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**PROCEEDINGS OF HYBRID NATIONAL ASSEMBLY**

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The House met at 14:00.

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

**ANNOUNCEMENTS**

The DEPUTY SPEAKER: Hon members, the first item on the Order Paper is the debate on Urgent Matter of National Public Importance in terms of Rule 130, in the name of Mr K J Mileham on the Recent Decision by the National Energy Regulator of South Africa, NERSA, to grant Eskom's Application to Retrospectively Recover R8 billion for the 2021-2022 financial year. I now recognise the hon Mileham.

**URGENT MATTER OF NATIONAL PUBLIC IMPORTANCE (Mr K J MILEHAM) :**  
**THE RECENT DECISION BY THE NATIONAL ENERGY REGULATOR OF SOUTH**  
**AFRICA (NERSA) TO GRANT ESKOM'S APPLICATION TO RETROSPECTIVELY**  
**RECOVER R8 BILLION FOR THE 2021-2022 FINANCIAL YEAR**

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Mr K J MILEHAM: Deputy Speaker, as of today, we have had 178 days without the scourge of load shedding. And while this is something to be celebrated, it is not right that we consider this to be exceptional. It should be the norm. Right now, a further 900 000 households are subjected to up to four hours of load deduction, daily. Essentially this is load shedding by another name.

I raise because it is Electricity Supply Commission of South Africa, Eskom's policies and practices that have an enormous effect both on ordinary citizens and our economy. One of the most severe impacts, is that of electricity pricing. It is often claimed that South Africa has some of the cheapest electricity in the world, that is no longer the case. Our electricity prices, now place us well amongst the top 50% of electricity globally.

Electricity prices in South Africa, have risen more than 945% over the past 17 years, far outstripping inflation. To put this in perspective, an average household using 350 kilowatt hours of electricity in 2007 would have paid just 69 Rand 30. Today they are paying 724 rand and 50 cents. And Eskom is requesting an increase of between 36 and 43%, on top of that.

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So, that same household can expect to pay more than 1000 Rand this time next year.

It should therefore be no surprise that more than 80 000 South Africans, in fact, it's now more than 100 000 South Africans, have signed an online petition to say no to Eskom's exorbitant demands for electricity price increases.

The National Energy Regulator of South Africa, NERSA, has already approved an R8 billion recovery by Eskom as part of its regulatory clearing account, or RCA determination. The RCA is a mechanism that allows Eskom to recover variances between projected and actual costs. It is intended to ensure that Eskom can cover unforeseen expenses and maintain financial stability.

This amounts to a further 4% on the current tariffs in the coming financial year. There can be no doubt that the RCA adjustments are complex and not easily understood by consumers and businesses who are just expected to cough up.

Additionally, it incentivizes inefficiencies within Eskom.

There's little motivation on the part of the utility, to manage its costs and revenues effectively, when under recovery

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in prior years can be made-up by charging consumers and businesses more in the next financial year.

Eskom's ongoing reliance on RCA adjustments, suggests that there are systemic issues within the organization that are not being addressed. But we cannot discuss the implications of tariff increases by only looking at the RCA adjustment.

When NERSA considers its multiyear pricing determination for Eskom tariffs, a large proportion of the increase is based on what is called the regulatory asset base. This represents the value of Eskom's assets used in electricity generation, transmission and distribution. It is a critical factor as it is a single largest component of Eskom's allowable revenue and consequently the tariffs.

Concerns have been expressed about the overvaluation of Eskom's tariffs, which artificially inflates the Regulated Asset Base, RAB, and leads to higher tariffs. This overvaluation is estimated to be in the region of R500 billion. An example of this are the corruption and cost overruns of Medupi and Kusile, which ran more than 154 and 146 billion Rand over budget, respectively.

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These overruns have been attributed to various factors, including design flaws, corruption and delays. In other words, Eskom's inefficiency. Now last week, NERSA, confirmed that it does seek to take inefficiencies out of the tariff determination. But then, in an astounding about face in the very same presentation, the regulator stated that debt servicing costs, which include those self-same overruns and inefficiencies, were still part of the tariff determination.

It's a well-known fact that Eskom carries some R400 billion in debt and it is its customers who are paying the cost of that. Even when it is its own internal issues that have caused the problem in the first place.

Over the past 10 years, Eskom received approximately R242 billion in bailouts from the national government. This included various financial support packages aimed at stabilizing the utilities operations and addressing its debt issues. And for the next 10 years, Eskom is set to receive a further 254 billion in debt relief. That's half a trillion Rand to prop up an entity that has a near monopoly on South Africa's electricity supply. What this means is that taxpayers are paying twice for Eskom's poor decisions. Firstly, they pay

in the form of bailouts and then they pay again when they buy their electricity.

Mr Ramokgopa often refers to the energy trilemma. This relates to the challenges of balancing three key aspects of energy policy, namely energy security, energy sustainability and energy affordability. Put simply, energy security is about ensuring a reliable and uninterrupted supply of electricity.

Energy sustainability is about reducing the environmental impact of energy production and consumption, usually by transitioning to renewable energy sources such as wind, solar and hydro.

Most relevant to today's debate, however, is energy affordability. The energy trilemma impacts significantly on electricity pricing. From an energy security perspective, our aging infrastructure and frequent load shedding have necessitated substantial investments in maintenance and upgrades. These costs have been passed on through higher tariffs and bailouts.

The transition to cleaner, more sustainable energy sources, requires significant upfront investment. While this shift is

crucial for reducing greenhouse gas emissions, even the upgrades to existing generation plants have resulted in large financial outlays and more expensive electricity. And from an energy affordability viewpoint, rising electricity prices disproportionately affect low-income households, making it harder for them to afford basic electricity needs.

Today you're going to hear certain members blame the rising cost of electricity on the increased usage of renewables. This is disingenuous. It is a fact that the earlier bid windows of the renewable energy independent power producer's procurement program in the earlier bid windows renewables were more expensive than fossil fuels.

However, that is no longer true and from bid window 5 onwards, the cost of electricity from these independent power producers has been lower than that of coal. This was confirmed last week by the Minister of Electricity and NERSA.

Others will suggest hypocritically that the rising cost of generation at Eskom is linked to the increased cost of coal. It's a matter of public record that the optimum coal to get a deal for which Eskom forked out R586 million in upfront prepayments, so that the Gupta linked company could purchase

optimum coal mine resulted into ... [Inaudible.] ... supplying coal that was substandard and did not meet Eskom's requirements.

This impacted on the operational efficiency and maintenance of the coal-fired power plants and may have worsened the effects of load shedding and further exacerbated the financial crisis which has ensued, thereby increasing the cost of electricity.

Minister, the reality is the electricity pricing policy is decades out of date. The NERSA's methodologies are inadequate, and the regulator does not heed the advice of their internal electricity experts. Furthermore, they are slow to respond to a changing, diversifying and competitive electricity market.

As the DA we, today call for an urgent review of how electricity sector is structured. A clear picture of what the role of the national transmission company is in terms of procuring electricity, and where Eskom fits into that picture.

We need to have a dialogue on how NERSA determines the tariffs and what can be done to foster greater transparency. And we need to ensure that those tariffs are implementable and can withstand rigorous scrutiny. For far too long, the tensions

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between nersa and Eskom have resulted in court cases, disputes and rulings that have ended up costing you and I and every member of the public, more.

It has now reached the point where ordinary South Africans are being forced to choose between having electricity or putting food on the table, between having petrol in their car or power in their home. As Parliament and as government, we need to be doing everything we can to make electricity more affordable.

The DA will not allow these tariff increases to stand unchallenged. We will fight for the right of every South African to have access to affordable electricity. Thank you.

Ms N Q MVANA: Deputy Speaker, we have to put facts here, not wishes, understanding as the ANC, that electricity tariffs are very high. However, let me get into this. The dominant market position of Eskom and the constant regulatory intervention by the National Energy Regulator of SA, NERSA, to control electricity price, has always caused political tensions between parties, like it is now, that are trying to defend the electricity from politically motivated interference by the state and those that wish to retain state regulation and control over the electricity market. The parties that support

free electricity market raised an unjustifiable concern that the escalating electricity tariffs in addition to the proposed 36,15% tariff increase for 2025-26 financial year reflects the existence of very high levels of inefficiencies in the electricity market, implying that both Eskom and NERSA are the best imprecise and at worst spectacular failures of state intervention.

