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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:00.

The Deputy Speaker took the Chair and requested members to observe a moment of silence for prayer or meditation.

The DEPUTY SPEAKER: Hon members, Orders 1 to 7 relate to reports of the Joint Committee on Ethics and Members' Interests.

Joint Rule 162 provides that meetings of the joint committee must be held in closed session when the committee considers matters affecting a member.

As is our practice, declarations of vote will not be taken as this could open an opportunity to cast personal reflections on the member's integrity and dignity.

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Once all the reports from Orders 1 to 9, which include the two reports from the Powers and Privileges Committee, are adopted, I will hand over the Chair to the Speaker to administer the reprimand. The Secretary will read the First Order of the day.

**CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS ON CONTRAVENTION OF CODE OF ETHICAL CONDUCT
AND DISCLOSURE OF MEMBERS' INTERESTS: DEPUTY PRESIDENT OF
REPUBLIC OF SOUTH AFRICA: HONOURABLE PAUL MASHATILE, MP**

There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

Question put. That the Report be adopted.

Agreed to.

Report on Contravention of Code of Ethical Conduct and
Disclosure of Members' Interests: Deputy President of Republic
of South Africa: Honourable Paul Mashatile, MP, accordingly
adopted.

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**CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS ON ALLEGED CONTRAVENTION OF CODE OF ETHICAL
CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS: HONOURABLE IAN
CAMERON, MP, CHAIRPERSON OF PORTFOLIO COMMITTEE ON POLICE**

There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

Question put. That the Report be adopted.

Agreed to (DA dissenting).

Report on Alleged contravention of Code of Ethical Conduct and Disclosure of Members' Interests: Honourable Ian Cameron, MP, Chairperson of Portfolio Committee on Police accordingly adopted.

**CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS ON ALLEGED CONTRAVENTION OF CODE OF ETHICAL
CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS: HONOURABLE
FADIEL ADAMS, MP**

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There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

Question put. That the Report be adopted.

Agreed to.

Report on Alleged contravention of Code of Ethical Conduct and Disclosure of Members' Interests: Honourable Fadiel Adams, MP, accordingly adopted.

**CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS ON ALLEGED CONTRAVENTION OF CODE OF ETHICAL
CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS: FORMER MINISTER
OF HIGHER EDUCATION AND TRAINING: HONOURABLE NOBUHLE NKABANE,
MP**

There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

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Question put. That the Report be adopted.

Agreed to.

Report on Alleged contravention of Code of Ethical Conduct and Disclosure of Members' Interests: Former Minister of Higher Education and Training: Honourable Nobuhle Nkabane, MP, accordingly adopted.

CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND MEMBERS' INTERESTS ON CONTRAVENTION OF CODE OF ETHICAL CONDUCT AND DISCLOSURE OF MEMBERS' INTERESTS: HONOURABLE DAVID MANDLA SKOSANA, MP

There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

Question put. That the Report be adopted.

Agreed to.

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Report on Contravention of Code of Ethical Conduct and
Disclosure of Members' Interests: Honourable David Mandla
Skosana, MP, accordingly adopted.

**CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS ON CONTRAVENTION OF CODE OF ETHICAL CONDUCT
AND DISCLOSURE OF MEMBERS' INTERESTS: HONOURABLE DAVID
SKOSANA, MP**

There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be
adopted.

Question put. That the Report be adopted.

Agreed to.

Report on Contravention of Code of Ethical Conduct and
Disclosure of Members' Interests: Honourable David Skosana,
MP, accordingly adopted.

**CONSIDERATION OF REPORT OF JOINT COMMITTEE ON ETHICS AND
MEMBERS' INTERESTS ON CONTRAVENTION OF CODE OF ETHICAL CONDUCT**

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AND DISCLOSURE OF MEMBERS' INTERESTS: MINISTER OF PUBLIC WORKS
AND INFRASTRUCTURE: HONOURABLE DEAN MACPHERSON, MP

There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

Question put. That the Report be adopted.

Agreed to (DA dissenting).

Ms L M NGOBENI: Deputy Speaker, we note the objection. However, we want to know when the Minister will be here to apologise as ordered to do by the Ethics Committee.

The DEPUTY SPEAKER: Hon member, we will deal with that matter. As we are in a virtual hybrid sitting, the Minister may also appear virtually. If not, it will still stand over and he will have to appear in order to apologise.

Report on Contravention of Code of Ethical Conduct and
Disclosure of Members' Interests: Minister of Public Works and

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Infrastructure: Honourable Dean MacPherson, MP, accordingly adopted.

**CONSIDERATION OF REPORT OF POWERS AND PRIVILEGES COMMITTEE ON
ALLEGATIONS OF CONDUCT CONSTITUTING CONTEMPT OF PARLIAMENT BY
HON V G REDDY, MP**

There was no debate.

Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

Question put. That the Report be adopted.

Agreed to.

Report on Allegations of conduct constituting contempt of Parliament by Hon V G Reddy, MP, accordingly adopted.

**CONSIDERATION OF REPORT OF POWERS AND PRIVILEGES COMMITTEE ON
ALLEGATIONS OF CONDUCT CONSTITUTING CONTEMPT OF PARLIAMENT BY
HON M V DANIELS, MP**

There was no debate.

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Mr G J SKOSANA: Hon Deputy Speaker, I move that the report be adopted.

Question put. That the Report be adopted.

Agreed to.

Report on Allegations of conduct constituting contempt of Parliament by Hon M V Daniels, MP, accordingly adopted.

The DEPUTY SPEAKER: Hon members, I will now recognise the hon Speaker on the virtual platform to issue the respective reprimands that we have just agreed to. This applies to all the reports that impose a sanction of reprimand, penalties and require a member to enter an apology. I now recognise the hon Speaker.

CONDUCT UNBECOMING OF MEMBERS OF PARLIAMENT

(Ruling)

The SPEAKER: Thank you very much, hon Deputy Speaker and also to hon members on the platform. I will request that all hon members whose names have been read in respect of the reports

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that come from the Ethics Committee as well as the Powers and Privileges Committee, show their face on the platform.

The DEPUTY SPEAKER: Hon Speaker, all the members have opened their cameras so we can see them.

The SPEAKER: Yes, thank you very much, hon members, for showing your face on the platform.

As you know, I'm not going to deal with each and every report and the content in it because it's already available to all of you.

I just want to say to you, but also to all hon members, that if you look at the offences that have been committed by respective members, it really goes against the code of ethics that we have accepted and which we as hon members would abide by.

I do want to appreciate that the majority of you have actually shown remorse in terms of the actions that were intended.

However, it also says to each one of us that we do need to remember that our code of ethics does not only relate to what we do in the House, but it could also be what we write on our

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social media ... or what we say to other members of the public.

I hope that through what the Committee on Powers and Privileges, as well as the Committee on Ethics have actually engaged with you, and shown where you have done wrong, you have appreciated and ... such will not happen ... However, this is also a reminder to all of us as members that we should at all times remember the oath of office that we have taken.

There are various sanctions that have been given, which have been communicated to members, where they would have to comply.

Some of you will be suspended for 15 plenary sessions and others for 20 plenary sessions. However, some of you will have to pay a fine – R10,000 and another R15,000. However, I would also like the three members who are here, who have been asked by the Ethics ... to actually apologise to the House for their conduct ...

Hon Adams, can you please offer your apology to the House? You can unmute yourself. Yes, hon Adams, you can unmute.

Mr F ADAMS: Speaker, am I audible?

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The SPEAKER: Yes, you are.

Mr F ADAMS: Speaker, as communicated to the Ethics Committee, I apologise profusely, and let's hope it doesn't happen again. Thank you very much, Madam Speaker.

The SPEAKER: Thank you. Hon Nkabane.

Ms N P NKABANE: Hon Speaker, I just want to tender my apology on behalf of the House for my ethical conduct. Thank you so much.

The SPEAKER: Thank you. Hon Daniels.

The DEPUTY SPEAKER: Order, hon members. Hon members, order. Hon Speaker, there is a point of order from the hon Swart.

Mr S N SWART: Madam Deputy Speaker, I just wanted clarity because the member apologised on behalf of the House, and I don't think that is in order because we didn't commit any wrongdoing here. I think it's to the House.

The DEPUTY SPEAKER: Hon Speaker.

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The SPEAKER: Thank you very much. That is noted. I'm sure it was a mistake by hon Nkabane. It was an apology to the House, not on behalf of the House. Hon Daniels.

Ms N P NKABANE: Yes.

Mr M V DANIELS: Madam Speaker, I want to take this opportunity to apologise unconditionally for my actions, which I believe were out of order, and which transgressed and undermined the rules of order of the House ... [Interjections.] ... I've learnt from it. I give my full commitment that I will not repeat what happened in the past. To anybody and everybody ... affected by my actions, there is no justification for it, there is no qualification for it. I take full responsibility and it is therefore a great honour for me to be here and to be able to stand up and acknowledge my mistakes. I therefore hope that my apology is accepted with the same sincerity that I'm extending it. Thank you.

The SPEAKER: Thank you very much. I've been informed that ...
[Inaudible.]

The DEPUTY SPEAKER: Hon Speaker, there's a point of order from the PA.

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The SPEAKER: Yes, what is the point of order?

Ms J S PETERSEN: Madam Speaker, I just want to say thank you to the House for the applause. That is how you apologise.

The SPEAKER: Okay, thank you very much. Hon members, I've been informed that hon Macpherson is absent from the House and I will have to engage with the two members, because their party objected to the reprimand that is due to be given to hon Cameron as well as hon Macpherson. I will engage with those members and the Ethics Committee, that are the ones that have really engaged with these members and that meted out the sanctions ... that they've done.

I'd like to thank the hon members for availing themselves and accepting the sanctions that have been given. Thank you very much. Deputy Speaker, you can take over and proceed.

The DEPUTY SPEAKER: Hon Speaker, there is a point of order from hon Dugmore.

Mr C M DUGMORE: Deputy Speaker, my point of order relates to the fact that the House has adopted all of these reports and hon Cameron is in the House. I'm wondering what would be a

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problem for him to accept his sanction, because he is in the House.

The DEPUTY SPEAKER: Hon Dugmore, thank you for that because I was going to address that right now. The sanction does not include an apology to the House. So, it is not necessary to apologise to the House in terms of the sanction ...
[Inaudible.]

The SPEAKER: Thank you, hon Deputy Speaker. As you indicated, the members whose names I called are those that, in terms of the sanctions, were supposed to apologise.

However, the other two members, the hon Deputy President and hon Cameron, have been given a fine that they have to pay in respect of the sanctions given. Thank you.

The DEPUTY SPEAKER: Thank you, hon Speaker. Hon members, we will now proceed. We now move to the Tenth Order and the Secretary will read the Tenth Order.

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON AUDITOR-
GENERAL ON DETERMINATION BY THE PRESIDENT OF REMUNERATION OF
AUDITOR-GENERAL FOR 2025-26 FINANCIAL YEAR**

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Mr W W WESSELS: Hon Deputy Speaker, the Auditor-General, as a head of an institution supporting democracy, is remunerated in terms of Determination of Remuneration of Office-bearers of Independent Constitutional Institutions Laws Amendment Act of 2014. Further, the Public Audit Act of 2004 provides that the Auditor-General is entitled to an annual salary and such allowances or benefits as determined by the President from time to time by notice in the *Government Gazette* and approved by this National Assembly.

In terms of this process to be followed when determining the Auditor-General's salary requires the President to consider the recommendations of the Independent Commission for the Remuneration of Public Office Bearers. In deciding its recommendations to the President, the commission considers recommendations and advice by the Remuneration Committee established in terms of the Public Audit Act of 2004.

The President taking into consideration the commission's recommendations must make a determination on the matter and issue a notice in the *Government Gazette*. The commission considered the following criteria, the role, status, duties, functions and responsibility of the particular office bearer. The affordability of different levels of remuneration, current

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principles and levels of remuneration, particularly in respect of organs of state. Inflation and the availability of resources of the state.

In terms thereof, it recommended a 4,1% salary increment for 2025-26. Accordingly, the President wrote to the National Assembly on 10 January 2026, notifying it that he had determined a 4,1% increase in line with the recommendation of the commission. This includes the salary of the Auditor-General. The Speaker referred this matter to the Standing Committee on the Auditor-General. The standing committee deliberated on this determination, considering the informed consideration of the commission and taking into account the importance of the Auditor-General as an institution that plays a role in the ecosystem of accountability and oversight.

Also, considering the fact that the Auditor-General is of utmost importance for the accountability in terms of its independence and having the right suitable person in that position is of utmost importance. Considering that, the standing committee recommends to the National Assembly to approve this determination by the President in terms of a 4,1% increment in the salary of the Auditor-General for the 2025-26 financial year. I thank you, Deputy Speaker.

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Declarations of vote:

IsiXhosa:

Nksz M V MENTE-NKUNA: Sekela Somlomo, masibulise kumongameli wamatsha-ntliziyo alwelwa ezogqosho. Sibulise ...

English:

... to the fighters and commissars. Deputy Speaker ...

IsiXhosa:

... asimthandabuzi uNksz Tsakani Maluleke ukuba angawufumana lo mvuzo kwaye awunyuselwe. Ungomnye wabafazi abohlukileyo eMzantsi Afrika. Ungomnye wabo bangekabinalo ichaphaza lokubandakanywa kwimikhuba yorhwaphilizo nokunyoluka okuphakathi kubantu abaphethe ilizwe eMzantsi Afrika.

Okwesibini, nguye osincedisayo ukuba ilizwe likwazi ukuphatheka ingakumbi ukujonga ezezimali zaseMzantsi Afrika. Kwezi ntsuku zimbini zidlulileyo besinoomasipala ...

English:

... in the Standing Committee on Public Accounts, Scopa

IsiXhosa:

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... apho sincediswe nguMhloli-zincwadi Jikelele ukusibonisa ukuba urhwaphilizo olukoomasipala lulo olwenzwa kube nzima ukuba iinkonzo ziye ebantwini. Sinesicelo ke Mhloli-zincwadi Jikelele njengoko siza kuqinisekisa ukuba ubhatalwa ngendlela ukuze ungaze uchaphazeleke ekunyolukeni. Sicela ukuba ...

English:

... as we are reviewing the White Paper ...

IsiXhosa:

... ukuze oomasipala bafumane uhlahlo-lwabiwo mali olungcono, iofisi yakho mayikwazi ukukhupha umntu oza kuba liliso kumasipala nomasipala, kuba xa benikwa imali omasipala kungekho mntu uyilandelelayo ukusuka kuwe noNondyebo weSizwe ibiwa umlha nezolo.

Imali efanele ukucoca izitalato, ukulungisa imicimbi yelindle, ukucheba ingca, ukuqasha abasebenzi abazakukwazi ukwenza ukuba iilokishi zethu nenzinye iindawo zokuhlala zibenawo amanzi aphumayo kwiitephu imihla yonke iyabiwa. Sicela ukuba ujongane nephulo lokugada imali yaseMzantsi Afrika koomasipala kuba ithemba lethu likuwe.

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Kwakhona, sicela ukuba ujongane nokunyoluka kwabaphathi ngamandla aba babizwa ngokuba ngoosodolophu nooceba, abaqasha amalungu abo osapho nabantu babo bezopolitiko ngendlela engeyiyo. Bade baqashe abantu abangenalo uqeqesho lwaloo misebenzi, ekubeni kukho abantwana abahleli nezidanga emakhaya befuna imisebenzi bengayifumani. Bavalelwe ngoohlohlesakhe ingakumbi aba bakwi ...

English:

... Government of National Unity, GNU that are mayors, MECs ...

IsiXhosa:

... kunye nabanye abaphathi abakumasebe karhulumente. Ndiyabulela.

Mr M A MNCWANGO: Hon Deputy Speaker, the IFP supports the adoption of the report and the approval of the President's determination regarding the remuneration of the Auditor-General for the 2025/26 financial year. However, this is about far more than a salary adjustment. It is about the value we placed on accountability, clean governance and the institutions that safeguard our constitutional democracy. The Auditor-General has become one of the few institutions that

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South Africa still trusts to expose wasteful, irregular expenditure and financial misconduct. Too many public institutions have become synonymous with inefficiency and poor consequence management. Yet the Auditor-General continues to provide Parliament and the public with an honest assessment of how taxpayers money is spent. We have always championed ethical leadership, responsible governance and sound financial management.

Therefore, we recognise the importance of ensuring that the office of the Auditor-General remains independent, adequately resourced and professional to fulfil its constitutional mandate without favour or prejudice. The IFP supports this report because strong oversight institutions are indispensable to building a capable, accountable and corruption-free state. I thank you, hon Deputy Speaker.

Mr R A P TROLLIP: Hon Deputy Speaker, Action SA supports the 4,1% salary adjustment for the Auditor-General for the two following reasons. Firstly, the increase is broadly in line with inflation and therefore maintains the real value of the remuneration package. Secondly, the Auditor-General deserves to be fairly remunerated. Under her leadership, the office of the Auditor-General remains one of the few public institutions

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that consistently demonstrates excellence, efficiency, professionalism in the execution of their constitutional mandate. The Auditor-General plays a vital role in strengthening accountability, safeguarding public resources and promoting democratic governments in South Africa through its independent audit.

