON FISHERIES SUBSIDIES AGREEMENT DATED 20 FEBRUARY
2024**

Mr M I RAYI: Hon Chairperson and hon members, greetings to you. The World Trade Organization, WTO, has been leading negotiations for over 20 years to tackle harmful subsidies in the fisheries sector. In 2022, at its 12th ministerial conference, the WTO achieved a major breakthrough, with the establishment of the WTO agreement on fisheries subsidies. This agreement aims to regulate subsidies that contribute to detrimental practices such as illegal fishing and overexploitation of marine resources.

It introduces transparency measures to enhance reporting and monitoring of subsidies among WTO members and emphasises caution in providing subsidies to vessels not under a member's flag or related to unassessed fish stocks. While this agreement marks significant progress, negotiation continued to strengthen regulations, targeting overcapacity and overfishing. Its effectiveness depends on collective acceptance by two thirds of the WTO members with provision for expiration if more comprehensive regulations are not adopted within a specified timeframe.

Overall, the agreement signifies crucial steps towards sustainable fisheries management, highlighting the importance of international co-operation in addressing environmental challenges. The agreement on fisheries subsidies reached after more than 20 years of negotiations involving all 164 members of the World Trade Organization, marks a significant achievement in global governance. It underscores the capacity of multilateralism to address complex and pressing issues, showcasing the WTO's role as a platform for meaningful co-operation on a global scale.

This historic agreement, pending formal acceptance by two thirds of the WTO members before implementation, represents a watershed moment for environmental governance within the WTO framework by specifically targeting harmful subsidies in the

fisheries sector. It sets a precedent for future multilateral engagements aimed at addressing other environmental challenges. Furthermore, the agreement's potential to catalyse broader reforms within the fisheries sector at both regional and national levels, cannot be overstated. By compelling government to practise the sustainability of the fish populations when allocating subsidies to their fleets, lays a groundwork for more responsible and equitable fisheries management practices worldwide, aligned with the objectives of the United Nations, UN, Sustainable Development Goals, SDGs, particularly SDG 14.6, which calls for the action to prohibit certain forms of fishery subsidies by 2020.

The agreement represents a concrete step towards achieving international targets for sustainable development, despite delays caused by the COVID-19 pandemic and other global crisis. Negotiators persevered, demonstrating a commitment to collective action in the face of adversity. The urgency of addressing harmful fisheries subsidies is underscored by the data from the United Nations Food and Agriculture Organization, and the 2022 State of World Fisheries and Aquaculture report, which revealed that 35% of fish stocks worldwide are exploited beyond sustainable levels.

Moreover, the report highlights the staggering amount of US\$22 billion in subsidies annually that contribute to overfishing,

primarily benefiting industrial fishing fleets. These subsidies artificially reduce operational costs, allowing fleets to engage in more extensive and intensive fishing activities, exacerbating the depletion of marine resources. In summary, this agreement on fisheries subsidy represents a landmark achievement in global governance, demonstrating the potential of multilateral co-operation to address the pressing environmental challenges by targeting harmful subsidies in the fisheries sector. It lays the foundation for more sustainable and equitable fisheries management practices worldwide in alignment with the goals of the UN sustainable development agenda.

Let me quickly check towards the end. This agreement remains dynamic, allowing members to periodically review and potentially amend its provision, based on experiences gained from its implementation. There are opportunities for South Africa around the sustainable fisheries management which I won't go into details about - that is the economic development, the trade opportunities, capacity building and technical assistance that South Africa will receive, the regional co-operation.

Towards the end, overall, the agreement on fisheries subsidies present South Africa with an opportunity to promote sustainable fisheries management stimulate economic

development, enhanced international trade opportunities, strengthening institutional capacities and foster regional co-operation in the fisheries sector. By embracing these opportunities, South Africa can contribute to the global effort to conserve marine resources and promote the long-term sustainability of the ocean. The Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour, having considered the request for approval by Parliament on the World Trade Organization Agreement on Fisheries Subsidies, recommends that the House approve the agreement in terms of section 231(2) of the Constitution. Thank you, hon Chairperson.

Question put: That the Report be adopted.

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

Report adopted in accordance with section 65 of the Constitution.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon delegates, that concludes the business of the day. I would like to thank all permanent and special delegates for availing themselves. Thank you very much to everyone who contributed to the success of

the debate. The House is now adjourned. Thank you very much.
Goodbye.

The Council rose at 15:54.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

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