Contrary to what is commonly believed amongst parties, they support a free electricity market, the current-based methodology commonly known as the multiple year price market determination, and its a method regulatory clearing account was, in fact, a good methodology to determine Eskom's revenue. allowance when it was introduced, given the stage of development in which has Eskom and electricity market were at that time. More crucially, Multi-Year Price Determination, MYPD, that is the methodology, is framed by the poster informing the Electricity Registration Act and the electricity pricing policy as the Minister during this week was continuously saying that we definitely have to review the electricity policy. So, that is all known, or better put the Electricity Regulation Act and the Electricity Pricing Policy, EPP, provide the rational for the MYPD methodology, and in

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turn, Eskom and NERSA use this methodology as the main source of their legitimacy.

The implication here is that policy making, rather than Eskom and NERSA accounts for these escalating electricity tariffs, thereby necessitating the need to amend and review the electricity regulation and the Electricity Pricing Policy, EPP, I repeat that one. In short, despite the many distortions, NERSA has the technical competence and analytic capacity to regulate electricity tariffs that are economically desirable at lower levels are politically impossible to deliver due to the policy misalignments that require extensive and requisite reforms. The first reason is that methodology falsely presumes that NERSA has control over the two components of revenue, namely, price and cost. The NERSA can effectively guarantee Eskom revenue allowance based on setting an average electricity tariffs forecast sales. Whilst NERSA uses a return on asset formula to determine what Eskom can claim for cost to run coal, which already during the week was said that they understand that they are having high prices of coal, and the Minister answered on that. Eskom's anticipated revenue allowance is unrealistic collectable due to the escalating municipal arrears debt, which has reached

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uncomfortable high levels, resulting in a revenue shortfall to cover Eskom planned expenditure in current operating.

The NERSA is compelled to fulfil its promised revenue allowance by allowing Eskom to recover R8 billion through its regulatory clearing account for the 2021-22 financial year, thereby translating into 4% electricity tariff increase, which can be recovered during 2025-26 financial year or in future. The NERSA's failure to fulfil Eskom promised revenue allowance often triggers the national utility to approach the courts for relief since the development of MYPD methodology is not aligned with the status of the law or binding to courts. The second reason is that the MYPD methodology lumps together utility cost across the generation, transmission and distribution values chain to determine Eskom's revenue allowance, which is then divided forecast volume sales to set an average electricity tariff. This average of cost inherits the methodology which is inconsistent, with the actual cost incurred by Eskom, and thereby limits the social benefits of electricity use and undermines the policy intention of affordable access to electricity since the methodology socialises all cost, resulting in average electricity tariffs that are too high for the poor and working-class household.

Not surprisingly, the methodology not only sends incorrect tariff signals to Eskom and end users, but also falls short in providing stable electricity tariff. The Eskom Debt Relief Act 2023 provides relief of R254 billion towards Eskom debt, servicing cost in case in point. Energy studies that analyse the escalating electricity tariffs confirm that the operation of the electricity distribution value chain undermines the government's goal of energy justice and affordable access to electricity. In short, the electricity distribution value chain is the final arbiter of who in is included and excluded from electricity. The bottom line is that municipalities pay more compared to those that are directly buying electricity from Eskom straight. In short, rest on several fundamentally flawed proposition. For example, whilst Eskom increases its electricity tariffs from 1 April, it can only increase tariffs to municipality on July due to the requirements of the Municipal Finance Management Act, MFMA.

In turn, this slag leads to under recovery by Eskom from sales to municipality, which requires a higher bulk tariff increase to municipality since the outstanding revenue must be recovered within nine- or 12-months period. Consequently, the cycle of rising municipality tariffs ensues, thereby creating incentives throughout society. In summary, whilst the ANC

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sympathises with popular resentment against electricity tariff increases and is combined to finding useful solutions to this crisis, the party is not independent on competent regulator. Moreover, parties like DA in Parliament, have indirectly refrained from lobbying NERSA as this may be particularly risky, and as we do not want the electricity industry which is being reformed to be too weak and too prone to be captured by the investors. The unfortunate thing is that the member that was just here previously, knows exactly what it is that is happening in terms of this methodology that has been used by NERSA and Eskom. Thank you very much.

*Setswana:*

Rre M K B MOLEFE: Ke go dumedise Motlatsammusakgotla.

*English:*

Hide nothing from the masses of our people. Tell no lies. Expose lies whenever they are told. Mask no difficulties, mistakes, failures. Always bear in mind that the people are not fighting for ideas, for the things in anyone's head. They are fighting to win material benefits, to live better and in peace, to see their lives go forward, to guarantee the future of their children.

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That is what was said by Amilcar Cabral. Eskom has requested for an R8 billion claw bag from the revenue determination that National Energy Regulator of South Africa, Nersa, had previously approved. This claw bag has been approved by Nersa. By doing so, Nersa has acknowledged that its previous estimation of Eskom revenue is different from the actual outcome of revenue from Eskom's operations. The accounting profession calls this a budget variance. Statisticians call it an estimation or a prediction error.

What we are considering today is whether a prediction error of R8 billion is acceptable or not. The MK party's view is that a variance of prediction error of R8 billion is not a trivial matter. In fact, it does not qualify to be called an error. It is a fundamental error in estimation. It points to a fundamental flaw in the revenue estimation model of Nersa. More importantly, it points to the fundamental flaw in the operating model of Eskom.

We all know that the single biggest expenditure item in Eskom's books is the cost of primary energy. We also know that the biggest source of energy in South Africa is coal. About 85% of energy comes from coal by the amount of energy that is produced. However, by value in rand terms, coal is 90% in

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Nersa's revenue determination model. So if you tamper with any of the other things, you're not doing anything. You have to go to the source, which is coal. This means that the price at which Eskom purchases the coal has a direct bearing on Eskom's cost, and therefore the price of electricity that the consumer pays.

Eskom, as a large consumer of coal with numerous suppliers has the ability to negotiate - at least in theory - the ability to negotiate in its favour the price at which it purchases coal. This in theory makes Eskom a quality regulator of the price of coal.

The DEPUTY SPEAKER: Hon member at the podium, could you please take your seat. There is a point of order. Hon Mileham?

Mr K J MILEHAM: Madam Deputy Speaker, would the hon member take a question?

The DEPUTY SPEAKER: Hon Molefe, are you prepared to take a question?

Mr M K B MOLEFE: No, I will not Deputy Speaker.

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The DEPUTY SPEAKER: The hon member is not prepared. Please proceed, hon member.

Mr M K B MOLEFE: Eskom should not be a price taker in the coal industry. It should rather be a price maker. Yet in reality, the opposite is true. Eskom officials rarely stand up to the bullying by rich coal mining companies who do not hesitate to use political and other forms of pressure to force exorbitant coal prices down the throat of the Eskom officials. The outcome of this is that the resultant high price of electricity is in fact a transfer via Eskom and Nersa of money from the clients of Eskom - especially the poor - to the rich coal mining companies that feed their insatiable appetite for profit. To put it crudely, Eskom and Nersa are just conduits which extract money from South African citizens - especially the poor who are surviving on minimum starvation wages - to give to the rich coal mining companies ...

*IsiXhosa:*

... ooNgxowankulu.

*English:*

The R8 billion approval that Nersa has approved and which we are today clutching at each other's throats is in simple

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terms, money that Nersa as a conduit will be taking from the poor working class South Africans to give to the super rich coal mining companies to feed their thirst for profit. The MK party believes that it is the price of coal that should be regulated, and not the price of electricity. After all, coal is a natural resource that South Africa has endowed with. Government issues the licences to mine coal and then buys it from the licenced mines through its 100% ownership of Eskom.

We believe that South Africans have a right to enjoy the electricity that is generated through Eskom and the coal that is a natural resource. A state-owned company without having to pay the exorbitant prices through a system that is akin to an extortion racket. The cost of renewables is part of allowable revenue in the Nersa price determination model. Although the cost of renewable energy is decreasing, they remain relatively high and renewable energy sources do not yet have a solution for their problem of their stop stud nature. They are intermittent. The cost of this stop stud nature of renewables in the system is not built into the revenue calculations, but its effects are felt by the consumer.