IsiXhosa:

Ndifuna ukuhambisana nelungu elihloniphekileyo le-EFF xa lisithi uMphicothizincwadi lo usokoliswa kakhulu ngooceba noosodolophu boomasipala abalawulwa yi-ANC. Benza nje intando yabo kwaye baqesha ncakasana ngolu hlobo ebeyithethe ngalo. USodolophu woMasipala oMbaxa waseNelson Mandela Bay xa ebelapha ePalamente uye wagxekwa kakhulu kodwa xa uMongameli ebetyelele eGqeberha uye wamncoma ngomsebenzi wakhe. Apha eMzantsi Afrika xa usenza into engalunganga siyakuxelela ukuba ayilunganga le nto uyenzayo. Awukwazi ukuba unconywe xa usenza into engalunganga. Sifuna ukumxhasa lo mama unguMphicothizincwadi sisonke kwaye singamxhasi nje ngomlomo kuphela. Kufuneka singabavumeli abantu baphule umthetho ze siphinde sibaqhwabele izandla xa sibandwendwele. Siyayixhasa le ngxelo yokongezwa kwemali yakhe. Enkosi.

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Mr S N SWART: Madam Deputy Speaker, the ACDP supports the salary increase and let us just be reminded that our democracy rests on transparency, ethical governance and the rule of law. At the centre of this, is the Auditor-General which is a supreme audit institution mandated by the Constitution to ensure that every cent of public money is accounted for. However, this vital institution is struggling under financial and other pressures. Now, the Auditor-General's office operates on the self-funded model and it builds auditees for its services. Today, this model is critically threatened, like that of the Special Investigating Unit, SIU.

The office is battling a staggering backlog of unpaid audit fees, reaching hundreds of millions of rands owed by distressed municipalities and struggling state entities. When the very institutions meant to be audited are too cash-strapped to pay for this oversight, the watchdog's own financial viability is itself jeopardised. This financial shortfall is compounded by the increasing hostile environment, where auditors conducting their daily duties routinely face intimidation, hostility and even life-threatening risks from those avoiding accountability.

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Furthermore, the poor quality of financial statements submitted by departments drains valuable audit time and forces the Auditor-General's office to spend scarce funds on relentless litigation brought on by non-compliant entities. One just has to look at the Road Accident Fund, RAF, as an example of litigation.

Despite these hurdles, the office remains resolute with expanded powers from the Public Audit Act and issuing certificates for debt and referring material irregularities to investigating authorities. They are doing the hard work to ensure that those who loot and waste public resources are held personally accountable. We need to ensure the funding model is reviewed and that we guarantee the safety of their staff. The ACDP supports this report. I thank you.

Mr V G REDDY: Hon Deputy Speaker, on a point of order: Sorry, apologies, hon Deputy Speaker. My device was giving me a problem. I am using a new device and I have been trying to raise my hand because I am speaking on the declaration for the MKP.

The DEPUTY SPEAKER: Hon Reddy, your Whip has indicated that there is no declaration and we have passed that opportunity.

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We will not go back. Hon Nontenja, please proceed. Hon Reddy, you can take that up with your Whip.

Ms M L MOFOKENG: Deputy Speaker, hon members, fellow South Africans, dumelang [good day]. It gives me the greatest honour to rise on behalf of the African National Congress to express our unequivocal support for the adoption of the report on the determination by the President of the Remuneration of the Auditor-General for the 2025-26 financial year. We debate this report during Youth Month, a sacred time when we honour the selfless generation of 1976 who stood up against the system of injustice.

Today, our historic task is to secure the democracy they fought for by building an ethical, capable, and developmental state. This year also marks the 2026 commemoration of our Constitution. Thirty years ago, we adopted a supreme law that established Chapter 9 institutions specifically to safeguard public trust.

The Auditor-General of South Africa continues to play a pivotal role in ensuring accountability, transparency, and good governance in the management of our public processes.

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The report under consideration today reflects ...[Inaudible.] ... complete support of the AGSA unwavering commitment to its constitutional mandate and its dedication to strengthening the entire accountability ecosystem in our country. The 4,1% cost of living adjustment before us is the result of an exhaustive multi-layered statutory process.

It began with the Specialised Remuneration Committee established under the Public Audit Act which evaluated independent human resource practises and market trends. These findings were then strictly reviewed by the Independent Commission for the Remuneration of Public Office Bearers. The commission carefully weighed several critical factors including inflation, the state's available financial resources, the heavy constitutional responsibilities of the office and the affordability of public organs.

Following this rigorous review, His Excellency, the President made a balanced determination which was then submitted to Parliament for detailed oversight. On 29 May 2026, school work thoroughly deliberated on this notice to confirm that every legal and fiscal procedure was meticulously made. This comprehensive process proves that our constitutional checks and balances are working exactly as intended.

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By approving this determination, we ensure that the AGSA can continue to attract top tier leadership and conduct its vital oversight work without compromise or undue influence.

The African National Congress supports and moves for adoption of this report.

Setswana:

Ke a leboga.

Question put.

The CHIEF WHIP OF THE LARGEST MANORITY PARTY moved that the report be adopted.

DEFENCE AMENDMENT BILL

(Second Reading debate)

The MINISTER OF DEEFENCE AND MILITARY VETERANS: Deputy Speaker, Let me also thank hon members. It is my privilege to table before this House our Defence Amendment Bill 2025 for its second reading and consideration. Like the Military Discipline Supplementary Measures Amendment Bill 2025, which

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we commended to this House last week, the Bill before us is a necessary and important legislative intervention aimed at strengthening South Africa's military justice system and ensuring that it remains fully compliant with the Constitution of the Republic of South Africa.

The need for this amendment arises from the judgment of the Constitutional Court in the matter of O'Brien versus the Minister of Defence and Military Veterans and Others, delivered in December 2024, concerning the Defence Act in particular. The court found that sections 101 and 102 of the Defence Act, which provide for the investigation of military judges and the revision of their judicial decisions through a board of enquiry staffed by non-judicial officers, were unconstitutional and invalid.

As you know, the court gave us 24-months to remedy the defects, setting an initial deadline of 19 December 2026, which has since been extended by six months to June 2027. As a department, we have carefully considered the judgment and have therefore brought forward the to address the concerns raised by the court while preserving the effectiveness, independence, and integrity of the military justice system.

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The court again emphasised that sections 101 and 102 of the Defence Act affected judicial independence. We have now amended sections 101 and 102 of the Defence Act, 2002, within the provisions of section 102(a), which states as follows, and I quote:

Exclusion of military judges and senior military judges from board of enquiry 101, 102(a).

A board of enquiry contemplated in sections 101 and 102 does not apply to a military judge or senior military judge referred to in the Military Discipline Supplementary Measures Act, 1999 (Act 16 of 1999), or to the contents and merits of his or her judgement or rulings. In this way, we are clear and categorical that the independence of the military courts and judges is not affected and that there will be no interference with the functions of the military courts and judges.

The decisions we take today will therefore mark the beginning of entrenching the judicial independence of our military courts, as envisaged by our Constitution – the same Constitution that requires our defence force to be structured and managed as a disciplined military force.

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The amendments are not intended to weaken command and control within the defence force. On the contrary, they strengthen military discipline by ensuring that those entrusted with administering military justice are able to do so independently and without any perception of undue influence.

A military justice system that commands the confidence of both members of the defence force and the public is indispensable for maintaining discipline, good order, and military effectiveness. The Bill, therefore, is measured, necessary, and responsive to the Constitutional Court's finding. It advances judicial independence within the military justice system while preserving the discipline, effectiveness, and operational readiness of the South African National Defence Force.

Like the Military Discipline Supplementary Measures Amendment Bill, this Bill has undergone an extensive parliamentary process to reach the stage we are at today.

I wish to express my deep appreciation to the Portfolio Committee on Defence and Military Veterans for its diligent consideration of the legislation. The committee conducted public participation processes, engaged stakeholders,

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considered submissions, and undertook detailed deliberations to ensure that the final product before this House is constitutionally sound and fit for purpose.

I also wish to acknowledge the contributions of departmental officials, our parliamentary legal advisors, military legal practitioners, and all those who participated in the legislative process relating to this Bill. We have come this far to ensure that the Constitutional Court order is respected and implemented, and we cannot afford to fail at this moment, especially today, 11 June 2026.

I therefore commend the Defence Amendment Bill to this House and respectfully request that honourable members support its adoption, particularly on a day when our South African team will be flying our flag high, and we all hope for their success. I thank you for the opportunity and, as I say, hope that the Bill will be passed today. Thank you very much, Deputy Speaker.

Mr M D LEGOETE: Hon Speaker, let me also join our Minister in supporting Bafana Bafana, which will be flying very high, the South African flag tonight. We request and ask all South Africans to rally behind our national team.

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I rise on behalf of the ANC, the glorious movement of our people, the colossus of the national liberation struggle in the continent of Africa, the midwife of all formations in the creation of this democratic state that we have today and enjoy as we mark the 30th of our democracy and Constitution.

We would like to express our commitment to the constitutional supremacy, the judicial independence and the building of a capable professional and disciplined SA National Defence Force.

In the Constitutional Court case between O'Brien, Minister of Defence and others, it was found by the Constitutional Court, ConCourt, that Section 101 and 102 of the Defense Act are unconstitutional and they need a remedial action. We are bringing this Bill today to deal with those particular remedial actions or else this House will be found in contempt of the Constitutional Court order, which would be very embarrassing that we have taken an oath to respect and uphold the Constitution.

We must say in addressing these issues, it requires not only an increased investment, but also a highly disciplined and a professional environment where members can focus on their

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quotas with confidence and a credible and a fair military justice system therefore plays a strategic role in ensuring the rebuilding maintaining of high moral cohesion and institutional trust factors that are indispensable for running pertaining around performance and ensuring long-term operational effectiveness across the National Defence Force.

Our borders remains under pressure from transnational criminal networks involved in trafficking of drugs, firearm and illicit illegal mining continues to undermine the economic activity threaten community safety and play significant strain on the law enforcement and security of resources.

At the same time, the National Defence Force is called upon to support efforts to combat organised crime, gangsterism, safeguard strategic installations respond to disasters and contribute to regional peace and stability. These responsibilities requires a Defence Force that is disciplined, professional and fully committed to the rule of law and constitutional supremacy.

We engaged as the portfolio committee, the military leadership, the legal experts and all the stakeholders to

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ensure the Bill is both constitutionally sound and practically implementable.

Importantly, the Bill establishes a stronger institutional safeguard for military judges including enhanced security of tenure and greater protection of judicial independence within our military justice system. It also strengthens procedural fairness and protect the rights of both the accused persons and victims within the military justice system.

As the ANC, the glorious movement, we have consistently maintained that accountability strengthens institution. Professionalism is strengthened when justice is seen to be fair, independent and credible. The Bill therefore reinforces civilian oversight without undermining the chain of command. It promotes ethical leadership, accountability and respect for the rule of law while preserving the unique operational requirements of a military service.

We will continue to exercise rigorous oversight over the implementation of the Bill and its impact on institutional performance, operational readiness and administration of our military justice system.

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As the ANC, we remain very clear that we seek to build a future ready professional developmental Defence Force that is equipped to defend our sovereignty, protect our people and respond effectively to the emerging security threats.

We seek a National Defence Force that embodies the values of constitutionalism, discipline, accountability and service to the nation. It strengthened the legitimacy of our military justice system, enhanced professionalism within the National Defense Force and reinforced public confidence in one way or the most important or state institution which is the National Defense force.

The Defence Amendment Bill is another important step to ensure this particular journey. It is very important that we also look on the question of the constitutional supremacy in that as Parliament and Members of Parliament were are expected to uphold the Constitution and the rule of law.

We want to place it on record with all the problems and challenges we have in terms of our borders with all the challenges we have in terms of illegal or undocumented people. It does not give any one of us a right to undermine the rule of law and take the law into their own hands. It is very

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important that we abide with the law enforcement agencies. We abide to all the processes. We know, it is in the Constitution of the Republic in terms of Section 22(3), 21(3) that the right of residence is only reserved for citizens in this country 21(4), it says citizens must be documented and have an ID and a passport. So, it means in our shores nobody without documents, nobody illegal, nobody undocumented must be within our shores but in how we deal with them, it cannot be a free for all situations.

We need to uphold and respect the rule of law because the challenge we have is not what is happening today, it is a slippery road that we may find ourselves in as we go forward because tomorrow Ibrahim Subrati would be told that he is not African enough. He is an Indian. He must go. That mode we are told it is not enough. He must go. That process has a threat to social cohesion, and it has a potential to undermine our sovereignty. It has a potential to undermine our cohesion but mainly to undermine the reality of history of our country that in this particular history we had the colonisation of a special type where both the coloniser and the colonist were staying within the same boundaries, and it is a reality. We cannot ignore. It is properly protected like all the laws by

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the supremacy of the Constitution and all of us are expected to respect and uphold the rule of law.

No party must grandstand. No citizen must grandstand because we have a rule of law here. We have a Constitution. We have Acts of Parliament which must be upheld and respected by all of us. It cannot be free for all and that is why we are saying just like in the O'Brien case, we have to respect the ConCourt outcome in terms of saying that some of the provisions of our Defence Acts are not constitutional and equally the same must be understood with other laws with other situations because I can tell you now any populism has never been a way of solutions. We have seen ethnic nationalism, what they have done with Mussolini, what they have done with Hitler, what they have done in Rwanda.

Ethnic nationalism is a threat, and we must refuse it as this nation. Allow the law enforcement agencies to take the law and lead, allow the courts to preside over matters of disputing society, allow Parliament to make laws which they have made.

I have made example of Section 21(3); no one has the right of residence except the citizens of south Africa. It is in the Constitution. Can the Police, the Defence Force, the

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intelligence, the judiciary, the Parliament, the executives exercise the authority. I thank you. [Time expired.]

Mr P KUBUKELI: Hon Deputy Speaker, the MKP rises today with clarity discipline and constitutional conviction. This Bill is necessary, yes, but it is not sufficient. It protects judges but it does not protect the Republic. It complies with the court order but it does not comply with reality. It fixes illegal vulnerability but it does not fix the Defence Force.

Let this be understood without ambiguity, a Republic is not defended by paperwork, a Republic is not secured by compliance clauses, a Republic is not protected by technical amendments drafted to satisfy a Constitutional Court deadline while the Defence Force itself is collapsing in slow motion. This Bill shields the independence of military judges and that is correct constitutionally and overdue. However, it does not shield the nation from the consequences of a Defence Force that can no longer perform its constitutional mandate.

We rise because this House is being asked to amend a Defence Act while the Defence Force itself is collapsing beneath the weight of state-engineered failure. For more than a decade the state has allowed the cost of employees to balloon to over

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70 percent of the entire Defence Budget, leaving almost nothing for operations, maintenance, equipment renewal, border safeguarding, research development or readiness. A Defence Force that cannot move vehicles, cannot fly aircrafts, cannot maintain bases and cannot secure borders is not a defence force it is a payroll system wearing uniform. A hollow institution in camouflage a danger to the Republic.

The collapse is now being litigated in court. A major human rights organisation has filed a High Court application to suspend South Africa's arms export permits to the United States, alleging that the National Conventional Arms Control Committee, NCACC, an organ of this very government may be violating its own laws, its own criteria and its own constitutional obligations. When civil society must drag the state to court to force it to obey its own statutes that is not oversight, that is a Republic in crisis.

When the courts must police the defence establishment because the executive refuses to, the collapse is not administrative it is constitutional. This collapse is also visible in the President's so-called Five-Point Plan on immigration. A plan recycled for more than a decade, repeated every year but implemented in none.

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It promises to crack down on illegal entry yet our borders remain wide open. It promises to enforce labour laws yet undocumented workers continue to replace unemployed South African youth. It promises to fight corruption yet the immigration system remains one of the most compromised in the state. It promises legislative strengthening yet the laws already exist. What is missing is the political will to enforce them. It promises regional co-operation while communities on the ground face the daily consequences of a state that has lost control of its borders.

South Africans are not fooled by five-point speeches they want a state that can execute, even one point effectively. This failure and this failure in immigration enforcement is directly tied to the collapse of the Defence Force. When the Defence Budget collapses, border security collapses with it. When operational capability dies, sovereignty bleeds. When the state cannot secure its borders, it cannot secure its people.

I raised the Fort Ikapa scandal during the first reading of this Bill and the co-chair of the Joint Standing Committee on Defence, JSCD, scrambled to cover it up. He told the country those conditions were adequate while soldiers slept under leaking roofs, without hot water, surrounded by insects and

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health hazards. He tried to bury the truth but the truth has now erupted. The Defence union has taken the matter to the High Court. Senior officers confirmed the conditions.

The soldiers were quietly moved out of the very facility he defended. A cover up only fails when the truth is too big to hide. Fort iKappa has blown open because the state lied, the soldiers spoke and the facts refused to die. When a government defend filth instead of defending soldiers the collapse is not accidental it is political. Now, the collapse is so severe that even Parliament's own, the JSCD, has been forced to issue a public statement that reads like a confession.

They admit that the department of defence has accumulated over R10,1 billion in irregular expenditure in just five years.

They admit that the SA National Defence Force is being suffocated by a personnel Bill that has exploded to 70 percent of the entire Defence Budget leaving nothing for operations, maintenance, equipment renewal or force preparedness. They admit that the Defence Force is no longer fit for purpose, no longer sustainable and no longer aligned with its constitutional mandate.