Renewable Energy Independent Power Producer Procurement Programme, REIPPPP, contracts are designed in a manner that

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forces Eskom to buy whatever they produce, even when they are not needed and when the system has a surplus energy, Eskom is still forced to buy from REIPPPP. In addition, National Treasury provides sovereign guarantees in favour of this renewable companies.

National Treasury has promised to pay these companies in the event that Eskom is unable to buy their electricity or pay them. The value of these guarantees to these companies is currently sitting at about R900 billion. As the MK party, we are curious to find out as to who are those who breathe the air that we breathe but walk around with sovereign guarantees of R900 billion in their back pockets. Perhaps Parliament should initiate an inquiry into the issue of the ballooning of the state's contingent liabilities.

The exposure to this risk is not a trivial matter that should be taken lightly. It is an issue that might well end up driving our republic into bankruptcy if we do not ask the difficult questions and seek to fully understand its implications and the motives of those that are driving us into a contingent catastrophe.

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The Nersa price determination methodology allows for recovery of diesel caused by Eskom where it is found that the use of diesel was prudent and unavoidable. The Open Cycle Gas Turbine at Gourikwa and Ankerlig were however designed to also use gas and not diesel. They require a small modification for them to use gas, which is much cheaper than diesel. The decision to make that conversion was taken by management and the board of Eskom many years ago, but never implemented.

The cost of diesel can never be prudent as long as Eskom is refusing or unable to convert Ankerlig and Gourikwa to allow the use of gas to run turbines. It would appear that there are interests that are served by the use of diesel during load shedding. We do not support the recovery of diesel costs in this process. As the President General of the ANC, Comrade Oliver Reginald Tambo, said in a message to the external mission in 1971:

We, who are free to eat and sleep at will, to write, to speak, to travel as we please; we, who are free to make or break revolution, let us use our comparative freedom, not to perpetuate the misery of those who suffer, nor give indirect aid to the enemy they fight by withholding our own contribution.

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Thank you.

Mr E V BAPTIE: Hon Chair and hon members, today we address a critical issue of national importance and that is the electricity tariff hikes which will force millions to make an impossible choice between food and electricity. As representatives of the people we cannot ignore the devastating impact that these electricity tariff hikes will have on South African households and on South African businesses. They are already struggling under the weight of economic pressure and a cost of living crisis. Eskom's request for a 4% increase which has been approved by the National Energy Regulator of SA, Nersa, totalling some R8 billion, may be concerning on its own. However, a further proposal for 36% in 2025 is nothing short of an attack on the very livelihoods of millions of South African citizens.

This debate is not just about balancing Eskom's books. It's about ensuring that electricity remains accessible and affordable for all in this country. Municipalities play a crucial role in electricity distribution. They purchase bulk electricity from Eskom and they distribute it to their residents and to their businesses. They rely on that revenue to generate funds for essential services. In well-functioning

municipalities this model works well. We see this in the City of Cape Town and municipalities like Midvaal.

Unfortunately, it's not the case across the whole of South Africa. Many municipalities are failing to manage their finances responsibly. This leads to escalating debt. In 2023 municipalities owed Eskom R82 billion. This is unsustainable and it directly contributes to the increasing cost of electricity because when municipalities fail or default on payment to Eskom the utility is left with a shortfall that must be recovered elsewhere. Inevitably, it means that Eskom seeks further tariff hikes, placing the burden on all consumers.

This vicious cycle of mismanagement and rising costs will continue unless we confront the inefficiencies that are crippling our local governments. The proposed 36% increase, if it is approved, will push South Africans into an even deeper crisis. Energy poverty is already a reality for millions and this increase will force even more households to make that choice between buying electricity and meeting basic needs like food and housing.

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The DA's local government mayors have made it clear in their submissions to Nersa that this proposal is not only unacceptable but it is morally indefensible. Moreover, the rising electricity costs will have a ripple effect across our economy. Businesses, particularly small and medium ... businesses, will face skyrocketing operational costs, forcing many of them to close their doors. Unemployment will rise from the already staggering 32,9% and our local economies will suffer, forcing many people into a life of poverty.

Municipal inefficiencies compound this crisis. Many municipalities have failed to maintain accurate financial records. They have neglected their basic maintenance of infrastructure. They are unable to collect revenue for the services that they have provided and this failure puts increasing pressure on those municipalities to meet their obligations to Eskom, and ultimately forces Eskom to raise its tariff, leading to higher costs all around. For example, municipalities must provide Nersa with a cost of supply report to justify their tariffs. In 2023, 101 of the 177 municipalities could not do so and this led to inaccurate tariff determinations that hurt consumers.

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It is essential to highlight that a recent High Court ruling found that Nersa's considerations of municipal electricity tariff increases without the required cost studies was invalid. The judgement confirms what many have long suspected. Nersa has failed in its regulatory duty to protect consumers from unjustified tariff hikes and to act as an impartial referee in making tariff determinations.

Without proper cost studies, municipalities have been allowed to charge random rates, further distorting electricity prices and contributing to the unaffordable increases that we are now facing. This regulatory failure must be urgently addressed. It adds to the inefficiencies and mismanagement at municipal level, and it adds yet another layer of burden to South Africans.

We must demand accountability from both Nersa and from those municipalities to ensure that the process of determining tariffs is transparent, fair and based on actual costs. The mismanagement must stop. We cannot continue to tolerate a situation where South Africans are forced to pay more because their local governments are failing to carry out their duties and do the work that is required of them.

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It brings us to a fundamental issue and that is the need for a more competitive energy market. The DA has long advocated for opening up South Africa's energy sector to independent power producers. This will create competition, drive down costs and hence improve service delivery. Municipalities must be encouraged to incentivise and purchase energy directly from these producers, allowing for a more diversified and resilient energy system. The current monopoly that Eskom has of generation and distribution is no longer tenable. A competitive market will force efficiency, create alternatives for consumers, alleviate the burden on municipalities and relieve them from what they are currently locked into, which is a system that is failing them and their residents.

We cannot in good conscience accept Eskom's proposed 36% tariff increase. The DA stands firmly against this unjustifiable hike. We will continue to fight it tooth and nail. Mayors across the country ... [Time expired.]

Mr M N PAULSEN: Thank you, Deputy Speaker and thank you, hon Mileham for sponsoring this debate. I think it's very necessary. What I do find ironic though is that where the DA governs in the City of Cape Town, residents pay the highest per kilowatt hour of electricity at R3,76 for prepaid

customers and R3,48 per kilowatt hour for conventional customers. In addition, here in the City of Cape Town there is a R252,09 service charge for all properties valued at over R1 million. The average household consumes 900 kilowatt hours of electricity per month, costing Capetonians R3 509,89 including service charges.

By comparison, eThekweni Municipality charges residents R2,97 per kilowatt hour of electricity, whether they are prepaid or conventional. eThekweni does not burden residents with any additional service charges. For 900 kilowatt hours of electricity, eThekweni residents pay R2 671,44, almost R1 000 cheaper. It costs the municipality between 94 cents per kilowatt hour during off-peak hours and R1,98 for standard times. Municipalities are already making a profit based on what they pay for electricity and what they charge residents.

*Afrikaans:*

Agb Mileham, dit word al hoe duurder vir arme gesinne om in Kaapstad te oorleef. Baie inwoners moet kies of hulle 'n halwe brood gaan koop en of hulle ses eenhede elektrisiteit gaan koop. Omdat elektrisiteit 'n inset vir alle goedere en dienste is beteken dit dat die lewenskostes baie duurder vir Kaapenaars as vir ander Suid-Afrikaners is.

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*English:*

Cape Town implemented a 9,6% tariff increase for 2022-23 compared to the 7,4% increase approved by Nersa and for 2023-24 it implemented a 17,6% hike compared to the approved 15,1%, a whole 2,5% more.

For the past two years, the city has been quietly litigating against Nersa at ratepayers expense for court permission to ignore the nationally regulated tariff. In other words, consumers are funding the city's case to be able to charge them extra. If the City of Cape Town loses its court battle against Nersa, which it will, they would have to refund consumers for overcharging them for the past two years.

The DEPUTY SPEAKER: Hon members? Hon members?

Mr M N PAULSEN: The City of Cape Town did not apply for an interim order to charge a tariff in excess of that approved by Nersa. The unilateral implementation of an unapproved tariff by the City of Cape Town is unlawful and in breach of its distribution licence.

On the 22nd August 2024, residents of Lavender Hill here in Cape Town brought traffic to a standstill along Prince George

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Drive to protest against the high electricity tariffs.

Protesters formed a human chain in the middle of the road, stating that they have less money to buy food because they are paying more for electricity. This grand coalition between the ANC and the DA suits you because you can be skelm [sly] together. However, I'm warning you, Minister, that when we revolt, we revolt simply because for many reasons we can no longer breathe.

Eskom initially applied to recover almost R24 billion for losses it incurred for the year 2021-22 but Nersa approved only R8,1 billion. This is still too much. South Africans are now burdened with having to pay for Eskom's past failures and inefficiencies. Eskom's inability to supply reliable and affordable electricity played a huge role in the lack of economic development and job losses. A recent research document published by Prof Haroon Borat and Dr Timothy Köhler of the University of Cape Town highlights the significant negative impact of load shedding associated with unemployment.

The DEPUTY SPEAKER: Hon member at the podium, please take your seat. There's a point of order. Hon Michalakis?

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The CHIEF WHIP OF THE SECOND LARGEST MINORITY PARTY: Hon Deputy Speaker, heckling is allowed within certain bounds. I just want you to rule that even if there is heckling happening ... I heard a comment of shut up and shh, shh, from the other side. Members are within their right to heckle ... Members are within their right to heckle ...

The DEPUTY SPEAKER: Hon members?

The CHIEF WHIP OF THE SECOND LARGEST MINORITY PARTY: ... and if their member cannot make his speech ...

The DEPUTY SPEAKER: Hon members, order. Order! Hon members, order! I could not hear the last part of the point of order as there was an ... Hon member, order! I cannot react to a point of order if you are interrupting and I cannot hear. So, I ask members on both sides, because the interaction was on both sides, to be orderly please. Hon Michalakis, please ... the last part of your point of order.

The CHIEF WHIP OF THE SECOND LARGEST MINORITY PARTY: Deputy Speaker, can you please rule on members shouting at other members to shut up?

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The DEPUTY SPEAKER: Thank you, hon Michalakis. Hon members, I will now first rule on that before I take any other points of order. It is unparliamentary for members to say shut up. I did not hear that because it is on the floor and I could not hear it over a microphone but I will come back to the House ... Hon member! Members of the EFF, I would like to make a ruling but I cannot do anything if you keep on interrupting. You also have points of order. So, please allow me to do what I have to do. Right now I'm dealing with the point raised by the hon Michalakis. I will recognise you when you raise your hand.

Members, telling someone to shut up is not parliamentary. It is not in order. Now, as I said I could not hear that because it is on the floor but I ask both sides of the House to please maintain the decorum of the House. We are busy with a very serious debate, a very serious topic affecting the people of this country. So please do not let it degenerate. Hon Ntlangwini?

Mrs E N NTLANGWINI: Deputy Speaker, you know it's so ironic that each afternoon we have to remind you DA presiding officers what that seat that you have there entails. It entails an unbiased attitude towards all Members of Parliament.

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I have been pointing at you because I didn't want to stop the hon Nazier Paulsen during his debate. I have been pointing at you ... the noise that is coming from the DA and the interjections that are coming from the DA, and you looked bluntly at me. Throughout his speech the hon Nazier had to scream.

Now, if you are going to make your rulings in this manner we are going to have a problem because we can't come to this House each afternoon and remind you DA presiding officers to take that seat that you have there and the role that you have seriously. Stop these biased rulings towards your political party and be fair in your rulings. You heard the way Nazier even had to raise his voice. You heard that. You never stopped any of the members of your political party who were making interjections and noises but as soon as the EFF reacted to their member being treated like that you were very quick to come in and say it's from both sides. It was never from both sides. The EFF never interjected any of their members because we wanted ... though that speech like that ... and we had to say to them, shh. There was never ... shut up. But they are rude like that. They behave as if this is their House and they can do as they please. Not on our watch, and we will not

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tolerate this each and every afternoon. You are poking the bear. You are poking the bear. Don't do it.

The DEPUTY SPEAKER: I will recognise you, hon Reddy and hon Skosana. Hon Ntlangwini, you will recall that when you put out your hand – that is not raising a point of order – I did in fact call for order. So, there was a reaction. If you are unhappy with the way in which the presiding officers preside, please take it up by writing to the Speaker and also take it up with the Rules Committee. Please do that.

However, I also do not think that it is part of the decorum of this House that threats are made. It is unacceptable. We do not threaten presiding officers or the House. You will well know that it is against the Powers, Privileges and Immunities of Parliaments and Provincial Legislatures Act. So, please make use of the existing fora. You will also recall that I admonished both sides of the House but I could not proceed and I could not be audible because of a certain party making it inaudible. So, please practise the things that you complain about. Hon Reddy and then hon Skosana.

Mr V G REDDY: Madam Deputy Speaker, I would like you to go back and possibly give us a ruling on this at a later date. It

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is on the use of the words shut up. There is a booklet that was published which we have all gone through. It's parliamentary expressions ... acceptable and not. The words shut up have not been declared unparliamentary. I would like you to go and have a look at that, and possibly seek advice on it, and report back to the plenary.

The DEPUTY SPEAKER: Hon Reddy, in terms of those unparliamentary words, that changes with time. It is also one of the functions of a presiding officer to declare something unparliamentary. I have not declared it. I just said that it is not in the decorum ... I have not made a specific ruling. I also said it's because I could not hear before I ... However, it is not something that is suitable to the decorum here. Hon Skosana?

Mr D M SKOSANA: Madam Deputy Speaker, the hon Michalakis said shut up. Can you ask him to withdraw that please?

The DEPUTY SPEAKER: Hon Skosana, he did not say shut up. He used it in reporting what he had allegedly heard. I can also not ...

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Mr D M SKOSANA: I heard him very well. I heard him very well. He said shut up.

The DEPUTY SPEAKER: I did not hear that, so I will have to go back to the records to listen in order to hear whether in fact it was said. Hon members, we are not going to continue with this now. Hon Paulsen is sitting there. He has to complete his speech. So, can we please proceed, hon Paulsen?

Mr M N PAULSEN: Eleven years ago on 26 July 2013, the EFF stated that the stabilisation of energy sources, in particular the supply of electricity, is important for an economic development strategy that will include the development of more industries. We further stated that the South African state should intensify the efforts currently in place for sustainable and consistent energy provision while other means of energy generation should be explored. This includes further research on how energy derived from uranium can be transferred into sustainable, environmentally friendly electricity for industrial development, public purposes and for the use of households.

In our 2024 election manifesto, we stated that if the EFF is elected to government we will authorise Eskom to take over the

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distribution of electricity from municipalities. This would prevent greedy municipalities like the City of Cape Town from making profits off our people. Thank you very much but we would reject ... As I've warned you, Minister, we will take to the streets if you should continue with these massive increases in the cost of electricity.

Mr K P SITHOLE: Hon Deputy Speaker, the IFP is of the view the National Energy Regulator of South Africa, Nersa's, decision is not merely a financial adjustment, but a reflection of broader issues plaguing our country's energy sector and economic stability. Due to corruption, mismanagement and a lack of a strategic vision, our country's energy supply has become unreliable, and unsustainable and unable to support our efforts and be effective in a growing economy.

The IFP stands firm in its position that Nersa's decision exacerbates the already dire situation for South African consumers and businesses. We have consistently argued that Eskom's financial management and efficiency should not be passed on to citizens already gripped with high living costs, unstable power supply and escalating electricity prices.

*IsiZulu:*

Ngqongqoshe, kuleli viki eliphelile Ekurhuleni, ugesi uhambe amahora amahlanu. Uhambe kusukela ngehora lesihlanu ukuya kweleshumi.

*English:*

Recently electricity tariff hikes have strained household budgets and small businesses, many operating on the brink of collapse. This decision sends a troubled message about accountability within Eskom, which has a well-documented history of mismanagement, corruption and inefficiency.

Granting Eskom this recovery mechanism without addressing the underlying system issues fails to incentivise necessary reforms and accountability. We need a clear, transparent process that ensures Eskom is held responsible for its failures rather than allowing it to pass the cost on to the consumers.

Furthermore, the broader economic net effect of this decision cannot be ignored. Higher energy costs contribute to inflationary pressures affecting every sector of the economy. As businesses face increased operation costs, they may be forced to reduce staff, cut back on services and even close.