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They admit that the SA National Defence Force cannot invest in research, cannot rejuvenate its capabilities, cannot sustain the defence industry and cannot protect the sovereignty of the Republic. The most damning lie comes from the co-chair himself, and I quote: "The misalignment created by defunding the SA National Defence Force is a national security risk."

When the state admits it has created a national security risk, the crisis is no longer looming it has already arrived. This is the environment in which this Amendment Bill is being tabled. A Defence Force staff, a defence industry collapsing, a border system failing, a governance system disintegrating, a budget consumed by salaries, a department drowning in irregular expenditure, a military labour union in court, a human rights organisation in court, a parliamentary committee confessing collapse and yet this House is asked to believe that adjusting definitions, updating procedures and modernising administrative language will somehow rescue a defence force that the state itself has abandoned.

Hon Deputy Speaker, you cannot amend what you've already abandoned. You cannot legislate readiness into a force you have stuffed. You cannot legislate capability into a system you've broken. You cannot legislate sovereignty into a defence

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establishment you have neglected. The MK Party will not allow this House to pretend like the amendment Bill exist in a vacuum. It exists in a landscape where governance has failed. It exists in a landscape where the Republic defences have been left to decay. It exists in a landscape where the state has abandoned the very institution tasked with defending the nation

Until the state confront its own failures, the budget collapses, the border collapse, the overnight collapse, the National Conventional Arms Control Committee collapse, the infrastructure collapse, the personnel cost explosion, the irregular expenditure crisis, no amendment, no clause and no subsection will save Defence Force. The Republic is not threatened by its soldiers, the Republic is threatened by a state that has abandoned its soldiers.

For these reasons, the MK Party remain unpersuaded that this Bill address the fundamental challenges facing the Defence Force. Therefore, it places on record that its rejection regarding the legislation in its current form. I thank you.

IsiZulu:

Gwaza Mkhonto, gwaza!

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Mr C HATTINGH: Hon Deputy Speaker, the Defence Amendment Bill before this House deals with a relatively small number of amendments. Although these small changes answer a much larger question, how do we ensure that problems within our legislative framework are identified and corrected before they become a constitutional crisis? [Interjections.]

The DEPUTY SPEAKER: My apologies, hon Hatting. Members on the virtual platform, please switch off your microphones and make sure that they remain switched off. Please proceed, hon Hattingh

Mr C HATTINGH: Too often Parliament finds itself correcting defects years after warning size first appeared. This Bill is an example. The amendments before us arises from weaknesses that existed for many years before they eventually found their way to the Constitutional Court. What makes this particularly noteworthy is that the need for reform was not unknown.

As far back as 2019, the department introduced a comprehensive Military Discipline Bill that sought to modernise military justice structures and address shortcomings within the system. That would have eliminated the need to go to the Constitutional Court. The cost of delayed reform will always

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be measured in lost time and in uncertainty that arose authority. It arose confidence that institutions can fix themselves before being asked to do so. That process of 2019 was never taken to completion.

Years later, Parliament is once again required to amend legislation in response to issues that might have been resolved much earlier. Does it concern us? The cost of delayed reform is seldom measured only in legal proceedings, it is measured in lost time, uncertainty, administrative effort, and reduced confidence in institutions.

The lesson is simple, when weaknesses are identified, they should be addressed promptly rather than postponed until external intervention becomes unavoidable. In this case, the intervention was from the Constitutional Court.

One of Parliament's most important responsibilities is ensuring that legislation remains fit for purpose. That responsibility does not end once a Bill has been passed. Laws must evolve as circumstances change, shortcomings emerge, and practical experience reveals unintended consequences. The Defence environment is no exception.

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The Defence operates under immense pressure. It faces budget constraints, aging equipment, infrastructure challenges, personnel pressures, and increasing demands on limited resources. In such an environment, effective governance becomes even more important.

Strong institutions are built on clarity, accountability, and clearly defined responsibilities. That is precisely what these amendments seek to improve. The Bill clarifies provisions relating to boards of inquiry, addresses areas where uncertainty and overlap created difficulties, and it also addresses the overreach of the executive.

Clear rules benefit everyone. They benefit commanders, officials, service members, and they strengthen confidence in decision-making processes. Good governance is not achieved through personalities; it is achieved through systems. When systems are clear, fair, and consistently applied, institutions become stronger and more resilient. That principle applies as much to Defence administration as it does to any other area of government.

There is another lesson contained in this Bill. Parliament should not view court judgments as failures, rather, they

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should be viewed as opportunities to improve legislation. Our constitutional system was designed to ensure that laws can be tested, scrutinised, and where necessary, corrected. When weaknesses are identified, the appropriate response is not defensiveness, the appropriate response is improvement.

That is what Parliament is doing here today. We are strengthening the legislative framework governing the Defence Force. We are providing greater certainty. We are reducing ambiguity, and we are improving the functioning of important processes within the Department and the SA National Defence Force, SANDF. The DA supports these amendments because they contribute to better governance and a more effective legislative framework.

At the same time, this House should remember that legislation alone cannot solve every challenge facing the SANDF. South Africa's Defence establishment continues to face serious financial, operational, and administrative pressures. Addressing those challenges will require leadership, accountability, and sustained oversight. But effective legislation remains an essential foundation. Without it, even the best institutions struggle to function effectively.

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Ultimately, this Bill is about more than technical amendments. It is about learning from experience. It is about correcting weaknesses when they are identified. It is about ensuring that our legislative framework keeps pace with the realities of a modern Defence Force.

The DA supports the Defence Amendment Bill because it represents a practical improvement to the governance framework of the SANDF. Most importantly, it demonstrates that Parliament is willing to act when shortcomings are identified and that our institutions remain capable of learning, adapting, and approving. The DA supports the Bill.

Ms N V MENTE-NKUNA: Hon Deputy Speaker, on behalf of the committed and passionate father of the revolution Oom Khan who is not well I am going to deliver this debate.

IsiXhosa:

Sithi phila Mpangazitha.

English:

Hon Deputy Speaker, the EFF support the Defence Amendment Bill for the same reasons that we have supported the Military Discipline Supplementary Measures Amendment Bill. The Bill

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addresses the second critical limb of the Constitutional Court's order. The court declares section 101 and 102 of the Defence Act are not constitutional to the extent that the permit members of the executive to convene boards of enquiry to investigate military judges and the content and merits of their judgement in rulings. That arrangement allowed the executive and the military command structure to scrutinise and potentially punish judicial officers for the substance of their decisions.

The Bill before us corrects the defect. It inserts section 1 to 102(a) into the Defence Act which expressly provides that a board of enquiry contemplated in section 101 and 102 does not apply to a military judge or a senior military judge and does not extend to the contents and merits of his or her judgments or rulings and does not permit punishment thereof. This is a clear and necessary legislation that is an intervention that draws a firm and principled distinction between the investigative powers of command and the adjudicative independence of the military judiciary. The importance of this amendment cannot be overstated. Boards of enquiry are essential instruments for investigating operational failures, logistical shortcomings and disciplinary breaches which is within the SA National Defence Force, SANDF. They must

however, never become vehicles through which the executive or senior officers second guess or intimidate military judges for the content of their rulings. By removing judicial functions and the merits of judgments from the scope of boards of enquiry.

This Bill draws a firm constitutional line between command authority and judicial independence. That line is essential if military courts are to enjoy the public confidence that any court requires. When read together with the Military Discipline Supplementary Amendment Bill which already had its Second reading in this House, these two pieces of legislation give full and proper effect to the Constitutional Court's judgment. The one secures security of tenure and institutional separation in the appointment of military judges through the Military Judiciary Advisory Committee, the other protects those same judges from retaliatory investigations into the substance of their decisions. Together, they begin to insulate the administration of military justice from undue influence by both the provincial executive and the SANDF hierarchy.

The EFF supported this amendment in the portfolio committee because we have consistently argued that genuine transformation of the Defence Force requires institutions that

are accountable where the Constitution demands accountability and independent when the Constitution demands independence. A judiciary that must look over its shoulder for fear that its judgments will be dragged before a board of enquiry convened by the very structure whose decisions are under scrutiny cannot dispense justice without fear or favour. Public submissions raised concerns that the exclusion might be overly broad. The EFF engaged those submissions seriously and supported clarification that conduct falling outside judiciary functions for example, involvement in accidents or other nonjudicial matters can still be the subject of the board of enquiry. The core protection for judgments and rulings however must remain absolute. This balance protection for judgments and rulings however must remain absolute in a sense that they must never be someone who fears to make any decision or take a full stance.

This balance approach, ensures that operational accountability is preserved while judicial independence is protected. This amendment advances the principle that military courts are courts envisaged under section 166(e) of the Constitution. It response directly to the complains raised during public participation and in the portfolio committee by introducing a structural safeguard that was missing from our law.

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The EFF therefore supports the Defence Amendment Bill. We call on this House to pass it without delay so that the constitutional lacuna identified by the Constitutional court can be filled so that military judges may discharge their duty with the institutional independence that our Constitution requires. Thank you very much.

The DEPUTY SPEAKER: Hon members before I call the next speaker, the hon Motaung you have now interrupted the proceedings three times and if you do switch on your microphone again, you will be removed from the platform.

We now proceed. The hon Machi.

Ms B E MACHI: Hon Deputy Speaker and hon members.

The DEPUTY SPEAKER: Order, hon members.

Hon member, please proceed.

Ms B E MACHI: Hon Deputy Speaker, the IFP supports the Defence Amendment Bill because a disciplined Defence Force must also be a lawful Defence Force. This Bill is a constitutional safeguard that give effect to the Constitutional Court

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judgment in *O'Brien N O v the Minister of Defence and Military Veterans and Others* by protecting the content and merits of the military judgment and rulings for executive investigations through the boards of enquiry.

In the constitutional democracy, this separation of powers matters when judicial functions are blurred with executive control, institutional credibility begins to weaken. The point is especially relevant in South Africa today where the SA National Defence Force operates in the public sphere. The military is deployed within the Republic borders to support public safety and national stability. The public must then be able to trust that the military internal justice system is independent, fair and insulated from improper influence.

In a country still carrying the legacy of state capture and living in an increasingly unlawfully driven that weakens the environment. The independence of the judiciary is a standard that must be held across all sectors of the state including the military.

The IFP therefore welcomes the Bills narrow and targeted approach. It establishes a proper legal boundary so that military judges are not subject to boards of inquiry regarding

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the substance of their rulings. This is consistent with the IFP's emphasis on a capable, ethical and developmental state as well as the IFP's support for the professional institutions and a zero-tolerance for corruption and abuse of power.

South Africans are entitled to institutions that act within the law. Defence must be no exception. The IFP supports this Bill because it strengthens the rule of law. It protects the independents of military judges and reinforces sound governance within the Defence sector. This Bill helps to ensure that the military remains governed by independent judicial standards and by the same constitutional discipline and binds the rest of the state. South Africa needs this to build public trust, preserve the legality and strengthen the Constitution that serve the people with integrity. I thank you, Deputy Speaker.

Mr S H M VAN WYK: Deputy Speaker and hon members, I want to congratulate, first and foremost, the PA for winning Ward 11 in Swartland yesterday.

Afrikaans:

Ons het hulle kliphard geslaan!

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English:

I just want to say from this platform: Stop this thing that you are doing, DA. Stop leaving ...

Afrikaans:

Die kleurlinge los julle daar om op te vee.

English:

They must clean up after you once the election is done. You leave at 20:30, and the rest of the coloured people must stay behind. They must break down the gazebos, and they must clean up after you. That is nonsense. You must stop it. Thank you very much.

The PA supports this Report of the Portfolio Committee on Defence and Military Veterans on the Defence Amendment Bill [B32-2025]. This Bill is an opportunity to strengthen the SA National Defence Force, SANDF, and reaffirm our commitment to protecting the sovereignty, security, and people of South Africa. If we want to build a strong Defence Force, it has to be united, professional, and capable of responding to modern security challenges.

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A strong law cannot compensate for ageing equipment, declining operational capacity, and inadequate investment in training. If this Bill is to have real meaning, it must be accompanied by practical implementation, proper resourcing, and visible accountability. The PA has always maintained that you cannot defend a nation with a pen and paper. A Defence Force must be trusted by its people, respected by its allies, and feared by those who threaten our security.

Chairperson of the portfolio committee, you came here and you told us to say that every citizen of South Africa must uphold the Constitution, but it is this very Constitution that excluded a certain race from the new SA National Defence Force – this Constitution. It is this Constitution that has classified children of the soil, Africans, as a minority. Even in the SA National Defence Force, it is the same Constitution that undermines coloured soldiers when it comes to promotion. That is dividing the South African Army. There is no unity because coloured soldiers feel disgruntled. It is a fact. You tell us to say that we must uphold the rule of law, chairperson, but the Military Veterans Act, when it speaks about benefits, does not say except when you are coloured –

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then you must be left out. That cannot be correct. We have to look into that matter.

We also agree, chairperson, with you, fully, that undocumented foreigners have to go. It is "abahambe"! [they must go!] We do not play with it. They must go.

Lastly, we just want to wish Bafana Bafana well and the Minister of Sport, Arts and Culture.

Afrikaans:

"Ons baiza nie" is by ons vandag. Salut!

Mr W W WESSELS: Deputy Speaker ...

The DEPUTY SPEAKER: Hon Wessels, before you proceed, the hon Mente-Nkuna has a point of order.

Ms N V MENTE-NKUNA: Deputy Speaker, I was hoping the Table staff would advise you that the language that was used there is unconstitutional. For it to be used in Parliament – that certain people who are Africans must leave this country – and for it to be allowed inside Parliament is unconstitutional. If he is a delinquent, we are not.

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The DEPUTY SPEAKER: Hon member, we will look into the matter.

Ms N V MENTE-NKUNA: Please, that must be looked into, and that member must be taken to the ethics committee.

The DEPUTY SPEAKER: Hon member, we will look into the matter.
We now proceed. Hon Wessels.

Mr W W WESSELS: Deputy Speaker, whilst the Military Discipline Supplementary Measures Amendment Bill, passed last week, restructured the military courts in accordance with the O'Brien judgment, the Defence Amendment Bill provides the vital structural separation required to guarantee true impartiality of military judges.

The amendments draw a clear line between the military chain of command and the impartial administration of military justice.
[Interjections.]

The DEPUTY SPEAKER: My apologies, hon Wessels. Hon Wessels, my apologies. Can the hon Motaung please be removed from the platform. Please proceed, hon Wessels.

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Mr W W WESSELS: The amendments draw a clear line between the military chain of command and the impartial administration of military justice. This is direct compliance with the Constitutional Court's ruling, but this compliance, and legislation in general, will not fix the SA National Defence Force. The Defence Force is facing a profound crisis of ill-discipline, systemic abuse of power, and poor governance.

Passing legislation is meaningless if the reality on the ground is not confronted. Consequence management must be enforced, and the shield of impunity that protects rogue elements must be dismantled. Hopefully, independent military courts can contribute to purging the Defence Force of criminals, abusers, and corrupt officers from the ranks, but better governance, and, ultimately, a SANDF that is disciplined and functional is dependent on sound leadership.

The limited resources of the SANDF are currently wasted due to a lack of leadership and a lack of consequence management. Just as much as legislation is not going to solve all the problems in the SANDF, more funding will also not fix the Defence Force if discipline and leadership are not restored.

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The Bill is, however, a step in the right direction to also restore public confidence. The FF Plus supports the Defence Amendment Bill. I thank you, Deputy Speaker.

Ms L M NGOBENI: Deputy Speaker, once again, the Constitutional Court has had to do what Parliament failed to do: defend the Constitution.

ActionSA supports the Defence Amendment Bill because it gives effect to the Constitutional Court's ruling in the matter of O'Brien and strengthens the independence of South Africa's military system. At first glance, this may appear to be a narrow and technical amendment, but the principle at stake is far greater than the wording of a single provision in a defence Act. The question before us is simple: Should judges be free to administer justice without fear of political interference? The Constitutional Court answered that question with a clear, unequivocal yes. The court found that allowing members of the executive to convene boards of inquiry into military judges and the content of their judgments undermined judicial independence and threatened the separation of powers.

In any constitutional democracy, that should have been obvious from the start. South Africans should ask why it took a

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Constitutional Court judgment to secure a principle that should have been self-evident from the beginning. The notion that members of the executive could investigate judges for the content of their judicial decisions is fundamentally inconsistent with constitutional governance. Judges do not exist to please politicians. They do not exist to advance government agendas. Judges exist to interpret and apply the law without fear, favour, or prejudice. That principle applies whether the judge sits in a civilian court or a military court.

The independence of the judiciary is not a luxury. It is one of the most important safeguards against abuse of power. Without an independent judiciary, there can be no meaningful accountability. Without an independent judiciary, there can be no genuine separation of powers. Without the independence of the judiciary, citizens are left vulnerable to the whims of those who hold political office.

Unfortunately, South Africans have witnessed repeated attempts by the governing party to blur the boundaries between political authority and independent institutions. Time and again, our courts have been called upon to remind the government of constitutional limits. Time and again, the

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judiciary has had to step in where the executive and Parliament have fallen short. This case is yet another example where the Constitutional Court has once again been required to draw a boundary that government should have respected from the outset.