This, in turn, affects job creation and economic growth, further destabilisation of an already fragile economy.

There is a dire need to stabilise the electricity power grid. The IFP believes that alternative solutions should be explored instead of burdening the public. Nersa and Eskom should focus on implementing strict and cost-controlled measures, enhancing efficiency and rooting out corruption within the utility.

Additionally, exploring diverse and stabilised energy sources could reduce the independence of Eskom and mitigate future financial crises. Ensuring Eskom's financial health is crucial in preventing more severe corruption, and energy supply and supporting the country's economic stability in future.

We call for an assessment of this decision, transparent processes managing Eskom's finances and a robust plan for addressing the underlying issues within the utility. We urge the Nersa and relevant authorities to consider broader economic implications and to prioritise the interests of the South African people who are bearing the brunt of these financial decisions.

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If the regulator grants Eskom's request, it will force the people of South Africa to choose between buying food and meeting electricity payments. Hon Minister, ...

*IsiZulu:*

... isikhathi manje sokuthi imali ikhuphuke inomakanjani ngicela ukuthi uhambe uyokubheka kabusha. Ngiyathokoza.

Ms S G KHOJANE: Deputy Speaker, Minister, Eskom is there to provide electricity to the public, but they also need to be profitable by selling electricity to the public who currently cannot afford it. Why can't citizens afford electricity? By 2001, Eskom went from a public utility to operating as a private company. This resulted in recovery models, which means that consumers now cover the cost of electricity generation and supply.

By 2007, the government realised that not building new power generation was a grave mistake. At the heart of everything, misgovernance in municipalities, and misappropriating funds, means that the government fails to provide affordable electricity and free basic electricity to the poorest people. With the decreased revenue and the increased debt, Eskom now continuously applies for tariff hikes and recoveries.

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The Regulatory Clearing Account, as a recovery mechanism, is there to prevent further deterioration of Eskom. They will allow for an adjustment between forecasted revenues and actual expenses so that Eskom can continue to operate and invest in infrastructure. But at the same time, Eskom also faces rising costs on multiple fronts, such as the maintenance of ageing infrastructure and the cost of emergency power generation. And this is a result of not implementing the policies already in place to sustain Eskom. Regular maintenance at plants, political interference as well as corruption. During 2021 and 2022, we faced unprecedented load shedding, which negatively affected the economy, businesses and citizens. If you couple that with high unemployment, high cost of living, and pensioners who are unable to afford anything these days, can we ask people to pay more?

Many South Africans also face a situation where purchasing R100 worth of electricity only yields 36 units due to excessive tariffs. Illegal connections also remain widespread despite a recovery of R8,1 billion. However, there is no clear plan to address these issues. Minister, from 2007 to 2022, the electricity tariffs have increased by an astounding 653%, while inflation during the same period was only 129%.

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The quadrupling of electricity costs in real terms is unsustainable and citizens are bearing the brunt of Eskom's financial mismanagement. The department should also do more to inform South Africans, especially the poorest communities, on how they can reduce electricity consumption and lower costs. We need large-scale campaigns to teach the public about energy-efficient practices. Consumers must be aware that they must choose appliances with an A-rating model label that uses less electricity but performs the same task. The public must also know that many appliances continue to use electricity even when they are turned off but still plugged in. This standby power can account for up to 10% of the home's electricity usage.

Minister, we can stand here and highlight all the negative impacts of Eskom's mismanagement, but we need a serious overhaul. There must be strong accountability for Eskom's failures and there cannot be political interference. The government must protect the citizens from soaring electricity costs. Our strategy cannot be to rely on continuous bailouts.

In mitigating load shedding, you've kept the lights on since the elections. With the exception of communities that still face load reduction. But the electricity cost is still too

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high. As an engineer, your focus is always on solutions. You know where the problem lies, and you know how to fix it once and for all. If we want the public to trust us, then we must show them that we root out corruption and turn Eskom into a world-class economy. Thank you. [Time expired.]

*Afrikaans:*

Dr W J BOSHOFF: Agb Adjunkspeaker, toe ek skool gehou het, het daar dikwels 'n kind na my toe gekom en presies verduidelik hoekom dit glad nie sy skuld is dat hy nie vir hierdie toets kon leer nie. Dan het ek vir hom gesê, dis miskien nie jou skuld nie, maar dit is jou probleem. Eskom is ons probleem, al is dit nie ons, as gewone burgers, se skuld is vir die toestand waarin hy is nie.

Energie, as 'n kommoditeit, verras mens eintlik dat die prys daarvan juis in die Parlement bespreek word, want kommoditeitspryse word in die mark bepaal. Daar is natuurlik 'n goeie rede hoekom kragpryse 'n geadministreerde prys is en dit is 'n feit dat daar een enkele geweldige groot oorweldigende verskaffer is van elektrisiteit is vir wie niemand juis kan vra watter vinger hy wil hê nie.

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Dit beteken dat Nersa in kom en alle belange in ag neem. En as Eskom aansoek doen vir 'n tarief, keur hulle dit dan goed, of af of hulle wysig dit dan.

Dis belangrik om daarop te let dat so 'n geadministreerde prys nie noodwendig 'n arbitêre prys is nie. Dis maar baie soos die petrolprys wat elke maand opnuut die vorige maand se koste in die volgende tarief in ag neem. Dis net oor 'n langer termyn.

Wat belangrik is is dat dinge by Eskom skeef geloop het. Dis natuurlik belangrik dat so veel as moontlik mense krag moet hê, selfs al kan hulle dit nie bekostig nie. Dit moet dan 'n maatskaplike uitgawe wees en nie Eskom se besigheidsuitgawe nie.

Dan is daar die swak aanstellings en nie te veel bestuursaanstellings nie. Die baie bestuurders kos nie so veel as jy na die totale omset van Eskom kyk nie. Die probleem is dat hulle sulke swak besluite geneem het. Nou kom ons op die punt waar ons sê dat Eskom se skuld staatskuld is, of dit nou direk deur die staat oorgeneem word as die sogenaamde "bailout" of 'n reddingsboei en of dit as Eskom as 'n staatsonderneming se direkte skuld word. Dit bly staatskuld

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Ons gaan op een of ander manier daarvoor betaal. Ons gaan daarvoor betaal deur hoër tariewe of as ons nie gaan nie, gaan ons daarvoor betaal deur belasting, maar betaal gaan ons betaal. Dit is nie ons skuld nie, maar dis ons probleem.

Nou wat interessant is is die geweldige verskil wat private opwekking van krag oor die afgelope jare gemaak het. Daar is lede en hulle dra dikwels rooi klere, wat glad nie van private opwekking hou nie en wat sê dat dit onbetroubaar en wisselvallig is. Net gister het daar 'n baie interessante studie uitgekom wat sê hoeveel krag gespaar is deurdat daar selfs helder oor dag wanneer daar te veel krag opgewek word op huise en geboue se dakke, daai krag gebruik kan word om die sogenaamde "pump storage", die hidroëlektrisiteit, wat afkom en wanneer daar surplus krag is dan weer boontoe gepomp word, om in spits tyd weer af te kom, ons eintlik hier twee tot drie fases van beurtkrag gespaar het.

Nou, wat het nou eintlik gebeur? Wat in werklikheid gebeur het is dat mense hul eie krag ingesit het, eers om beurtkrag te voorkom en toe omdat dit hulle minder kos, omdat dit vir hulle goedkoper is. Daarmee het 'n geadministreerde prys, in effek, verander in 'n vrye mark. Mense kyk maar of hulle hierdie

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geadminstreerde prys kan bekostig. As hulle nie kan nie, dan maak hulle n plan.

Ek woon in 'n gemeenskap waar die hele gemeenskap saam 'n groot battery opsit. Dit is iets wat ek op my eie nie kan bekostig nie, maar as 'n gemeenskap is dit moontlik. Dit is die keuses wat ons maak.

Ek wil sê, groot toesprake is lekker, maar elektrisiteitselfstandigheid is lekkerder.

Ms M P KOBE: Hon Deputy Speaker, South Africa is facing an escalating crisis. Persistent electricity tariff increases compounded by economic stagnation and unemployment has further punched our people into poverty and despair.

Over and above Eskom's outrageous request for a 36,15% tariff hike from customers, National Energy Regulator of SA, Nersa's decision to allow Eskom to recover an additional R8 billion from its regulatory clearing account will result in a further 4% tariff increase in 2025, bringing the total tariff increase to over 40% next year.

These combined increases will further devastate already struggling households, making basic electricity an unaffordable luxury, straining millions of businesses and further weakening our fragile economy, where South Africans are expected to pay a further 40% for electricity.

From 2007 to 2022 Eskom's tariffs have skyrocketed by 450%, vastly outpacing inflation, which has only increased by 129%. This disproportionate quadruple rise in energy costs has crippled household budgets, forcing South Africans to make the impossible choices between paying for food or electricity.

These escalating prices reflect the unchecked inefficiency of Eskom monopoly, which continues to pass the cost of its corruption and ineptitude on to the public.

Now, to make matters worse, unscrupulous municipalities are also exacerbating this problem by charging exorbitant electricity surcharges and tariffs.

A case in point will be the City of Cape Town, where over the past two years it has implemented excessive tariff increases above what Nersa has approved with 9,6% between the 2022-23 financial year and 17,6% in 2023-24 financial year.

Not only do these violate the terms of its distribution license but it also places undue financial pressure on residents, while the city uses the ratepayers money to fund litigation battle to fight against these unlawful increases.

So, while some people grandstand and publicly declare opposition to excessive tariff hikes and run extensive public relations, PR, campaigns and petitions, their actions where they actually govern tell a starkly different story.

In Buffalo City, massive increases in electricity charges have been introduced, including a 12% hike in electricity tariffs together with an excessive cost supply where prepaid customers will have to pay R432 per month and postpaid will pay R763 per month.

As ActionSA we believe that this electricity crisis demands far reaching reform, Minister. This demands that the planned tariff increases be immediately scrapped.

As ActionSA we are committed to fighting for an energy system that is more affordable, stable and sustainable. To achieve this, Eskom's operational efficiency must be improved. And we

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must decisively deal with cable theft, vandalism, illegal connections, extortion and most importantly, corruption.

Mismanagement at municipal level is also a major concern and we need to crack down on defaulting municipalities and address inaccurate billing practices as these problems not only impact customers but also affect revenue collection.

As ActionSA we believe that decentralizing the energy market by capacitating and empowering our municipalities to develop micro grids and renewable energy projects will reduce over reliance on Eskom and promote competition amongst independent power producers [Time expired.] ... supply.

As ActionSA the end point is we vehemently reject these increases. Thank you, Deputy Speaker.

Mr S N SWART: Deputy Speaker, the ACDP thanks Mr Mileham for this debate and shares the deep concerns expressed by other speakers, approval of Eskom's R8,1 billion regulatory clearing account for 2021-22.

Now, this large amount clearly indicates a fundamental error in ... [Inaudible.] ... revenue, which is permitted by Nersa

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in terms of the multi-year price determination methodology. And as we understand that this amount could be added to tariff increases approved by Nersa may result in an additional 4% tariff increase depending on how it is implemented.

Whatever the outcome, as other speakers have indicated, rest assured that, that R8,1 billion will have to be carried by customers of Eskom. And these reported hikes understandably sparked an immediate backlash, backlash from electricity users and stakeholders, already angered by previous increased tariffs and billions of rands of bailouts over the years.

It must be noted that the country's once reliable and low energy costs not only benefited domestic customers, but also allowed South Africa to enjoy a comparative advantage globally, which attracted much foreign direct investment. And this has long since ceased to be the case. Electricity tariffs have increased by more than 653% between 2007 and 2022. That's quadrupling, even as sustained power cuts really impacted and stagnated economic growth in the country.

According to media reports, further tariff increases may be required or requested, 36,15% for the 2025-26 financial year, bringing the additional 4% above 40% in total.

Hard pressed households, businesses already face substantial cost of living increases and will not be able to afford these further tariff increases.

In addition, they will have a very negative impact on economic growth and job creation, hence the public outrage. And we as public representatives must take note of this, citizens are forced to choose between buying food and electricity. This is totally outrageous. There must be other solutions.

Madam Deputy Speaker, we as the ACDP ask: What steps have Eskom taken to collect the outstanding debt owed to it by various entities, national, provincial departments and municipalities?

Municipalities alone, as in March this year, owed R74,4 billion.

In addition, what steps have been taken to recover the billions of rands lost by Eskom through state capture and corruption and which is sitting in foreign bank accounts?

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The ACDP believes these steps must be taken and what is inescapable is that the substantial tariff hikes are unaffordable. I thank you, Madam Deputy Speaker.

*Xitsonga:*

Tat S M GANA: Mutshamaxitulu, ndza khensa. Ndzi rhandza ku xeweta swirho hinkwaswo swo xiximeka swa Yindlu.

*English:*

It has been over 150 days since we last had rolling power blackouts; and I must say that it feels good. This is thanks to the new leadership at Eskom that shows that when you have competent managers and leaders, provide them with support but not interfere with their work, it works. And you, Minister, seeing that you wanted me to call you. [Laughter.] The support Eskom needs must also come from this House.

Yes, South Africans are suffering from the yoke of high cost of living. People can't put food on the table and asking them to pay a higher price for electricity is another blow. But we are called upon to make tough decisions that will move us forward.

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This House cannot speak from both sides of its mouth. We cannot deny Eskom the revenue recovery it needs while also allowing municipalities to consume Eskom electricity without paying for it. R81 billion is a lot of money and yet by 2026 it could very well be R100 billion.

We cannot approve a national budget that allocate little new funds to Eskom, but we complain when there is a price increase.

Madam Deputy Speaker, the team at Eskom has done very well so far, even though there's still a very long way to go. They've attacked vigorously the scourge of operational and cost inefficiency such as in supply chain and logistics so that in future it is not necessary to resolve price determinations in court such as the one we are debating today.

The worst thing we can do here today is to give the incorrect impression that it is possible to fix loadshedding and sustain Eskom while we deprive them of money.

If the view is that Eskom must no longer be granted revenue recovery, then it is up to us as this House to appropriate the

funds from Treasury for this task. But we cannot and must not argue ourselves into paralysis and inaction.

We have an energy mix that now includes renewable energy from different geographic areas where our transmission lines are situated. Therefore, we don't just need new or better power stations, but new transmission lines costing hundreds of billions of rands.

Yes, we must and will hold Eskom accountable for every penny it gets, but we must do so robustly. But we must also recognize that in an industrial society, there will be no progress, no growth, no jobs, if there's no electricity.

Of course, South Africans are struggling. But let us strive to do the right thing. The suffering South Africans deserve an Eskom that works.

*Xitsonga:*

Ndza khensa, Mutshamaxitulu.

Mr M A MAIMANE: Hon Deputy Speaker, hon Minister ...

*Setswana:*

... dumela, багаetsho dumelang.

Tona, ke batla go go leboga gore gompieno re na le motlakase. Wa itse gore nna le wena fa re ne re bua ke ne ke se na tshepo ya gore nkabo re le mo gompieno, fela re a go leboga ka gonne ikonomi ya rona ...

*English:*

... relies on stable energy to go forward.

But, furthermore, I think it's important to note the fact that as much as we've won the battle on loadshedding, we must win the battle on Eskom's finances.

This debate sits at the heart of what goes on in this country. There are multiple South Africas: there's a South Africa that sits here, and there's South Africa where many are reliant on social grants and are poor.

When I asked the statistician-general yesterday, to say: How much does it cost a South African to survive every day in this country? The figure they gave me was R60 a day.

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In truth, the poverty line in this country is at R1058. Sadly and more difficulty is that 18 million South Africans live below that.

If we approve what we are about to approve today, we are asking those who are living on R35 a day to pay more. Surely, it's why we exist to build one South Africa. It's the argument we're putting forward.

And therefore, fellow South Africans I want to argue that part of the cost recovery must be improving on the efficiencies of how Eskom manages its finances.

When you speak at Treasury's procurement processes you discover that Eskom leads the way in terms of deviations. Already, currently, Eskom is sitting at over R18 billion in deviation.

And inherently they argue that it's because of low compliance on procurement, it's on tender cancellations, it's on deviations and ultimately, it's on contract management modifications on projects like Kusile and Medupi.

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So, it begs the question: If we fix the efficiencies of Eskom, does the debate needs to exist, in terms of the recovery of R8 billion?