That is why this amendment matters. It is not merely a technical correction. It is a reaffirmation of the constitutional principle that those who adjudicate must remain independent from those who govern. It sends a clear message that military judges cannot be subjected to executive pressure, intimidation, or scrutiny because of the judgments they deliver. Their loyalty must be to the Constitution. Their loyalty must be to justice. It must be to the rule of law and nothing else.

At a time when public confidence in state institutions remains fragile, Parliament has the responsibility to strengthen, not weaken, the independence of institutions that protect constitutional democracy. This amendment helps to do exactly that. It reinforces public confidence in military courts. It strengthens the credibility of the military justice system, and it gives a practical effect to the principle that no arm of government should exercise undue influence over another.

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For these reasons, ActionSA supports the Defence Amendment Bill. I thank you.

Ms S P JAMA: Hon House Chair, Members of Parliament, peace-loving South Africans. One of the privileges of serving on the Portfolio Committee on Defence and Military Veterans is that we are occasionally able to leave our meeting rooms and engage directly with those who carry the responsibilities of the SA National Defence Force, SANDF. Whether at military bases during oversight engagements or on deployments, one thing becomes very clear, the SANDF asks a great deal of its members.

Military service places unique demands on those who undertake it. Members of the SANDF are expected to maintain high standards of discipline and professionalism, operate in difficult conditions, and when required, place the interests of the Republic above their own. Those expectations are entirely appropriate. They are also why the systems governing military services matter. During our oversight engagements, we have observed that members rarely ask for perfection from the institution. What they ask for is consistency: consistency in standards, consistency in leadership, consistency in how rules are applied. That expectation should not be controversial. In

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fact, it is one of the foundations upon which military discipline rests.

The Defence Amendment Bill comes before this House following the Constitutional Court judgement in the O'Brian's matter. Many South Africans listening to this debate may reasonably ask what military justice is and why it matters. Military justice is a system through which the SANDF enforces discipline, addresses misconduct, and resolves disputes within the military environment. It deals with matters ranging from disciplinary offences and abuse of authority to conduct that undermines military discipline and operational effectiveness. Like any justice system, its effectiveness depends on whether those who participate in it believe it is fair, credible, and capable of applying standards consistently. The Constitutional Court found that stronger safeguards were required to protect the independence of military judges. Parliament is now responding to that judgement.

One of the key reforms contained in this legislation is the establishment of the Military Judicial Advisory Committee. While this may sound like a technical amendment, its purpose is important. It introduces a more structured and transparent process around the appointment and management of military

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judges. Together with strengthened security of tenure and clearer merit-based appointment processes, these reforms are intended to protect judicial officers from improper influence, strengthening confidence in military justice. These safeguards matter because military judges are often required to adjudicate matters involving the very institution within which they serve.

Independence is therefore not a luxury. It is a prerequisite for credibility. One of the misconceptions about military justice is that it exists primarily for judges and lawyers. In reality, most members of the SANDF will never interact directly with a military judge. What they will experience is whether standards are applied consistently, whether misconduct is addressed when it occurs, and whether authority is exercised responsibly. The most affected by the quality of military justice are therefore ordinary members of the SANDF.

They are the members reporting misconduct. They are the members seeking recourse against abuse of authority. They are the victims of sexual misconduct and gender-based violence who must decide whether the institution will respond fairly and effectively. They are the members who depend on military appeals and review processes to correct mistakes when mistakes

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occur. For them, military justice is not an abstract legal principle. It is part of their daily experience of military service.

Every institution encounter misconduct, poor decisions, and abuses of authority. The difference between strong institutions and weak institutions is not whether problems occur, but whether those problems are confronted early and fairly. It is far easier to correct misconduct than it is to rebuild trust once poor conduct becomes normalised.

Corruption undermines confidence in leadership. Abuse of authority undermines confidence in command. Gender-based violence undermines confidence in the institution's ability to protect its own. When these matters are not addressed effectively, the consequences extend beyond individual cases. They affect morale, cohesion, and confidence throughout the organisation. A military justice system does not exist because soldiers are imperfect, it exists because institutions are. Its purpose is not only to determine whether misconduct is punished. It helps ensure that standards are upheld, wrongdoing is addressed, and authority is exercised responsibly.

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This legislation is also important because military justice must not only be fair, but it must also be efficient.

Historical concerns regarding delays in persecutions and appeals have demonstrated the importance of resolving matters in a timely manner. Justice delayed creates uncertainty for victims, uncertainty for the accused, and uncertainty for commanders responsible for maintaining discipline.

An effective military justice system must therefore produce outcomes that are both fair and timely. The relationship between military justice and military effectiveness is often underestimated. Some assume that stronger safeguards for military justice somehow come at the expense of military discipline. We should reject this view. The consequences of a weak military justice system are not confined to disciplinary hearings. They affect morale, cohesion, retention, and ultimately operational effectiveness.

A credible military justice system therefore strengthens rather than weakens military effectiveness. The portfolio committee spends a great deal of time discussing forced rejuvenation, skills retention, and the future capabilities of the SANDF. These discussions are often framed in terms of budgets, vacancies, and recruitment targets. Those factors

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matter. However, institutions also compete for talent. We often discuss forced rejuvenation as though it is simply a demographic challenge. It is also an institutional challenge.

The SANDF is not only competing for young people, but also for confidence. The SANDF is competing for pilots, engineers, medical professionals, cyber specialists, technicians, and other scarce skills. Young South Africans with these skills have choices. They can pursue opportunities in the private sector, elsewhere in government, or internationally. The SANDF therefore cannot rely solely on patriotism to attract talent. It must also be an institution that demonstrates professionalism, fairness, and integrity.

Military justice may not be the first thing a young engineer or cyber specialist considers when evaluating a career. However, institutional culture certainly is. The quality of military institutions increasingly influences SANDF's ability to attract and retain skilled people. The SANDF continues to perform critical responsibilities on behalf of the Republic. Its members participate in border safeguarding operations. They contribute to peace support missions on the African continent. They assist during disaster and emergencies. They help protect South Africa's maritime interests and territorial

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integrity. These responsibilities require resources, training, and capable leadership. They also require institutions that function effectively.

When we discuss military capability, we often focus on equipment, platforms, and budgets. Those things matter, but equipment does not create discipline. Equipment does not resolve misconduct. Equipment does not build cohesion. Those are institutional functions. That is why discussions about military justice belong within discussions about military readiness. It is often assumed that military justice and operational readiness occupy separate worlds.

We do not believe that this is true. Consider a unit deployed on border safeguarding operations. Consider personnel participating in peace support missions. Consider members responding to disasters or protecting South Africa's maritime interests. These environments demand discipline, cohesion, and confidence in leadership. Members must know that standards will be applied consistently, that misconduct will be addressed appropriately, and that authority will be exercised lawfully.

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Operational effectiveness is ultimately delivered by people. The effectiveness of those people depends in part on the quality of the systems that support them. Failing military justice also has implications for discipline on deployment. Members operating in demanding environments must have confidence that the rules apply consistently and that disciplinary processes will be applied fairly when problems arise. That confidence contributes to cohesion within units, reduces the risk of disciplinary breakdowns in operational environments where mistakes can carry significant consequences.

A force that struggles to retain skills is less effective. A force distracted by unresolved misconduct is less effective. A force whose members lose confidence in internal processes is less effective. Questions of military justice therefore have consequences far beyond courtrooms and disciplinary hearings. They ultimately affect the operational readiness of the institution. Those who serve in the SANDF continue to carry significant responsibilities on behalf of all South Africans. Parliament has a responsibility to ensure that systems supporting them are worthy of that service.

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The Defence Amendment Bill strengthens one of those systems for that reason, and because it contributes to discipline, professionalism, and operational readiness within the SA National Defence Force. The ANC supports the Defence Amendment Bill. Thank you.

Mr S N SWART: Chairperson, last week we considered the Military Discipline Supplementary Measures Amendment Bill, which, as previous speakers have indicated, referred to the important O'Brian's Constitutional Court matter that emphasised that military courts and military judges were to be independent from the executive interference. And this, as we all know, enhances judicial independence and emphasises the fact that judicial independence is not optional and does not stop at the gates of a military base, and that military courts must be free from actual interference perceived by the executive. But what happens in the case that you have, where a so-called independent military judge who passes a judgement that senior officers are not happy with, and that senior officer then convenes a board of inquiry into your conduct and into your judgement? And this is obviously an untenable situation, and that aspect is now covered by this amendment Bill. It would clearly be unacceptable for an executive senior

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officer to convene a board of inquiry into your judgement and would infringe on the independence of the judiciary.

It is very important that whilst discipline in the military is to be emphasised, and there are many issues of misconduct, at the same time, those soldiers are entitled to a military justice system that is fair, independent from interference from senior officers. The public too must have confidence that justice within the military is administered without fear, favour or prejudice. This amendment deals with that aspect, and with the Constitutional Court. The ACDP supports this amendment as it enhances the independence of the judiciary.

Other speakers have referred to the underfunding of the Defence Force. During the Budget Vote, and last week in reports, we dealt with the deplorable situation that the Defence Force is faced with, mainly as a result of underfunding. The ACDP has lamented this underfunding for many years. We continue to quote the poem by Tennyson, where soldiers were sent into battle to die, and they said that theirs is not to question why, but theirs is just to do or die.

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Having just completed the attorney-general's report, it's important to note that the Defence Force has accumulated R16 billion in irregular expenditure. This is sadly mostly due to overspending on salaries. Yes, whilst we ask for more funding, we have to make sure that the funding that is allocated is correctly spent, and not subject to irregular expenditure, and is not spent at the cost of prime mission equipment, such as the Gripens fighter aircraft, frigates, submarines, many of which are largely not serviceable. This must be addressed. But that having been said, the ACDP supports this Bill. I thank you.

Ms C T NONTENJA: Hon House Chairperson, the UDM supports the Defence Amendment Bill, as it is in line with the Constitution, and a step in the right direction. However, the implementation thereof will bear good results when the issue of limited resources and underfunding is addressed. The implementation will assist in restoring trust in the justice system within the military environment. I thank you

Dr L W MAHLATSI: Chairperson, ...

Sesotho:

... kgotso, Maafrica.

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English:

The United African Transformation notes the report on the Portfolio Committee of Defence and Military Veterans on the Defence Amendment Bill. At face value, the Bill appears modest. It seeks to exclude the military judges and senior military judges from participating in a Board of Inquiry, thereby strengthening the independence and impartiality of the military justice.

This amendment follows the constitutional concern regarding the relationship between military command structures and military judicial officers. In that regard, the principle behind the Bill is sound. However, Chairperson, this House must not confuse legal housekeeping with the defence reform. The SANDF today faces far greater challenges than those addressed by the Bill.

Our Defence Force continues to struggle with budget reductions, deteriorating infrastructure, ageing military equipment, declining troop readiness, and the growing demand on peacekeeping and border safeguarding operations. The ordinary soldier in the barracks is not asking whether military judges sit on the Board of Inquiry. They are asking whether the uniform will be replaced, whether military

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hospitals will function effectively, whether they will receive proper training, and whether their families will enjoy decent living conditions.

The reality is that judicial independency in the military is important, but independence without capacity will not secure our nation. A professional Defence Force requires both constitutional compliance and adequate resources. The Bill addresses one aspect of institutional integrity, but it does not address the broader crisis confronting the SANDF.

Parliament must therefore ensure that amendment is accompanied by meaningful investment in defence capabilities, improved condition of service, and proper support for military veterans. The UAT supports measures that strengthen constitutional governance, but we remain concerned that the government continues to focus on administrative reform while neglecting the strategic deadline of a SA Defence capability.

Xitsonga:

Khanimambo!

Mr M L SHELEMBE: Chairperson, I stand here today to debate the Defence Amendment Bill, which amends the Defence Act No 42 of

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2002 to exclude the military judges and senior military judges from being subjected to the Board of Inquiry and all related processes that could compromise judicial independence. In doing so, it addresses a legislative deficiency identified by the Constitutional Court and ensures that the Defence Act is aligned with the constitutional requirements.

IsiZulu:

Kubukeka kuzosiza kakhulu thina lokhu ngoba kuzokwenza manje ukuthi kubekhona ukukhululeka kungabibikho ukugxambukela nanokuthi ukwahlulela kuhambe ngendlela efanele.

English:

The Democratic Alliance strongly believes that Parliament has a responsibility to ensure that the legislation remains constitutionally compliant. This Bill demonstrates the ability of Parliament and the executive to respond appropriately when courts identify shortcomings in the existing legislation, and this is why the DA strongly supports this Amendment Bill.

IsiZulu:

Lesi sichibiyelo, njenge-DA, siyajabula kakhulu futhi sithi: Ncinci kaMjoli baze bakhululeka ke abantu abasebenza ebhodini lophenyo.

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English:

Chairperson, the amendment is particularly important because it strengthens the independence of the military judges. Judicial officers, including military judges, must be able to perform their duties free from inappropriate influence or perception of interference. The exclusion of military judges from the Board of Inquiry is therefore an important safeguard for the integrity and credibility of the military justice system.

The Democratic Alliance finds it very concerning that this defect in the Defence Act is only being seen now after two decades. We wonder how many decisions were taken with the influence of the Executive on the Board of Inquiry using these weaknesses in the Defence Act No 42 of 2002.

Hon Chairperson, a professional military requires not a capable soldiers or commanders, but also a fair, impartial and trusted system of military justice. This amendment contributes to that objective and supports the broader principle of accountability under the rule of law.

Military discipline remains a cornerstone of an effective Defence Force and an independent military justice system. It

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does not weaken discipline but strengthens discipline by ensuring that decisions are taken fairly, consistently and in accordance with the law. Hence, the DA is fully supporting this amendment.

You cannot have discipline without independence. This Bill fixes what should never have been broken. Hon members of this august House will recall that the Parliament previously considered the Military Discipline Supplementary Measures Amendment Bill. This Bill complements those earlier amendments and forms part of the broader process of strengthening and modernising the military justice framework in line with the constitutional principles.

The portfolio committee played an important role in defining and ensuring compliance with the Constitutional Court mandate. Section 59 of the Constitution stipulates that National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees.

The portfolio committee conducted the required parliamentary processes, including public participation. The Bill was advertised widely, written submissions were received and considered, and the committee deliberated on the contents of

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the bill following these deliberations. The committee then agreed to the amendments.

IsiZulu:

Phela inhloso enkulu yalomthetho lo ukuvimba ukugxambukela koNgqongqoshe kanye namaJaji laphaya embuthweni wezokuvikela ukuthi baphazamise ukusebenza kwebhodi lophenyo. Lokho nje kukodwa kusho into enkulu kabi. Siyiqembu le-DA sesiyazi ukuthi kuphele nya ukuchanasa nokugcagcaza koNgqongqoshe laphaya bezijabulela ukuthi uma befuna into ethile bavele bayisho, yenzeke. Ayizukuphinda yekwenzeka. Siyiqembu le-DA kusho ukuthi kufanele sijabule sithi: 'Ncinci kaMjoli' ngaloku okwenzakalayo.

English:

To the PA, grandstanding fuelled by conflicted-led tendencies with no respect for Parliament is a disgrace. In closing, the Democratic Alliance supports the Bill. Thank you.

Mr M M HALA: Hon Chair and hon members of this august House, I rise in a strong support of the Defence Amendment Bill, Bill 32 of 2025. As we conclude this second Bill debate, this Bill is a strategic cornerstone in building a modern, combat-ready, mission-capable and developmental South African National

Defence Force that protects our sovereignty, upholds the highest standards of professionalism and contributes meaningfully to national stability and prosperity.

A fair, credible and independent military justice system is the foundation of discipline, professionalism, moral and operational readiness. It ensures that our soldiers can perform their duties with higher standards of conduct, knowing that justice serves both the accused and victims while supporting the unique demands of military service. This reform directly bolsters the SA National Defence Force's, SANDF, ability to execute its demanding roles effectively and sustainably.

At the heart of our current domestic efforts stands Operation Prosper, a powerful demonstration of the SANDF's indispensable role in partnership with the SA Police Service, authorised under section 201(2)(a) of the Constitution. Operation Prosper deploys thousands of SANDF members alongside SAPS to stabilise crime hotspots, disrupt organised criminal networks, combat gangsterism and restore law and order in priority areas across provinces, including the Western Cape, Eastern Cape, Gauteng, Free State and North West. This operation is delivering tangible results since its intensification. Joint operations

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have produced significant progress in stabilising hotspots and disrupting criminal activity.

Co-ordinated actions, including roadblocks, targeted operations, visible deployments and intelligence-led interventions have led to the arrests, seizures of firearm ammunitions, explosives, drugs, contraband and the disruption of criminal networks. These efforts have brought relief to communities long affected by violence, creating safer conditions for families, businesses, schools and everyday life.

Operation Prosper represents an integrated the security cluster of co-operation at its most practical. The SANDF contributes disciplined manpower, logistical capacity, structured command and control systems and rapid response capability that complements SAPS operations in high pressure environments. This synergy strengthens enforcement capacity to support stabilisation efforts and enables sustained policing and investigation work in affected areas. It allows for the restoration of basic safety conditions necessary for local economic activity and community rebuilding.

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Operation Prosper demonstrates the adaptability and relevance of the SANDF in responding to contemporary security challenges. Criminal networks have become increasingly sophisticated, often operating across provincial boundaries and exploiting vulnerabilities in communities already facing social and economic pressures.

Through its support to law enforcement agencies, the SANDF helps create the secure environment necessary for development, investment and service delivery. Safe communities allow businesses to grow, schools to function effectively and public infrastructure to operate without disruption. In this regard, security is not only a law enforcement objective but also a prerequisite for economic growth, social stability and improved quality of life for all South Africans.

The operation further reflects the broader vision of co-operative governance in the security cluster by showing how different arms of state can work together in a co-ordinated and disciplined manner to address complex social challenges that affect public safety and community wellbeing.

Communities are now breathing easier, economic activities are resuming and hope is being restored where fear once dominated.

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This Bill provides the strengthened military justice framework that will further professionalise the personnel participating in operations like Prosper by upholding rights alongside military discipline. We ensure higher morale, better retention of skilled personnel, sustained operational effectiveness and continued public confidence in these vital deployments.

In conclusion, I call on this House to pass the Defence Amendment Bill, Bill 32 of 2025 with overwhelming support. By doing so, we equip the SANDF with institutional strength it needs to excel across its full range of responsibilities. We are building a Defence Force that is professional, developmental, respected and ready, one that safeguards our sovereignty, protects our people, supports internal stability through initiatives such as Operation Prosper and contributes to a safer and more prosperous South Africa. Let us unite in advancing this progressive legislation for the benefit of our nation and the effectiveness of the Defence Force. I thank you.

The MINISTER OF DEFENCE AND MILITARY VETERANS: Chair, let me thank Members of Parliament for the debate. I really appreciate that majority of parties supported the Bill. Also, as I said earlier, I sincerely thank the committee because

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throughout the process they showed almost high levels of professionalism and dedication. I also appreciate the role that the parliamentary staff, especially the legal section, played. Their very big role gave one assurance that, indeed, the Act and the amendments are solid because of the process and the attention that was there. I want to appreciate the fact that majority of debaters are people who have read the Bill. Today's intention is mainly about amendments of the Defence Act.

It would have been important to resist any temptation to miss the purpose of today's debate to speak about the amendments of the Defence Act as per the judgment of the Constitutional Court in the matter of *O'Brien v The Minister of Defence and Military Veterans and Others*. I know there is a temptation sometimes to really raise very important issues, but I'm really proud and happy that most of the members who debated today were focused on the matter at hand.

The judgment or the debate refers to specific clauses, clause 101 and clause 102. We have worked on those amendments as Parliament, especially the portfolio committee, with the department to continuously strengthen military discipline and

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ensure that the administration of military justice is done independently without the risk of undue influence.

Indeed, it is now 30 years of our Constitution. Today's process should continue to make us proud as South Africans, proud citizens of this country. Our citizens are able to challenge an Act of government, and the government listens and respond. The member went to court, the court responded, it came to Parliament and the parliamentarians and government were there. To me, it is a very proud moment which confirms that indeed this government is a people's government for the people. As an individual, you can challenge it. So, no one is smaller.

IsiZulu:

Akekho umuntu omncane.

English:

All of us as individuals and as citizens have powers to hold our government to account. I think for me this process was a very proud moment where you get the judiciary, Parliament, government, experts and lawyers coming together to make the necessary amendments. If you have a Constitution which is not cast with stones, it doesn't mean that it is perfect. South

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Africans have an opportunity. And this demonstrates it. They have an opportunity to get their government to account and get everybody play along.

I really want to appreciate the opportunity for the debate and continue to be a very proud South African because indeed, this is a demonstration of a government for the people by the people. Without doubt, I can commit that we will always respect our courts, we will respect our people, endeavour to continue serving this country with utmost dedication, commitment and respect its people and the country.

Thank you very much, Chair. Also, thank you very much for the debate and the process. I found it to be a very, very heartening process with all parties really engaging meaningfully. [Time expired.]

Debate concluded.

Bill read a second time (uMkhonto weSizwe dissenting).

CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TRANSPORT ON
REQUEST BY MINISTER OF TRANSPORT TO MAKE RECOMMENDATIONS

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REGARDING CANDIDATES FOR APPOINTMENT TO BOARD OF AVIATION

SAFETY INVESTIGATION BOARD

Mr C N MALEMETJA: House Chair, the Minister, fellow members, I rise today to present a matter of paramount importance to our nation's infrastructure, economic stability and international standing.

The confirmation and appointment of members to Civil Aviation Amendment Act, Aviation Safety Investigation Board, ASIB. Aviation is not mere a sector of laxity it is a critical artery of our globalised economy. Every single day, thousands of life and millions of rands in cargo rely absolutely on this airspace. Our skies are safe not coincidentally but rigorously agilely designed. And at the absolute centre of that safety architecture, sit highly specialised independent board.

Hon members, we must look closely at what this board actually represent. It is the ultimate shield against complacency. When incident or accident occur, it is this independent body that must investigate without fear, favour, nor prejudice. Their findings dictate our future regulation, prevent recurring

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tragedies and maintain our compliance with international bodies like the International Civil Aviation Organization.

However, oversight body is only as strong as people who command it. For too long, vacancies transition period have transferred to slow down the machinery of accountability, we cannot afford delay a backlog in safety investigation is a direct risk to our aviation rating, which in turn hurts tourism, trade-investor confidence.

That is why the board before us today is critical. We are not just filling the seat; we are restoring fully operational capability to vital organ of the state oversight.

The portfolio committee has done its due diligence. The names put forward today represent carefully balanced metric of deep technical expert, legal acumen and operational expert. We have ensured that this incoming board possess veteran, aeronautical engineers and investigators who understand the physical mechanics of aviation service.

It includes legal minds capable of navigating complex international aviation law, alongside management experts who understand the human factors and systematically pressure

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within the commercial flight desk and air traffic control centres.

Furthermore, the collective bodies reflect the diversity and transformation goals of our democracy. The individual have been vetted, interviewed and scrutinised to ensure that they hold their highest ethical standard. They are fit for purpose, and they are ready to serve.

The challenges ahead for this new board are significant. The aviation ... [Inaudible.] ... is changing rapidly. We are seeing the rise of unnamed aerial vehicles, advanced digital navigating system, and a new environmental regulation. The board must not only look backwards to investigate the past incident but took forward the anticipated future risk.

To the incoming members, our message from the Parliament is very clear - maintain your independency, guard integrity, the public trust you to uncover the truth, no matter how uncomfortable it might be for airline manufacturers or state entity.

To this House, I say, let us give this board the legislative and political backing it requires. Let us approve the

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appointment without delay, so that they can get to work immediately.

The safety of our skies cannot be compromised, and it cannot wait. I move that this House adopt the report and confirm the appointment to the Aviation Safety Investigation Board. I so move. Thank you so much.

Declarations of vote:

Mr M P MOTUBATSE: House Chairperson, we want to take this opportunity to commend our people who came out in the thousands in eThekwinini yesterday to demonstrate against illegality ...

The HOUSE CHAIRPERSON (Mr W Horn): Hon member, just hold on for a moment. Hon Bowman on the virtual platform, I've requested you're already to mute. Please mute and remain muted until you're recognised.

Mr M P MOTUBATSE: The MKP rises in this particular House to reject to participate in the abortion of accountability. The Minister comes to this House with a request; she asked the Portfolio Committee on Transport to make recommendations regarding the candidates for the appointment of the Board of

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the Aviation Safety Investigation Board. And she grounds his request on section 15(2) (e) of the Civil Aviation Act, 2009, Act 13 of 2009. Let us read the Minister's own words in correspondence to table before this House.

The Minister request that the relevant committee of the National Assembly conduct interviews with shortlisted candidates for appointment members to the board in terms of section 15 (2) (e) of the Civil Aviation Act 2009.

Now, let us turn to the very section 15, that is stage two. That states that:

The expert who assists the Minister may include persons with aviation knowledge, legal background, or accident investigation experience.

It says nothing, absolutely nothing about the portfolio committee sitting in the judgment to conduct the interviews and shortlisting candidates. Yet what we see, the portfolio committee conducted interviews on the 26th and 27th of February. They scored them, they screened them, verified their qualifications, and then they turned around and recommended their prepared nominees. This is abortion of accountability.

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That is not what the act says. That is not what the Constitution permits.

Let us examine section 15(2)(d) of the same Act. That subsection requires the Minister to notify Parliament of such appointment within 30 days of making appointment. Notification, not prior interviews, not shortlisting by a parliamentary committee, not parliamentary pre-screening, but the Minister has turned a notification clause into a recruitment mandate, and a portfolio committee whose constitutional duty is oversight over the executive.

He has willingly walked into a trap, interviewing candidates, scoring them, and then being asked to oversee the very same people that he helped to select. That is not accountability. That is institutional incest. Let us call it what it is. The committee has helped choose the board member, later to pretend to be impartial watchdog over what? The same member. How do we scrutinise a person we helped to chair? How do you summon before Parliament with straight face when you as a committee had a hand in their appointment?

Now, the people of South Africa must ask:

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What happens when the Aviation Investigator Board issues a compromise report? What happens when the finding is softened, when the family who lost the loved one in an aircraft accident gets no answers? Will we be asked to investigate? We will be asked to hold the people accountable. But how can we, as the very same committee that have appointed them, hold that particular board accountable?

The ... [Inaudible.] ... is clear - Parliament oversees, the executive appoints, the two must never collapse on one another. Oversight requires distance. Independence requires separation. But this process ... this creates a very contradiction. It blurs the lines of Parliament and the responsibilities of the two institutions.

The very same missionary is supposed to monitor, which is the committee. When the portfolio committee sits in the interviews and claims to supervise the results, we can say, without no shame - that is the abortion of the Constitution and cannot actually assist to ... [Inaudible.] ... what is expected to be done. Amandla! [Time expired.]

Mr E MTHETHWA: House Chair, greetings to the commander-in-chief, CIC, commissars, fighters, and the South Africans.

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Every South Africans board aircraft, expecting to arrive safely at their destinations. They trust that the institution responsible for aviation safety is capable and independently committed to acting in the public interest. That is why the appointment of members of Aviation Safety Investigation Board is an important responsibility. Aviation safety is not a luxury, but a matter of life and death.

The establishment of the Aviation Safety Investigation Board recognises a simple principle. Aviation safety investigations must be independent, credible, and trusted by the public. When incidents occur, South Africans must have confidence that the investigations are conducted openly and objectively.

The creation of this board strengthens the separation between regulatory responsibilities and accident investigations, whilst enhancing accountability and public confidence.

Institutions do not fail on paper. They fail in practice, and practice is determined by the people entrusted with the responsibility. Whether this board succeeds or fails will depend on one thing - the integrity, independence, and competence of those appointed to it.

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The report also highlights an issue Parliament cannot ignore. Most of the shortlisted candidates have interest or employment within the aviation sector itself. This creates a clear risk of conflict of interest. The expertise needed to investigate aviation incidents often comes from the very industry that may one day be investigated. For this reason, declarations of interest, probability assessment, and conflict of interest safeguards cannot become box-ticking exercises. They are essential to protect the independence and credibility of the board.

The committee was therefore correct to raise concerns relating to conflicts of interest and outstanding probability matters before appointments are finalised. South Africans know the consequences when public institutions lose credibility, whether in transport, policing, local government, or state-owned entities.

South Africans must never be left wondering whether an investigation serves public safety or powerful interest within the aviation sector. The purpose of independent investigation is not simply to produce reports, it is to establish the truth, identify failures, ... [Time expired.]

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Mr A K NGOBESE: Hon Chair, hon colleagues, the IFP supports the recommendation relating to the appointments of members of the Aviation Safety Investigation Board, ASIB. Aviation safety is not merely a technical matter, it is a matter of public trust, national credibility and protection of human life.

South Africans must have the confidence that, when an accident occurs, investigations are conducted independently, professionally and without undue influence. The ASIB must therefore be guided by competence, integrity, and unwavering commitment to the truth. We have long maintained that public institutions are only as strong as individuals entrusted to lead them.

We further emphasise that transparency and accountability must remain central to the functioning of the board. Any potential conflict of interest must be proactively declared and managed to safeguard the independence of the investigation and maintain public confidence in the outcome.

The IFP therefore supports the report and the committee's recommendation and trusts that the appointment will advance a culture of professionalism, accountability and excellence in aviation safety. I thank you.

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Ms J A BASSON: Hon House Chairperson, hon members, fellow South Africans, ...

Afrikaans:

... ek groet julle in die groen PA-gees van oorwinning in Wyk 11, Swartland, gisteraand. Die PA is beslis besig om toe te maak. Ons sien opnuut uit na die munisipale verkiesing op 4 November 2026.

English:

Today, we express our support for the report of the Portfolio Committee on Transport regarding the appointment process of members the Aviation Safety Investigation Board.

Afrikaans:

Ons wil baie graag die komitee gelukwens met die manier hoe hierdie proses ontvou het, vanaf die Minister se versoek, die openbare uitnodigings, tot die onderhoude met die kandidate. Die hele proses was deeglik, deursigtig, en met eerlikheid gedoen.

English:

It is exactly how Parliament should function.

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Afrikaans:

Wanneer ons oor lugvaart praat, praat ons nie net van mense se veiligheid wanneer hulle na hulle geliefdes gaan nie; ons praat van toerisme wat ons land besoek, wat bydra tot ons ekonomie. Ons praat van besighede wat staat maak op veilige vervoer. Ons praat van geld wat hande wissel. Ons praat van 'n ekonomie van 'n land wat opgetel word. Ons praat van die vertroue dat, wanneer daar 'n vliegtuif opstyg, alles moontlik gedoen is, om die passasiers en die bemanning se veiligheid te bevorder.

Daarom is die Aviation Safety Investigation Board so kardinaal en belangrik. As daar ooit 'n ongeluk moet plaasvind, as daar ooit 'n ondersoek geloods moet word, moet dit deursigtig, onafhanklik en met die ... [Tyde verstreke.]

Ms M P KOBE: House Chair, before I start, our boys are abroad doing very incredible work. And I would like to say, halala, Bafana Bafana, halala! They must know that the members of this House are with them in spirit, as they represent us in Mexico. Action SA welcomes the committee's recommendations regarding the candidates for appointment to the Aviation Safety Investigation Board.

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Aviation safety is a matter of national importance. It is therefore of utmost importance that ASIB must be beyond reproach, independent in its investigations and trusted by both the aviation industry and the traveling public.

While we support the establishment of a capable and credible board, we must note concerns raised regarding the probability of certain candidates, especially Colonel Segone, who performed excellently during interviews, by the way, and Ms Moeletsi. Although they have performed exceptionally, these concerns cannot simply be brushed aside. Public confidence in the board depends not only on the competence of its members, but also on the integrity and fitness to serve. We therefore urge that any outstanding concerns be thoroughly addressed before appointments are finalised.

We further note the committee's observation that eight of the nine interviewed candidates currently hold active business directorship or are employed within the aviation industry. While the industry expertise is valuable, it also presents a significant risk of actual or perceived conflicts of interest. Any individual that is appointed to the board must fully disclose all interests and recuse themselves where necessary.

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Action SA therefore supports the recommendations, subject to the strict enforcement of probability requirements and comprehensive conflict of interest management measures. I thank you very much.

Mr S N SWART: House Chairperson, we say to Bafana Bafana ...

Sepedi:

Ke nako ... [Now is the time] ...

English:

... and we stand with you today.

Chairperson, on 11 May 2026, a severe storm struck Cape Town. Gale force winds, punishing wind shears that impacted several Members of Parliament who could not get to Cape Town. One aircraft faced a harrowing low-fuel emergency after failed landing attempts at Cape Town. And this raises critical questions about whether weather contingencies and aviation safety are in place, particularly in extreme storms.

Thankfully, this incident did not result in a tragic aviation accident, but had it done so, it would have illustrated the need for an independent Aviation Safety Investigation Board, ASIB. Why is this so? Because when we step on an aircraft, we

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entrust our lives to a complex, interconnected web of technology, pilots, and regulations. And in South Africa, thankfully, our commercial aviation sector boasts an exceptional, globally recognized safety record. We regularly score amongst the top tier in the International Civil Aviation Organization, ICAO, safety audits. However, maintaining those standards requires rigorous, transparent, and above all, independent oversight. This is where this board comes in because it is an important shift towards an independent investigation, severing itself from the SA Civil Aviation Authority, SACAA. And this ensures that all crashes and incidents are investigated without prejudice or without interference from institutional bias. But I do want to also indicate the concerns about some of the very qualified members who were not appointed, and whilst we were not part of this process, I think one must bear in mind that aspect and some of the reservations that were expressed in that regard ...

Having said that, the ACDP supports the report. Thank you.

[Time expired.]

Mr I ISMAIL-MOOSA: Chairperson, beloved South Africans, I also want to begin, as many of our other parliamentarians have

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begun, by keeping the spirit high with screaming, Halala, halala, Bafana Bafana!"

Al Jama-ah supports this report regarding this request. At the same time, the establishment of the Aviation Safety Investigation Board represents an important milestone in strengthening aviation governance in South Africa. Independent, professional accident and incident investigations are essential to ensuring public confidence in our aviation sector and in enhancing the safety of passengers, crew members, and all aviation stakeholders. The responsibility placed upon this House is therefore significant. The individuals recommended for appointment must possess the highest standards of integrity, independence, technical competence, and commitment to public service. Their role is not merely administrative. It is fundamental to protecting lives and ensuring that aviation accidents and incidents are investigated impartially, transparently, and without undue influence.