I dare say, Minister, firstly, let's sit here today and rather fix Eskom's efficiencies. Ultimately, reduce the cost. Secondly, let's accelerate the public-private partnerships and invest more in renewable energies.

Let the figures sit with us fellow South Africans, R60 a day, 18 million people.

If it is true what the President says, leave no one behind, if we grant this cost, we are leaving 18 million behind, regardless of the free constitutional energy. I thank you.

Mr V A NKOSI: Hon Deputy Speaker, Eskom is now front and centre of the national interest following its tariffs increase application to the National Energy Regulator of South Africa, Nersa, for the next three financial years. This focus creates a municipal void given that it largely concentrates on Eskom's electricity tariffs and gives limited attention to the municipal electricity tariffs.

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Thanks to hon Mvana with the enlighten contribution. The multi-year price determination methodology is an embedded regulatory clearing account - have fallen short in providing sustainable and predictable electricity tariffs resulting in Eskom's tariffs increasing faster than the rate of inflation.

Equally important, the nature of tariffs setting methodology aimed at certifying the conditions set for the purpose of regulating municipality electricity tariffs is enmeshed with short comings thereby inhabiting Nersa from adequately achieving the government's lofty goals which are setting stable municipality electricity tariffs and balancing between affordable electricity and cost reflective tariffs.

Historically, Nersa's approach to setting municipal electricity tariffs has taken the benchmarking as well as the percentage guideline increase in which the regulator uses guideline increases and municipal tariffs benchmarks to determine the standard percentage tariffs increases across all municipal distributors. This approach dependent on Eskom's approved revenue allowance and retail traffic structural adjustment has enable municipalities to generate super revenues through their electricity tariffs. While as this methodology allows municipality to operate on a cost recovery

basis and introduces municipalities like the City of Cape Town and the City of Tshwane to use super revenues from the sales of electricity to cross to subsidise their developmental and redistributive mandates. Its drawbacks are that it bears no resemblance to the actual cost of supplying electricity much lesser unclear and how to proceed if the cost reflective municipalities are in fact unaffordable for the significant numbers of the poor and the working-class households.

Henceforth, municipal electricity tariffs have been kept so high beyond the financial reach of the poor and the working-class households resulting in these households spending between 10 to 17% of their midyear incomes on electricity.

In short, ensuring that poor and the working-class households have access to affordable electricity, this is not part of this methodology, meaning, this methodology will never work. Since percentage guideline increases and municipal tariffs do not keep costs as low as possible to ensure that electricity is possible. The self-objective goal of this methodology is laden with the cost recovery.

Of course, the large impact of increases in municipal electricity tariffs can be offset by reallocating the free

basic electricity subsidy which has a stronger pro-poor instance to the poor and the working-class households connected to the grid.

The net effect of the free basic electricity subsidy will undoubtedly reduce the share of electricity in the household expenditure, thereby, this discouraging poor and the working-class households from fundamentally choosing between which trade off to make among multiple and competing goals notable the food and transport. Unfortunately, the implementation of the free basic electricity across most municipal distributors deprives millions of poor and working-class households of this important subsidy. Even worse, the number of poor and working-class household registers for the free basic electricity subsidy has declined over the years meanwhile the allocated funds towards the free basic electricity subsidy in the national budget have increased.

The up short is that the municipality distributors seldom used their allocated free basic electricity funds to aggressively implement this subsidy. Given the way municipal electricity tariffs secure unfair advantages for municipal distributors at the expense of the poor and the working-class households, it

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is hardly surprising that Nersa methodology for setting municipality tariffs is now the subject of legal review.

After the decision of the High Court to declare Nersa methodology predicated on guideline increases and municipal tariffs benchmarks unlawful, the regulator overhaul its methodology for the 2024-25 financial year and replaced it with the cost of supply framework, which requires municipal distributors to set their tariffs based on a comprehensive cost of supply studies. Where the cost of supply studies was absent Nersa used the cost breakdown structures to access the municipal tariffs application for the current financial year. Whereas AfriForum which the DA supported in the case against Nersa, posed that the cost of supply framework and the cost breakdown structures is the flexible methodology which inexorable endangers affordability and equality.

Evidence mainly is in the negative as a result of cost of supply framework or the cost breakdown structures have resulted in that the municipality tariffs increasing at a very high percentage implying that unaffordable municipalities still flourish under the new methodology regime. More crucially, municipalities that failed to provide cost of supply studies will not implement any Nersa approved tariffs

increases. That's negatively impacting on their sustainability, particularly as Eskom increases on the municipalities has taken effect. As the ANC, we believe that the proposed electricity tariffs increase is unattainable. Municipal distributors levy the surge to generate a surplus to fund future capital expenditure to a across subsidies the cost of providing another service.

Although of course, the so such charge are the safest most effective way to accomplish a surplus for municipalities. It constitutes a double charge on the poor and the working-class households as the direct and indirect cost of providing electricity are recoup through the municipal electricity tariffs. Similarly, the so such charge discourages wealthier households from migrating away from the grid through Solar PV systems since this such charge is used as a buffer against the free rider effect wherein wealthier households with Solar PV systems do not pay fully for their share of electricity systems speed cost shifting the burden to the households with Solar PV systems.

While as the logic underpinning, its attempts to make municipality more attractive when compared to ultimate sources of energy like Solar PV systems. But is nevertheless runs

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counter to the government's goal of reducing the load on the grid through small scale imbedded generation.

In conclusion, the Ministry of Electricity and Energy in consent with the National Treasury ... [Inaudible.] ... Thank you. [Time expired.]

Adv S SALIE: Hon Deputy Speaker, hon members ...

*Arabic:*

... *As-Salaam-Alaikum* [Peace be unto you]

*English:*

Eskom as we all know has been a critical player in the country's energy supply for decades. However, it has been played by operational inefficiencies, mismanagement and systematic corruption contributed into the crippling energy crisis we faced today.

For years, South Africans has endured loadshedding, rising electricity prices and a lack of reliable energy supply, and now with this decision by Nersa the burden on the public continues to grow. The approve of Eskom's request to be retrospectively recover R8 billion raises several urgent

concerns. Firstly, it is the ordinary South African consumer who bear the brunt of this decision. The very people who are already struggling with rising cost of living, unemployment and economic instability will now have to foot the bill for Eskom's past inefficiencies. This is not only unfair but also unsustainable. We must ask ourselves why the public should continuously be asked to pay for the failures of a state-owned enterprise. The decision calls into question the role of Nersa as the regulator. Nersa's mandate is to protect the interest of consumers while ensuring the financial sustainability of the energy sector. However, this decision seems to prioritise Eskom's financial recovery over the wellbeing of the very citizens it means to serve.

The retrospective recovery, especially of this magnitude should be in exceptional cases not a norm and certainly not at a time consumers are being asked to pay more for less. Moreover, this decision does not address the underlying issues within Eskom. The root causes of its inefficiencies from poor maintenance to outdated infrastructure and governance failures remains unaddressed.

Instead of focusing on short-term financial recovery through increase direct or retrospective recoveries, we need to focus

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on structural reforms that ensure Eskom becomes a more efficient, accountable and reliable entity. It is clear that Eskom challenges are systematic and require more than just financial bailouts or tariff increases. We need bold long-term strategy to overhaul the energy sector reduce Eskom's monopoly and allow for greater competition and innovation power generation, especially from renewable energy sources. Only through these reforms can we hope to achieve energy security and economic stability.

Hon members, we cannot continue down this path where the public is asked to be the version burden and punished for state inefficiencies. We need solutions to provide relief to the consumers, hold Eskom accountable and revitalised our energy sector.

I urge this House to consider the implication of Nersa's decisions and work towards a future where energy is affordable, reliable and sustainable for all South Africans. Al-Jama rejects this ridiculous increases. Our people, the most vulnerable are crippled by these increases. I thank you, Deputy Speaker. [Time expired.]