South Africa's aviation sector remains a critical component of economic growth, tourism, trade, and regional integration. A credible and effective Aviation Safety Investigation Board will continue to maintain international confidence in our

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aviation regulatory framework and ensure compliance with global best practices and standards.

Al Jama-ah commends the committee for conducting a transparent and rigorous process in considering the nominations. We trust that the recommended candidates will execute their duties with professionalism, independence, and diligence in the interest of aviation safety and the South African public ...

IsiXhosa:

Malibongwe.

Dr L W MAHLATSI: Chairperson ...

Sesotho:

... kgotso, Maafrica.

English:

The UAT is concerned that the report before this House focuses primarily on the appointment of candidates, while paying insufficient attention to the broader challenges confronting the aviation safety oversight in South Africa. An Aviation Safety Investigation Board must be more than a collection of qualified individuals. It must be an independent, technically

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competent, and properly resourced institution capable of conducting complex investigations free from political, commercial, or regulatory interference.

South Africa's aviation environment is becoming increasingly complex. Modern investigators require expertise in aviation operations, engineering, cybersecurity, data analysis, human factors, and forensic investigation. Yet the report provides limited details regarding how the recommended candidates collectively address these specialized competencies.

Furthermore, appointments alone will not strengthen aviation safety. The real question is whether the institution has resources, technology, investigative capacity, and the independence necessary to identify the root causes of accidents and to prevent future tragedies. We are equally concerned that the Parliament has not yet been provided with sufficient information regarding performance measures, accountability mechanisms, and safeguards to ensure that the board remains independent from both industry influence and executive pressure.

South Africans deserve more than a process of filling positions. They deserve an aviation safety system that

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inspires confidence, protects lives, and meets international health practices ...

Xitsonga:

Khanimambo!

Dr C H H HUNSINGER: Hon Chairperson, the DA acknowledges the rigorous selection process. Ten initial candidates were screened down to seven qualified professionals. From this ranked list, the Minister will choose five to establish South Africa's first-ever Aviation Safety Investigation Board. This specialized body is a critical step forward. Currently, a tangled web of 13 different pieces of legislation governs the regulation, adjudication, and investigation of our aviation sector. We need streamlining, we need it now.

The aviation sector is a vital engine of the South African economy. It contributes over R100 billion to our gross domestic product, GDP. It secures 46 000 direct jobs and supports more than 260 000 total jobs when integrated with tourism. We cannot afford to let this industry stall. Yet, our skies are facing a safety crisis. Between 2022 and late 2025, over 400 aviation incidents occurred, 131 of those in the 2024-25 fiscal year alone. Most alarming is the 200% spike in

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fatal crashes during the 2025-26 fiscal year. Out of the 43 incidents in that period, 12 were fatal, claiming 17 lives by December 2025. These are not just statistics; these are human lives.

Despite valid concerns from stakeholders, the DA anticipates that this new board will establish absolute independence from the SA Civil Aviation Authority. A foundational principle of administrative law is the strict separation of regulation and investigation. You cannot have the same entity acting as both player and referee. Professional governance dictates that the body establishing rules must not be the same body investigating why those rules failed.

The ideal investigator must report directly to Parliament, completely independent of the SA Civil Aviation Authority. As a regulator, the SACAA is human and is subject to error. The goal of any crash investigation is not to assign blame, but to uncover the truth. Investigations must have the freedom to challenge the regulator without fear of victimization or retaliation, and their findings must be made public. We have seen what happens when independence is compromised. Look no further than the tragic crash of a civil aviation calibration aircraft in January 2021. That inquiry required a critical

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look at the regulator itself. Instead, our aviation authority hired the Aircraft Accident Investigation Bureau of Ethiopia as a consultant. What followed was an exercise of blame-shifting and reluctance to hold our own institutions accountable. We cannot repeat these mistakes.

Establishing this board also positions South Africa as a continental leader, because only 70 out of 193 ICAO member states have an independent investigator. Many nations with economies smaller than ours have already taken this step. South Africa must lead by example.

Furthermore, the legal fallout from the grounding of entire fleets such as SA Airways, SAA, CemAir, Mango, and Comair highlights a critical flaw in current enforcement. The regulator must shift away from a sudden-death approach based on a single inspection. Instead, we need a continuous constructive engagement process with airlines, maintenance, and organizations.

The DA stands firmly for a system of checks and balances. The rising tide of accidents, incidents, and compliance failures of recent years has no room for debate. The separation of regulation and investigation is non-negotiable.

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The DA supports this report, and we will be watching. We will monitor the establishment of this board with a hawk's eye, and we will not hesitate to take action if its independence is compromised. I thank you.

IsiXhosa:

Ndiyabulela ngexesha ondiphe lona.

Afrikaans:

Ek dank u.

Ms I M MBIYO: House Chairperson, hon members, fellow South Africans, the ANC supports the request by the Minister of Transport to appoint members of the Aviation Safety Investigation Board. The ASIB plays an important role in ensuring aviation safety in South Africa. Its responsibility is to investigate aviation accidents and incidents independently, identify their causes, and make recommendations to prevent a similar incident in the future. Its work is to focus on improving safety, not assigning blame.

The ANC supports the committee recommendations that the Minister should consider the results of the security vetting processes and check before making any final appointments. We

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also support the strengthening of aviation infrastructure and safety systems as part of the government's commitments to safe and reliable importance of economic growth, tourism, trade, and job creation.

We also note that many of the candidates have experience in the aviation sector. However, any potential conflict of interest must be properly declared and managed to protect the independence and credibility of this board. The ANC believes that a capable, ethical, and independent board will strengthen aviation safety and help ensure that South Africans continue to meet international aviation standards. For those reasons, the ANC supports the committee reports to the appointment processes before the House. I thank you.

Question put: That the recommendation for appointment of Col Andrew William Ramatua Segone, Ms Pfumelani Dorcas Mbulayeni, Mr Laurence Brent Graham, Ms Moipone Merriam Chueu, Ms Kagiso Charmaine Mainganya, Mr Monyamane Duke Moorosi, and Ms Merriam Maitshenkeng Moeletsi to the Board of Aviation Safety Investigation Board be approved.

Question agreed to (uMkhonto weSizwe Party dissenting).

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Recommendation of Col Andrew William Ramatua Segone, Ms Pfumelani Dorcas Mbulayeni, Mr Laurence Brent Graham, Ms Moipone Merriam Chueu, Ms Kagiso Charmaine Mainganya, Mr Monyamane Duke Moorosi, and Ms Merriam Maitshengk Moeletsi, accordingly adopted in terms of section 15(2)(e) of the Civil Aviation Act, 2009 (Act No. 13 of 2009), as amended by the Civil Aviation Amendment Act, 2021 (Act No. 22 of 2021).

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SOCIAL
DEVELOPMENT ON LIST OF RECOMMENDED CANDIDATES TO SERVE ON
INDEPENDENT TRIBUNAL FOR SOCIAL ASSISTANCE APPEALS**

Ms B S MASANGO: House Chair, I rise to table the report of the Portfolio Committee on Social Development on the list of recommended candidates to serve on the Independent Tribunal for Social Assistance Appeals and to request that this House adopt the report. At first glance, this may appear to be a routine administrative matter. It may seem like we are merely considering a list of names and complying with the requirements of legislation. But, hon members, this report is about much more than names on a page. It is about the elderly grandmother who depends on her grant to buy food and medication. It is about a parent caring for a child with a severe disability and relying on social assistance to provide

daily care. It is about a person living with a disability who has nowhere else to turn when an application for assistance is declined. And it is about ensuring that when people believe that a decision affecting their lives was incorrect or unfair, they have access to justice. Our Constitution guarantees the right to social security and appropriate social assistance for those who cannot themselves and their dependents. It also guarantees the right to just administrative action. These are not abstract principles. They are rights that must be felt and experienced by ordinary South Africans. The Independent Tribunal for Social Assistance Appeals exists to give practical effect to those rights. When a person disagrees with a decision made by the SA Social Security Agency, Sassa, regarding a social grant application, the tribunal provides an independent mechanism through which that decision can be reviewed fairly, openly and impartially.

In many cases, the tribunal is the final opportunity for a vulnerable person to have their circumstances properly considered. That is why the committee approached this matter with the seriousness it deserves. The Social Assistance Act requires the minister to appoint appropriately qualified persons to serve on the tribunal after consultation with Parliament. The committee received a comprehensive briefing

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from the Department of Social Development on the that was followed. We noted that the vacancies were publicly advertised, that applications were received from across the country, that candidates were vetted, and that a selection panel assessed the applicants against the requirements set out in the legislation and regulations. The committee was satisfied that due process was followed. More importantly, we were satisfied that the recommended candidates possess the expertise required for this important responsibility. The recommended list includes experienced legal practitioners, medical practitioners, and a technically skilled civil society member. Together these individuals bring decades of experience in law, medicine, administrative justice, disability assessments, data analysis and adjudication.

However, qualifications and experience alone are not enough. The committee was mindful that members of the tribunal must exercise compassion, fairness and independence. They must understand that behind every appeal file is a human being, a family, and often a household facing significant hardship. As Parliament, our responsibility is not only to ensure compliance with legal processes, but also to ensure that institutions created to protect the vulnerable, manned by people capable of carrying out that mandate with integrity and

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dignity. After careful consideration, the committee agreed to the recommended candidate and is satisfied that they are fit and proper persons to serve on the Independent Tribunal for Social Assistance Appeals.

The effectiveness of social assistance systems is measured not only by the grants that are approved but also by how fairly we treat those who challenge decisions that affect their lives. By supporting these appointments, we strengthen an institution that protects the rights of some of the most vulnerable members of our society I therefore table this committee report and respectfully request this House to adopt it. Thank you, hon House Chair.

Declaration(s) of vote:

IsiZulu:

Nk N BUTHELEZI: Sihlalo namalungu ahloniphekile ale Ndlu, ngiyabingelela. Siyi-MK Party siyasixhasa isiphakamiso somkhandlu wokwelekelela. Siyi-MK Party siwubona lo mkhandlu ubaluleke kakhulu futhi iso esiwubuka ngalo sibona ufanele kuthi ungabi la eNdlini enkulu kaZwelonke kuphela kodwa nakuzifundazwe zonke ubekhona ngoba sibona lo mkhandlu uma ubakuzwelonke kuphela uzokhameka umsebenzi omkhulu.

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Lokho, Sihlalo, sikushiswa yizinto esizibonayo uma sehla siya kubantu. Njengoba sasiye ukuyongamela nyakenye kuMfumfu laphayana KwaDukuza, sahlangu nensizwa esencane eneminyaka elinganiselwa emashumini amathathu. Le nsizwa umama wayo ukhala ngokuthi odokotela ka-Sassa uyajikisa kodwa nathi sabona ukuthi iyagula iwumuntu ongathi nengqondo ayisakwazi ukubamba kahle. Ayikwazi ukuthi ingaphinde ibuye isebenze. Inomqingo wefayela ladokotela esibhedlela sikaHulumeni obeke zonke izizathu zokuthi kufanele ihole. Kodwa udokotela ka-Sassa uyayijikisa ethi isengakwazi ukusebenza. Yingakhoke, Sihlalo, siyi-MK Party sithi, lo mkhandlu awube khona ezifundazweni zonke zezwe lakithi ukuze ukwazi ukunakekela abantu bakithi abajikiswayo benezifo esekuyobanzima ukuthi babuye basebenze nazo. Sihlalo, into ebuhlungu kakhulu uma siyibuka njengeqembu le-MK Party, ukubona ukuthi kunabantu abaningi eNingizimu Afrika abayiholayo imali yesibonelelo kuthiwa bayagula, odokotela babaphasisile.

Siyafisa ukuthi lo mkhandlu uma wemukeleka usebenza ubuye uphequlule lawo manyundululu okuthi kwenziwa yini ukuthi abantu abaphilayo basithole isibonelo, bese abantu abagula ngempela, sibabona nathi ngamehlo ethu singebona odokotela, kuthiwe akufanele ukuthi basithole isibonelo. Kukhona abantu abanokhonkolo ababafaka mhla beyohola. Kukhona abantu abanama-

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crutches abawaphatha mhla beyohola kodwa uma kungezona izinsuku zokuhola bayanqabashiya nje uma uhlangana nabo ngoba abaguli abanalutho kodwa odokotela babaphasisile.

Sihlalo, kuyabonakala ukuthi uHulumeni we-Government of National Unity, GNU, ngeke akwazi ukusiza abantu abampisholo baseNingizimu Afrika. Siyi-MK Party, syafisa ukuthi lo mkhandlu usebenze ngokubuka izinto ezenzekayo emphakathini wakithi. Lubuhlungu kakhulu udaba labantu abagulayo nalabo bantu abagulelwayo abehliswa benyuswa beya kodokotela kodwa bagcina bengazange basizakale. Okubuhlungu kakhulu, Sihlalo, abantu abahlala ezindaweni ezikude namadolobha ngoba bayagibela. Kukude kodokotela. Kukude ezibhedlela. Awabonwa amahhovisi ka-Sassa. Siyi-MK Party sizwelana kakhulu nabantu baseNingizimu Afrika, ikakhulukazi labo bantu abaphila nezifo ezingeke sisabavumela ukuthi bakwazi ukuyosebenzisa. Siyi-MK Party sisenhlungwini enkulu kakhulu ngoba zivela ezindaweni zasemakhaya. siyalubona usizi lwabantu ababhekene nalo. Kunzima ukulokhu beqhubeka begibela ngoba abanabo openi bokugibela baye emadolobheni, baye ezibhedlela ngoba zonke izinsiza zikude nomuntu ompisholo ophila ezindaweni zasemakhaya. Akekho umuntu olunakile udaba lwakhe. Yingakhoke, njengeqembu le-MK Party, sinxusa ukuthi mhla zizine kuLwezi

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abaphume abantu baseNingizimu Afrika bayovotela i-MK Party ukuze sikwazi ukubalekelela. Ngiyathokoza, Sihlalo.

Ms P MARAIS: House Chairperson, as the EFF we rise to express our support for the report on the list of recommended candidates that will serve on the Independent Tribunal for Social Assistance Appeals, ITSAA. However, our support must not be mistaken for the satisfaction with the current state of the social assistance system.

More than 30 years into democracy, it is the poorest, the sickest, the elderly and persons with disabilities who continue to bear the brunt of a broken system. A system that is meant to provide relief, dignity and protection to the most vulnerable often becomes the source of frustration, exclusion and hardship.

During the committee's deliberation, serious concerns were raised regarding the treatment of disability grant applicants. We heard examples of vulnerable people being denied grants despite clear medical conditions, while others are subjected to inconsistent and inadequate medical assessments. There are reports of doctors dismissing applicants without conducting proper examinations, overworked medical practitioners carrying

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out inadequate assessments, and vulnerable and seriously ill individuals being denied grants despite clear medical evidence.

Equally concerning are cases where beneficiaries lost grants while being reviewed, despite no meaningful improvement in their medical conditions, while others endure lengthy delays before receiving assistance to which they are entitled. The EFF remains deeply concerned that many deserving South Africans continue to fall through the cracks due to bureaucratic inefficiency and lack of accountability with the grant assessment process.

House Chair, the ITSAA plays a critical role in ensuring that applicants who have been unfairly denied social assistance have access to justice. It serves as an important safeguard against administrative failures and arbitrary decisions within the social grant system. The appointment of a new ITSAA cannot simply be a tick box exercise. Parliament must receive regular reports on appeal outcomes, turnaround times and systematic trends emerging from appeals, so that persistent failures within the SA Social Security Agency, Sassa, and the border social assistance system can be identified and addressed.

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Social assistance is not charity or a favour. It is a constitutional obligation, a lifeline to millions who depend on it daily for survival. The EFF demands that the Department of Social Development, DSD, and Sassa confront the deep-rooted systematic failures exposed. These failures are most glaring: unjust disability grant assessments, the barriers to access appeals and the lack of public awareness about the appeals mechanism.

As the EFF, we call on those who serve on the ITSAA to act independently, fairly and without prejudice. It must place the interests of the vulnerable people at the centre of its work to ensure that no person is denied access simply because of ... [Time expired]. While we support the report and the recommendations ... thank you, Chairperson.

Ms B E MACHI: Hon House Chairperson, the ITSAA plays a critical role in the lives of thousands of South Africans by offering them a second chance to access social grants. The members of this tribunal decide who is allocated funds to buy food, pay their children's school fees and everything in between. For this reason, it is essential that the final candidates selected by the Portfolio Committee on Social

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Development reflect a diverse mix of professionals. This will help to ensure that each appeal is evaluated fairly.

In light of this, the IFP welcomes the portfolio committee's final selection for the ITSAA, which includes a near even split of both legal and medical professionals. However, we must remember that the appeal system is only effective if citizens are empowered to undertake it.

The IFP approves this report but urges both the committee and ITSAA to ensure that all South Africans are educated on their rights to appeal grant rejections. This is especially important for vulnerable populations in rural areas and the elderly, who are more likely to rely on grants for essential purposes. I thank you, House Chairperson.

Ms S M PETERS: House Chair, the Patriotic Alliance rises today to express its support for the report of the Portfolio Committee on Social Development regarding the recommended candidates to serve on the ITSAA. This tribunal plays a critical role in upholding fairness, justice and accountability within our social protection system. As the report notes, the tribunal is appointed to consider appeals against decisions of the agency, a function that directly

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affects the lives and dignity of millions of South Africans who rely on social assistance.

Speaker, we welcome the committee's thorough and transparent process. The DSD briefed the committee, and members carefully considered the list of nominees in line with section 18 of the Social Assistance Act. The recommended candidates include 12 legal practitioners, nine medical practitioners and one technically skilled civil society representative – a balanced and multidisciplinary team capable of handling the complex appeals brought before the tribunal.

We commend the committee for ensuring that the nominees are appropriately qualified and that the tribunal will be strengthened by individuals with the necessary legal, medical and technical expertise. This is essential for restoring trust in the appeal system especially at a time when many beneficiaries face delays, administrative errors and inconsistent decision-making.

Speaker, the Patriotic Alliance is particularly encouraged by the committee's commitment to fairness and due process. The ITSAA must serve as a safeguard for the vulnerable, ensuring that no beneficiary is unjustly denied support and that every

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appeal is treated with dignity, urgency and impartiality. We, therefore, support the committee's recommendations.

In conclusion, salute [go well] to Bafana Bafana for today's game. As we know, they don't baiza. Thank you, Chair.

The HOUSE CHAIRPERSON (Ms Z Majozi): What is the point of order hon member?

Mr S L DITHEBE: Is it in order for members of the PA alone to be donning the jerseys? Is it because of the Minister? Can we investigate this nepotism and refer it to the ethics committee?

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon member, that is not a point of order. Everyone is allowed to have a South African jersey.

I will now call on ActionSA.

Dr T K S LETLAPE: House Chair, ActionSA supports the report recommending candidates for appointment, but what we would like to state is that we need to look at our processes.

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When you have someone who is disabled, we should engage social workers to be able to corroborate and to investigate on the home circumstances, so that we don't have people who use clutches on the day when collecting the grant but can walk for the rest of the month. It would also ensure that those who are rejected get support before it gets to a tribunal. For most of our people, the tribunal process will be a long-winded process on its own. We need to ensure that we have support mechanisms for verification.

We must also be mindful of the fact that people with disabilities need more than just a grant for support. If we engage social workers, we will be able to assess what other support they need, how they can be supported on an occupational level to be engaged in livelihood. The fact that you are disabled ... is a lack of support, lack of training and lack of opportunity. It should not just be that if you are disabled, you are discarded. We need to create a system that supports.

We welcome the tribunal, but we think that there is a lot of work that needs to be done. If a medical practitioner rejects an application, the social workers will be in place to verify, support that rejection or ensure that the rejection is

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reversed. The tribunal is made up of people who have jobs and who are not going to be able to do proper investigations. We support but we look up to the DSD to do more in terms of what they have done on the ground at this point. We thank you, Chair.

Ms C T NONTENJA: Hon House Chair, the United Democratic Movement notes and supports the report of the Portfolio Committee on Social Development regarding the appointment of members of the Independent Tribunal for Social Assistance Appeals, ITSAA.

The ITSAA will have a significant impact on both the administration of social assistance and the protection of the rights of beneficiaries of the SA Social Security Agency, Sassa. The tribunal plays a critical role in protecting the rights of vulnerable South Africans who rely on social assistance and require an independent mechanism to challenge decisions made by Sassa.

Far too many citizens continue to experience delays and administrative errors in accessing the social support that they are entitled to, placing additional pressure on an already burdened appeals process that Sassa currently has. The

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effectiveness of the tribunal will ultimately be measured not only by the standard of its members, but by its ability to promptly deliver justice and restore public confidence in the social assistance system.

The known reality is that many deserving beneficiaries continue to encounter obstacles when accessing social grants. The appointment of suitably qualified legal practitioners, medical practitioners and civil society representatives ensures that appeals are assessed objectively and impartially, separate from Sassa's original decision-making processes. The inclusion of professionals from different fields allows the tribunal to deal effectively with the wide range of appeals it receives. I thank you.

Dr L W MAHLATSI: Chairperson, I'm struggling with my machines. Would you kindly allow me to read from here?

The HOUSE CHAIRPERSON (Ms Z Majozi): Okay, continue, hon member.

Dr L W MAHLATSI: Thank you very much, Chairperson.

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Hon Chairperson, the consideration of the report of the Portfolio Committee on Social Development's list of recommended candidates to serve on the ITSAA raises an important question of administrative justice, constitutional compliance and the protection of social security rights in South Africa. Section 27(1)(c) of the Constitution guarantees everyone the right to social security, while section 33 entrenches the right to just administrative action. The ITSAA, therefore, is not a ceremonial structure. It is critical to all intents and purposes of a judicial mechanism that safeguards vulnerable citizens who challenge decisions relating to grants administered by Sassa.

The key concern that emerges from the broader pattern of social development governance is whether the appointment to such a tribunal consistently reflects the required balance of legal expertise, independence and lived understanding of poverty and vulnerability. While the appointment process becomes overly administrated or appealed, there is a risk that the tribunal is reduced to a procedural rubber stamp, rather than a genuine corrective mechanism for maladministration.

South Africa continues to face persistent challenges in grant administration including delays in appeals, inconsistent

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decision-making and barriers faced by rural, elderly and disabled applicants who often lack resources to navigate complex bureaucratic systems. In this context ... [Time expired.].

Xitsonga:

Khanimambo!

Ms N K SHARIF: House Chair, first, let me wish Bafana Bafana the best for the opening game in the Fifa World Cup 2026 happening this evening.

House Chair, section 18 of the Social Assistance Act requires the appointments to the ITSA to be made by the Minister after consultation with Parliament. In compliance with this requirement, the committee considered the list of recommended candidates and after due deliberation, agreed to the appointments before this House. However, House Chair, today, I don't want to focus primarily on the candidates themselves. I want to focus on why this tribunal matters.

It matters because the reality is that far too many legitimate beneficiaries are being failed every day by Sassa. Every single day, we are inundated with pleas for help from people

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whose grants have been suspended, declined, delayed or terminated without adequate explanation. We receive messages from older persons who have suddenly lost access to their pensions. We hear from persons with disabilities whose applications have been rejected despite severe medical conditions. We also hear from caregivers struggling to access support for vulnerable children and family members with severe disabilities and chronic illness.

The concern is that these are only the people who know where to turn to get help. For every case that reaches a Member of Parliament, there are countless others who have nowhere to go, no one to call and no idea on how to challenge a decision that may have devastating consequences for their lives. This is why the independent tribunal is so important. It exists because government does not always get it right, systems fail, administrative errors occur and because no beneficiary should be denied their right without having access to a fair, independent and credible appeals process. The tribunal is often the last line of defence for vulnerable South Africans who have been failed by the system, and that responsibility cannot be taken lightly.

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The committee's deliberation highlighted several concerns related to the tribunal and the broader appeals process. Members raised concerns about the quality and consistency of medical assessments used in disability grant applications and appeals. The committee also raised concerns that applicants sometimes encounter overworked or dismissive practitioners, raising questions about whether deserving beneficiaries are being treated unfairly and, thereby, excluded from social assistance.

Hon members, these concerns affect people. They affect a person living with a disability who is unable to work, an elderly beneficiary who depends on a grant to support an entire household and families who rely on social assistance as their only source of income. A flawed assessment process can result in a legitimate beneficiary being denied support. A delayed appeal can have a vulnerable person living without an income for months.

A lack of communication can leave people trapped in uncertainty with no understanding of why decisions were made or when to expect an outcome. That is why the tribunal must be more than independent on paper. It must be accessible, efficient and it must ensure that appeals are heard and

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finalised within a reasonable timeframe. Most importantly, hon members, it must ensure that outcomes are properly communicated to applicants who deserve clarity and certainty.

The success of this tribunal will not be measured by the qualifications of its members alone. It will be measured by whether legitimate beneficiaries who have been failed by Sassa finally receive a fair hearing, whether deserving applicants are able to access justice when government gets it wrong and whether vulnerable South Africans feel heard, respected and protected by the very system that exists to support them. A strong independent tribunal is essential.

We must make it clear that the ultimate goal must be a Sassa that gets decisions right the first time. Until then, this tribunal remains a critical safeguard for the millions of South Africans who depend on social assistance as a lifeline. The DA supports. I thank you.

Sepedi:

Mna K S RAMAILA: Mohl Modulasetulo, maloko ao a hlomphegago, go mmogo le MaAfrika Borwa ...

English:

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... today we consider the process undertaken by the Minister of Social Development to appoint members of the ITSAA in accordance with section 18 of the Social Assistance Act of 2004, as amended. The process before us is of critical importance as it seeks to strengthen the administration of social assistance and ensure that vulnerable South Africans have access to an independent, fair and transparent appeal mechanism when they disagree with decisions taken by Sassa.

The African National Congress welcomes the comprehensive process followed by the Department of Social Development and the Minister in identifying suitably qualified medical practitioners, legal practitioners and technically skilled civil society members to serve on the tribunal. The rigorous process undertaken illustrates that, indeed, we are committed to professionalising the public sector by recruiting men and women of high integrity and moral standards. This is vital because Sassa remains the strategic government vehicle to shield the poor from doldrums of poverty and indignity.

Hon members, the establishment of the independent tribunal represents an important milestone in advancing the constitutional rights of our people. Section 27 of the Constitution guarantees everyone the right to access social

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security and appropriate social assistance where they are unable to support themselves and their dependents.

Furthermore, section 33 of the Constitution guarantees the right to just administration action. The tribunal, therefore, serves as a vital instrument for protecting these rights by ensuring that applicants and beneficiaries have access to an impartial mechanism to challenge decisions relating to social assistance.

The ANC recognises the significant responsibility entrusted to tribunal members. Their work is quasi-judicial in nature and requires the highest standards of integrity, impartiality and professionalism. We are encouraged that the recommended candidates are armed with extensive experience in their respective fields. Such expertise is essential to ensure that appeals are adjudicated fairly, efficiently and within the 90-day timeframe, as also reflected in Sassa's annual performance plans, APPs.

The recommended candidates have our unwavering support.

However, we remain concerned about the disproportionate provincial spread of applications received. The absence of applications from certain provinces in some categories highlights the need for broader outreach and awareness

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initiatives in future recruitment processes. National institutions, such as Sassa, must reflect the diversity and skills repository of our beautiful country.

Hon members, the massive and vital work by Sassa, necessitated by the growing demand for social assistance, continues to exponentially increase the number of appeals, thus amplifying the significance of maintaining a capable and responsive tribunal, by appointing suitably qualified individuals who will strengthen public confidence in the social assistance system and ensure that administrative justice remains accessible to the most vulnerable members of society.

The African National Congress, therefore, supports the process undertaken by the Minister and the recommended candidates for appointment as members of the ITSAA. We are confident that the appointments will contribute significantly towards protecting the constitutional rights of beneficiaries and advancing a social security system that is fair, accountable and responsive to the needs of the people.

Sepedi:

Ke tla be ke šaetša ge nka se tšee sebaka se go hlohleletša le go gopotša maAfrika Borwa kamoka go ya go ingwadiša mafelelong

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a beke ye e tlogo gore ba tle ba kgone go bouta mafelelong a ngwaga.

English:

Furthermore, the ANC calls all South Africans to rally behind Bafana Bafana in their opening game against Mexico.

Setswana:

Ke a leboga.

There was no debate.

Question put: That the recommendation for appointment of Ms J T Leso, Mr A T Lessing, Mr K Mabuli, Ms F M Mashiane, Ms P Moonsamy, Mr B S Pato, Ms N Z Kuzwayo, Ms S N Zulu, Mr L T Nevondwe, Ms H B Kara, Mr T A Nkele, Mr N M Phale, Dr K T Kgomo, Dr Z T Khanyile, Dr I Pooe, Dr N N Putuka, Dr L M Nyilende, Dr M D Khumalo, Dr BT T Lugongolo, Dr Z G Ngozo, Dr Q Mzana and Ms A F Masters to the Independent Tribunal for Social Assistance Appeals be approved.

Question agreed to.

Recommendation of Ms J T Leso, Mr A T Lessing, Mr K Mabuli, Ms F M Mashiane, Ms P Moonsamy, Mr B S Pato, Ms N Z Kuzwayo, Ms S

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N Zulu, Mr L T Nevondwe, Ms H B Kara, Mr T A Nkele, Mr N M Phale, Dr K T Kgomo, Dr Z T Khanyile, Dr I Poee, Dr N N Putuka, Dr L M Nyilende, Dr M D Khumalo, Dr BT T Lugongolo, Dr Z G Ngozo, Dr Q Mzana and Ms A F Masters accordingly approved in accordance with the Social Assistance Act, Act 13 of 2004.

Mr S T D LOUW: The acting chairperson of Higher Education, hon Louw, will take centre stage. Hon Chairperson and hon members, I rise to present the Portfolio Committee Oversight Report on the University of Fort Hare, following the urgent oversight visit to Alice campus on 21 October 2025. The committee conducted this visit in response to the very serious student unrest and the widespread destruction of university properties between 6 and 8 October.

Our purpose today is to place the committee's findings, concerns and... [Interjections.]

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Louw, please hold. Hon Managa, can you please switch off your mic, you are disturbing the proceedings. Continue, hon Louw.

Setswana:

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Rre S T D LOUW: Ke go leka motho fela, motl Modulasetilo. Ba nteka jaanong, le gone ke tla ba araba, ke a go bolelela gompieno.

English:

Our purpose today is to place the committee's findings, concerns, and condensed recommendations before the House for consideration and action. Let me begin with the facts and context. The unrest led to the torched destruction of seven key buildings at Alice campus, including the main administration building, the recently renovated staff centre, the newly completed student clinic, and multiple residences.

Initial damage estimates ranged between approximately R273 million, which exclude VAT, per the university recovery plan, and up to R300 to R500 million in early assessments were discovered. Approximately 4 000 students were evicted from their residence in the aftermath, where two housed 176 students and the student villages were completed in 2021, according to the reports. Some of the 2 050 students who were supposed to be housed, they were not yet housed.

The committee was informed that the administration building held paper records from 1998 to 2022. That were destroyed,

although the university assessed that the academic records are stored digitally. The destruction of the achievable materials is of grave concern. The visit enabled the committee to undertake site inspections, convene multi-stakeholder engagements, and require council and management to respond to the student memorandum of demands.

We heard directly from council representatives and the university management, the institution forum, and organised labour and the SRC. Those engagements revealed systematic governance failure, deep mistrust amongst stakeholders, serious infrastructure and safety deficiencies, and acute threats to academic continuity. We have also observed as a committee, a marked deterioration in relations between council, management, students, unions, and internal spiritual structures.

This institutional forum reported poor engagement, lack of meaningful responses from management. The committee noted also instances where legitimate dissent appears to have been met with victimisation, fostering a climate of fear and silence among staff and students. The committee found living conditions that fall far short of the department's minimum norms and standards for student housing. The student pay up to

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46 000 per annum for a single room, while enduring external lack of hot water.

Reports indicate some students have not had hot water since 2022, dysfunctional stoves and geysers, absence of basic appliances, and structural defects where severe wall cracks have been visible in the student village, more so on Block 2 and 3, a non-functional fire hoses and extinguishers, and a non-working alarm, sirens, and a broken fingerprint access control is a concern. One plumber is responsible for campus plumbing maintenance and adequate resourcing situation.

These conditions amount to the committee's view, which we are saying is a gross violation of student rights to safe and dignified accommodation. The committee has already urged that these immediate challenges be dealt with, and how do we deal with them? We've put emphasis to say that the university must be placed as a place of safety, learning, dignity, and conditions. We've witnessed this as unacceptable, as the destruction of property and the tragic loss of life are a manifestation of governance failure, inadequate stakeholder engagement and systematic led.

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In closing, the committee affirms its condemnation of violence and property destruction while recognising that these events occurred against a backdrop of longstanding grievances that are not addressed. Repairing the physical damage is necessary, but it's not sufficient, and also restoring the governance, rebuilding trust, and protecting students and staff, must be equal to priorities.

The University of Fort Hare is a national asset and is a site of historical importance. We owe it to the current future students to restore it as a place of safety, academic excellence, and social justice. I so submit that the House adopt the report and direct the Minister to act on the committee's recommendation on urgency.

Setswana:

Ke a leboga.

Declarations of vote:

IsiXhosa:

Gq K LITCHFIELD-TSHABALALA: Sihlalo weNdlu, masibulise emakhaya kwabo basimameleyo.

English:

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You know, we cannot accept this report the way it is, because it exonerates the Department of Higher Education and Training from what actually happened at Fort Hare. Fort Hare and her two sister universities, Ngoye and Turfloop, aren't just universities; they are part of the liberation heritage. This is where students fought for the freedom of association, freedom of speech, freedom of congregation, and all the other freedoms associated.

Now, this Vice Chancellor, if he knew even a little bit of our history, should have known that ...

IsiXhosa:

... isikhuni sibuya nomkhwezeli.

English:

... and then he had the nerve to impose an SRC on them. What did he think was going to happen? While we do not condone arson in MKP, we actually understand how this could have happened. The Government of National Unity, or by the way, Government of National Undesirables, cannot continue to house African students like pigs, but expect them to act like intelligence and academics. The negotiation cannot happen,

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because the environment within which we are housing the students says a lot.

But then why are we confused; why are we alarmed why the Department was found wanting; why did the Department fail these students? Because of the ANC, this has been a norm in the last 30 years. They are running a revolution-turned-pit bull that is eating its own voters, its own children, its own revolutionaries. So, I'm not shocked how the department could not have intervened at two instances to prevent what ultimately happened at Fort Hare. I want to craft a verb of my own. What is this Department departmenting, actually?

Because if you look at Fort Hare and her two sister universities today, ask Google global rankings, all the former white universities still rank amongst the top 100 in the world, between 3% and 5% ranking. Do you know where Fort Hare still ranks? They say it depends on the faculty you are looking at, number 1 501, and in some faculties, number 2 854. What has the ANC been doing in the last 30 years to uplift the plight of the black child? There are only two universities that were built under President Jacob Zuma. No, don't make noise.

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During apartheid, we called the three institutions Bush colleges, you know why? Because of their remoteness and their systemic underfunding. Clearly, it has not changed. They are still underfunded. How am I a university student when the tap has no top; when the walls are cracking; when the floors are corroding; when a bath that was white before 1994, is now brown? If you look at Fort Hare, Ngoye, and UCT, it's like you're in two different worlds.

It is very clear that the ANC and its government of national undesirables have no plan to uplift the black student. They have no plan to uplift the black child, and they have no plan to turn the Department of Higher Education and Training into a department that really works for Africans. So, all I can say is in the next election, take out the pit bull that's eating the revolution. Vote MKP for us to transform the Department of Higher Education and Training into a department that works for us. It's because you make noise and you don't listen, that's why you repeat the same mistakes.

IsiZulu:

Gwaza mkhonto.

IsiXhosa:

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Mnu. E MTHETHWA: Sihlalo weNdlu, mandibulise. Siyi-EFF sifuna ukuthi, halala Bafana Bafana, halala!

English:

House Chairperson, there is something deeply wrong when students are expected to pay approximately R46 000 a year for residence accommodation and still live without hot water, still share broken stoves and still bath using plastic tubs. There is something deeply wrong when students raise concerns year after year, yet nobody listens until the institution is in crisis.

The University of Fort Hare is not just another university; it is one of the most historic institutions of the African continent. It helped produce leaders who shaped the liberation struggles of South Africa and Africa. One of Africa's most historic universities should not be associated with plastic tubs, cracked walls and years without reliable water. That is why what Parliament found at Fort Hare should outrage everyone of us.

We must refuse to pretend that the crisis at Fort Hare began when buildings were set alight. The crisis began long before that. It began when legitimate students' grievances were

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allowed to accumulate without meaningful intervention. It began when trust between students and institutions broke down. It began when university management stopped listening.

Students have been raising concerns about lack of water since 2022. Some students were preparing meals until midnight because of malfunctioning stoves. Time that should have been spent studying was spent waiting to cook. How are students supposed to focus on their studies under those conditions?

The reality is that students were expected to tolerate conditions that university management itself would never accept for their own children. Students were living with cracked walls, poor maintenance, and serious safety concerns while being told that repairs were being attended to.

The report also raises concerns about the victimisation of students and staff. When people become afraid to speak openly, institutions stop hearing the truth about themselves. Too often, universities' management only discover urgency when there is a protest, only discover accountability when Parliament arrives, and only discover importance of engagement when trust has already collapsed. No institution should wait for a crisis before listening to its students. No institution

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should wait for destruction before responding to legitimate concerns. No institution should wait for Parliament before doing what is right.

Fort Hare was not failed by one protest; it was failed by a breakdown in trust, negligence and disregard for legitimate students concerns. If EFF supports the report because it refuses to separate the destruction we witness from the institution failures that made the function impossible ...

[Time expired.]

Mr S S ZONDO: House Chairperson, the IFP welcomes the progress reported since the devastating unrest at University of Fort Hare. This devastation is not an isolated incident. It mirrors a cycle we have seen before, where unresolved grievances erupt into distractions. History is repeating itself, and unless failures are confronted with urgency, instability will remain a permanent feature in our higher education system.

This is why we welcome the forensic investigation launched within the South African Police Service, SAPS, and the move towards appointing an independent assessor, so that the accountability is not denied or delayed and justice is not denied.

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We acknowledge the phase of the re-entry model that prioritises first-year and practical students, as well as upgrades to perimeter security and biometric access system. These steps are necessary to restore confidence in the safety and others. The emergency device distribution pipeline and expanded zero-rate data access also represent important measures to breach the digital divide and ensure equitable learning opportunity.

The IFP accepts this report but stresses that the implementation must be matched with agency. Only through decisive enforcement, transparent governance and genuine reform can Fort Hare reclaim its dignity and fully service students with dignity. The IFP is supporting this report.

House Chair, I wonder how the MK Party knows because their leaders have never touched the street of Fort Hare when it was the liberation time. We are surprised now because some leaders have been to Fort Hare, so we feel the heat of what is happening. I thank you, House Chairperson.

Dr W J BOSHOFF: Hon House Chair, it is indeed true that Fort Hare is the bedrock of African nationalism. That is where resistance against colonial expansion, through traditional

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authorities, was first rejected by a whole generation of African leaders, who decided to emulate the European nation states in a liberated Africa rather than to try and take back or restore something of the traditional authorities.

Therefore, the present African reality was created at Fort Hare. I just want to mention a few names. Sir Seretse Khama, Mr Julius Nyerere, Robert Mugabe, Kenneth Kaunda, Nelson Mandela. These are first African presidents, first ones after African liberation, alumni from the Fort Hare University. In South Africa, the list is even longer, but let me just mention Z K Matthews, Oliver Tambo, Chris Hani, John Hlophe, and Desmond Tutu. This is an important list of names. What I find interesting is how few of these eminent persons send their own children to Fort Hare. Their children go to the University of Witwatersrand or to University of Cape Town or University of KwaZulu-Natal or anywhere else, just not to Fort Hare, which goes to show that Fort Hare is held in contempt by its own people. In that sense, I refer to the students, the management and the surrounding community. There's no holding in high regard of "this is the shrine of our liberation. This is where we were formed. This is our identity." I can just think in any other country where you have institutions so embedded in the

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whole struggle of the nation, and how important it would be to keep this ...

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon member, your time has expired.

Dr W J BOSHOFF: I thought I had three minutes, but I think I have made my point.

The HOUSE CHAIRPERSON (Ms Z Majozi): No, it's two minutes.

Dr W J BOSHOFF: Thank you.

Ms M P KOBE: House Chair, the University of Fort Hare is one of the most important institutions of higher education in South Africa's history. It is hallowed ground. It produced some of the greatest leaders of our liberation struggle, shaped generations of African intellectuals, and earned a reputation for academic excellence that exceeds far beyond our borders. Its history is one of courage, resistance, and an unwavering commitment to knowledge in the face of apartheid oppression.

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All of this rich legacy cannot shield it from the institutional rot and decay that have taken hold – and what a betrayal that is. fraudulent qualifications issued for politically connected individuals of past and current premiers of certain political parties, infrastructure collapse, assassinations of academics and officials, and near financial total collapse.

This is a reflection of the broader decay that has taken place under the ANC's stewardship of South Africa's public institutions of learning. Institutions that took generations to build have been hollowed out by corruption, cadre deployment, mismanagement and political interference. Despite the promises of renewal, that decline continues rapidly and unabated under the Government of national Unity, GNU, with students living in inhumane conditions with cracked walls and unsanitary facilities. Shame on this government.

This steals from the futures of young people who need institutions like this to make better lives for themselves. This is a national tragedy, and Action SA cannot support this report. I thank you.

Sesotho:

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Ngk L W MAHLATSI: Kgotso, Maafrika!

English:

Chairperson, it is very shocking how hon Boshoff knows a lot about our African leaders and where they studied. A true reflection of where we are coming from, taking into consideration that he is a resident of Orania. Now, the report compels us to confront a difficult but necessary question: What has become one of South Africa's most historic centres of black excellence and legal intellectualism?

The University of Fort Hare is not an ordinary institution; it is a custodian of African political thought, producing leaders who shaped the liberation struggle across the continent. Yet the report before this house reflects the pattern increasingly familiar in part of our higher education sector: Governance instability; administrative contestation; academic disruptions; and concern around institutional integrity.

The UAT further condemned the Vice Chancellor's persistent interference in a student representative council. From a policy and governance perspective, the crisis at Fort Hare cannot be viewed in isolation. It reflects the deeper systematic failures in the higher education ecosystem,

particularly weak consequences management, politicisation of the institutional leadership process, and contested authority between councils, management structures, external political networks, where governance becomes functionalised, academic mission becomes secondary and the university risks drifting from scholarship to survival politics.

So, it is difficult to support this report. The UAT rejects this report.

Xitsonga:

Khanimambo!

Sesotho:

Ms K L KHAKHAU: Hoi hoi, Bafana Bafana, hoi hoi! Ke a leboha, Modulasetulo.

English:

House Chairperson, institutions of higher learning are constitutionally mandated to achieve three democratic satisfactions: One, the satisfaction of the right to further education; two, the satisfaction of academic freedom and scientific research; and three, the satisfaction of redress and transformation.

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It is therefore the responsibility of all arms of state and spheres of government to ensure the total satisfaction of these mandates. So, any and all impediments to these satisfactions constitute a betrayal of the democratic project of building one nation with one future, where united in our diversity, we can all realise the freedom to be, the opportunity to live our best possible lives and the existential dream of being treated fairly, irrespective of our backgrounds.

I repeat, any and all impediments to these satisfactions must be classified as a systematic and deliberate betrayal of the democratic project. They must be classified as treason: The crime of betraying your government - your own government, and your country. House Chair, Minister Manamela, his predecessors, the ANC-led Raymond Mhlaba Local Municipality under the Amatole District Municipality in the ANC-led Eastern Cape, have betrayed the democratic project.

The ANC has for years acted as the single most prominent impediment to the democratic satisfaction of the right to further education, academic freedom, redress and transformation at institutions of higher learning. The

Portfolio Committee on Higher Education and Training's oversight visit to the University of Fort Hare proved this.

Poor students at this institution are left homeless, hungry, without basic toiletries, without book allowances, with student debt costs caused by deregistration and financial exclusions at the hands of the ANC's failing NSFAS model. When poor students from poor and black backgrounds are locked out of the doors of higher learning, this betrays the democratic dissatisfaction of redress and transformation. It betrays the democratic satisfaction of the right to further education and quite simply constitutes a betrayal of this government and our country.

House Chair, the ANC-led Raymond Mhlaba Local Municipality under the Amatole District Municipality in the ANC-led Eastern Cape government is forever without water, meaning students never have water to cook, to shower, to clean, to do their laundry, even to quench their thirst. As a result, the university has had to take over the responsibility of water supply, the constitutional mandate of local government, which is quite frankly unacceptable. This too, constitutes the betrayal of the democratic project.

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The ANC has failed to provide basic service delivery and has deliberately and continuously acted in betrayal of this government and our country. All, however, is not lost. There is still hope. Come 4 November 2026, young people will have an opportunity to vote for capable, reliable and truly democratic local governments. These governments are DA-led governments.

We can protect the democratic project by ensuring the full delivery of basic services such as water, making sure that our towns and cities work for all. So, let us all go out in our numbers and register to vote for the DA. If you are not yet registered to vote, or if you have moved since the last time you voted, visit *check.da.org.za* and make sure you are registered to vote correctly. That is *check.da.org.za*. Register to vote for the DA!

Sesotho:

Ke a leboha, Modulasetulo.

Mr S T D LOUW: House Chair, we are not here to campaign; we are here to raise concerns of our students. Students don't have access to water. Students do not have access to Wi-Fi. They don't have access to warm geyser water. People are campaigning. It is because people don't have solutions. It is

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because people are mad with nothing else but unconsciousness, and they are left with oxidation in their minds.

If we are really serious about the situation at Fort Hare, we should consciously raise the concerns of the students, and we should agree that how government operates must be conscious in teaching our people in South Africa. Yes, indeed, the Department of Higher Education is presiding over the universities, but we must agree on the systematic failures that have been done deliberately, and we must acknowledge the work of the sixth and the seventh administration of Parliament that responded.

You won't know, because you have never gone to the ground; you don't understand. You assume that you know. You assume because you don't know the challenges. We are sitting with a problem in the ANC of your former President, who has unscientifically and uneconomically caused the country this particular opportunity. You are sitting here, and he is threatening the country at the helm of not wanting to face justice. You are the first to complain about the President of the ANC implementing and practising his obligatory rights of making sure that the Constitution is effective.

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So, House Chair, let me start by saying that we are not here to play with the lives of our people. We as the ANC, as led in the Department of Higher Education, are in a renewal phase where we have been at the centre of engagements. You could have seen that we have called on the reforms of our citizens. You could have seen that we have called on those who are over 65 years old, who are vice-chancellors, who have been doing things that are not in the transcript of the law. They must therefore give space for new ideas, and we must digitise our universities.

So, I wish to say, House Chair, while others are campaigning, we will continue to monitor the situation at Fort Hare. We will continue to work close with our Department of Higher Education to make sure that students get access to NSFAS. We were the first to condemn. We were the first to go to oversight. We were the first to write. We were the first to identify problems in this particular committee.

I don't know why today we have got *Superman* and *Chuck Norris* who want to act better. We are all for the people. We are all for the plight of the students of South Africa. Hence, we are the first, with our Minister, who could have put systems into place and put administrative imperatives to deal with the

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internal controls that are inefficient. They are not efficiently dealing with the consciousness of how students want us to deliver.

So, we are not going to be misled. We are not going to be misled by those who can't even have a Chief Whip just for a one term or a month. How then can we be told and be advised by them? They are not going to advise us. They are the last because they are not even stable. [Interjections.] When your leadership is unstable and when you are unable to respond to the student issues, you cannot advise us. You can only advise us on policy matters of importance.

How do you advise us? You must tell us: How do we insert the critical policies of the economy that should respond to the plight of our students? We were the first to identify 457 to 751 students who are getting NSFAS, who have also been aligned from the poorest of the poor. We were the first to speak on the issues confronting them. Today we are confronted by individuals who can't even practice democracy in their party; who can't even balance strength.

There are more females who are Members of Parliament here. Yet they want to advise us. They cannot advise us. They are the

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last to advise us. They must go and formulate policies that are aligned with the people of South Africa. They must understand that we, as the ANC, have endured many problems with their former leader who is inconsistent in the decision-making body, and who has taken our kids to Russia. Today, we don't even know how they are going to come back, and their party continues to defend him. They see nothing wrong.

A poor President of the country's house was vandalised. People went to steal his money. He is being made to come and report that. [Interjections.] A President of a country and his family, they took ... [Interjections.]

The HOUSE CHAIRPERSON (Ms Z Majazi): Hon Louw! Hon Louw, there is a point of order. Can you please take a seat? Hon Skosana, what are you rising on? Hon members! Hon members! Hon members! Hon member of the MK, I actually want to listen to a point of order from hon Skosana. Can we please be quiet? Hon Skosana!

IsiNdebele:

Nom D M SKOSANA: Sihlalo, uyabona ngikho abanye basemazingeni aphezulu weskolo. Ngilaba. Ngabe basemazingeni aphezulu weskolo.

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English:

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Skosana! Hon Skosana, we want to proceed with the House. Can you please not raise your hand if you do not have any point of order? There is absolutely no need. Hon Louw, please continue.

Mr S T D LOUW: Thanks very much. I think before that, I missed the point. Let me also, as the ANC, raise our outraged concern on the living conditions of the student residences. As you are quite aware, the students are paying for R46 000 per annum for rooms without functioning geysers and stoves. And you also, ...

Setswana:

... Mma wee, iketle pele tlhe! Mma wee, iketle pele tlhe, ga o isi o dule mo komiting ya rona!

English:

House Chair, protect me! House Chair!

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members, we are allowed to howl and do everything, but can we not then disturb the member at the podium? [Interjections.]

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Setswana:

Rre S T D LOUW: Nna e bile wa ... Mme o wa ntshosa. Ke mogolo tota mo go nna gore a bue le nna jana. Mme o wa ntshosa, ke mogolo tota o!

English:

House Chair ... [Interjections.]

The HOUSE CHAIRPERSON (Ms Z Majozi): You can continue with your speech, hon Louw and focus on addressing the House.

Setswana:

Rre S T D LOUW: Mme o o ntlhasetse ... Mma wee! Mma mpagologe pele tlhe, ke batla go bua itsane. Mma wee, iketle pele, Mma wee! Iketle pele!

English:

As I was saying, we will continue to be at the forefront of the challenges of our students. We will consciously continue to accept the faults; we will continue to make sure that we raise issues in portfolio committees; and we will advance the interests of our people no matter how other people feel. We don't care for how long because we are dealing with the wasted nine years of your former President. We are dealing with the

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pool issue there, which he said is a fire pool. Today we must answer to the country. You must first tell us where the fire pool is. Thank you.

The HOUSE CHAIRPERSON (Ms Z Majozi): Thank you, hon member. Hon members, I now recognise the Chief Whip.

Mr G J Skosana moved: That the report be adopted.

Question put.

Motion agreed to (Umkhonto weSizwe Party, ActionSA and United Africans Transformation dissenting).

Report accordingly adopted.

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members, I request members to stand and wait for the presiding officer and the mayor to leave the chamber. That concludes the debate and the business of the day. The houses are changed.

The House adjourned at 17:53