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Mr F ADAMS: Deputy Speaker, hon members, the progressive caucus ... when you think about the size of this increase on offer, it is apparent that the board of Eskom do not realize that 45% of South Africans live on Sassa grants, and it is apparent that the board of nurses simply don't care. You see, when the heckling goes on, we get blamed for it. It is because half of the hecklers don't live in communities where people must make the decision between eating and buying electricity, and the other half don't care. Only one party in this country can raise an objection to electricity increases and promote an alleged electricity thief and make him an MEC. You know this party as the DA. The same party that is vehemently opposed to the increases, increases the increases. As I stand here today, Sir, hon Judge Hlope, let me speak to you directly. We must fight this evil. What Eskom needs is not another increase that needs proper management. It needs to be managed by a government that cares. The GPU cannot claim that authority. When this increase is pushed through, we can guarantee you the kind of protests that you last saw in 1976. What we can guarantee you is an increase in electricity theft. The thing has not been thought through. What I did see today is that the DA for once did not label the ANC as corrupt. Today did not talk about cadre deployment.

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*Afrikaans:*

Julle koop gevriet vir julle kans om te steel, ...

*English:*

... but we are watching you. In this increase, what did you say, auntie Zille? You all look the same to me. In this increase, lay the seeds of the first steps of the new revolution. Thank you.

Ms F HASSAN: Deputy Speaker, as you can see, I am popular in the House today, with my traditional attire. Deputy Speaker, today's debate, while framed around National Energy Regulator of SA, Nersa, in the R8 billion, is about something much bigger. It is about facing one of the most critical issues confronting our people, and that is the rising cost of energy and its profound impact on inflation and the cost of living. It is a reality that touches the daily lives and the dignity of our people. The viability of small businesses, our industries, and our broader economy. This is a matter we must address with urgency and the deep-seated humanity that we owe to the millions of South African citizens that we represent. As the ANC, we must put it on record that the massive increases in the cost of electricity are simply untenable. The pressure on our people is unbearable and as the ANC, we have

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always and will continue to stand on the side of the marginalized and the poor, and we will do so even now. And that is why, Minister, we must find ways to bring down the costs and to cushion the burden.

Minister, we welcome the fact that you have been on a crusade on behalf of the ANC to call out these increases both as untenable but also to find solutions. As the leader of society and the GNU, the ANC is committed to addressing energy poverty and ensuring that all South Africans particularly the poor have access to affordable electricity. In fact, the Reserve Bank has just now decided to decrease interest rates, and this will have a wide range net positive effect on our people. The impact of high electricity prices has a dire and direct effect on the key priorities announced by the President. The war on poverty, the high cost of living, but also the other apex priorities of economic inclusive growth, employment creation, and the building of a capable developmental state.

The ANC applauds the gains made by Eskom and our Minister in keeping the lights on for 176 consecutive days. We understand the difficulty of the financial challenges faced by our power utility. It is a balancing act. We need solutions that balance the pressures of the cost of living on one side and the

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necessity to invest in energy infrastructure and socioeconomic growth on the other side. Our challenge is to create a system that is both financially and environmentally sustainable, accessible, and affordable without deepening economic inequality, and that is the heart of today's debate.

South Africa's energy crisis has been fuelled by decades of mismanagement at Eskom by some in this very room and has ironically presented an opportunity though for transformation. The regulatory reforms initiated by an innovative ANC-led government has introduced the Energy Action Plan and it has allowed us to advance initiatives that strengthen our existing coal fleet, promoting renewable energy, and explore and deploy clean emissions technologies. Madam Speaker, it's very important for us to deal with the Nersa decision before us and that is that the Nersa granting Eskom the ability to recover the R8 billion. The first important point is that the Nersa has not made the determination on the electricity tariff that we are debating fundamentally today. The Nersa is also an independent entity that derives its power and existence directly from legislation. It is not a matter of the Minister or anyone in this room snapping their fingers and automatically the tariff changes. The very same Nersa decision will only be made, like I said in December, but it is

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anticipated that the recovery will not begin in this financial year. Minister, we are calling upon you to work and negotiate with the Nersa to find ways to stagger the increases so that we prevent that burden from hitting the poorest of the poor immediately and in the future. We have an opportunity further to hear the cries of our people. We need to prevent further harm and burden, and we are asking you to go back to Eskom, not only to the Nersa, to engage with them such that we reduce this proposed tariff by what we have calculated to be 4% by not initiating the R8 billion now, because that is where we do have power to change those decisions.

In terms of the interventions being made by an ANC-led government, and other hon speakers have spoken to this as well. The free basic electricity subsidy cannot be overlooked. Many municipalities offer free basic electricity to indigent households. But Minister, if they were listening to your question in the House yesterday, they would have heard that we are expanding the subsidy and working towards increasing the actual threshold from 50 kilowatt-hours to about ... and that is an ANC-led initiative.

Further, we are looking at the integrated national electricity programme - government electrification program - increasing

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access. What is important is that the ANC-led government has understood the need to continue to modernize but also increase access using the R5 billion allocated. There is a need to link these interventions with the rolling out of renewables, including solar and battery storage. Madam Speaker, what this means is that the masses who are sitting in rural areas, who have historically struggled with access to electricity, will not be left behind in these initiatives.

Madam Speaker, another important point is around the review of policies. Almost every speaker today has acknowledged that the pricing model and the regulations put forward must be changed. That is the purview of us as policy and lawmakers. We cannot wash our hands or divorce ourselves from the fact that the Nersa is operating in a limited environment that we must change. The Electricity Regulation Amendment Act, which President Ramaphosa recently signed, will bolster the Nersa's proposed interim electricity methodology. But we must, as a matter of urgency, review the energy pricing policy, which, if members again listened in last week's portfolio committee meeting, the Minister, the same one deployed by the ANC, has already spoken to that reviewing process and that will allow the Nersa to develop a comprehensive cost of supply framework to be used by municipal distributors.

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Madam Speaker, we cannot run away from another important point and that is around municipalities. The highest increases in electricity tariffs are observed on a municipal level. It is intriguing ... potentially shocking that hon Mileham from the DA - a party committed to the GNU - is the same one not coming with possible solutions but running away from the fact that they are attacking Eskom and attempting to recover what is owed to them. Moreover, the criticism of the Nersa, which we all know is an independent regularity authority instead of looking at the implementation of its policies. Wherein lies the problem here is that we as a country were all buying electricity directly from Eskom. We were buying it at R1,78 per kWh, and therefore there has been no debate on the price of electricity. But the reality is municipalities, particularly the City of Cape Town have several hidden surcharges and right now the most expensive electricity in the country happens to be in the City of Cape Town. And so, when the tannie [aunty] in Mannenberg goes to buy her R1,00 of electricity, if she is in arrears ...

Mr X NQOLA: On a point of order. Deputy Speaker, I wanted to bring to your attention that the speaker is being drowned and we can't hear.

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The DEPUTY SPEAKER: I have made a request that the House does not shout. Hon Hassan, please proceed.

Ms F HASSAN: I just wanted to drive that point. Hon Baptie, the City of Cape Town charges R3,44 for the 1st 600 units of electricity, but over R4,00 for anything over 600 units, which is more than 100% than what the cost of Eskom is in terms of electricity. When we - like I said - adding insult to injury, a gogo [granny] from Mitchells Plaine, when she goes to buy her hard-earned R100,00 of electricity, if she is in arrears because of the City of Cape Town, they will take what is due first, most likely that R80,00, leaving her with R20,00.

Thank you, hon Paulson from the EFF for those comparisons. The eThekweni Metro is in fact run by the ANC. So, thank you for driving home the point of our deep commitment to solving the issue and centring the poor and the working class. It is a pity that we do not want to fall into populist politics here because there is a much greater need for scientific and economic technical interventions. It is not useful to the millions of South Africans who need that expertise to intervene. So, no wonder we have seen some support of the EFF being plummeted and experiencing a mass exodus from one side to the other side there.

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Hon Deputy Speaker, I am going to close with an important point around renewable energy. It is okay, we can make as much as we want ... [Interjections.] ... and millions of South Africans want to hear about the renewable energy point.

Our long-term vision for South Africa's energy is to find an appropriate balance between base load technologies, coal, including clean coal technologies, gas and nuclear, as well as the growth in renewable energy development; solar, wind and battery storage represents cleaner energy sources. The reality is that if we create a more favourable environment for investment in renewables, we can diversify our energy mix. That can lead to a cost reduction. The energy challenges we face are complex, but they are not insurmountable. The ANC is committed to building an energy future that is inclusive, sustainable, and affordable to all South Africans. We are taking decisive steps to reform the sector, and we will be addressing Eskom's historical mismanagement and implementing policies that promote long-term financial sustainability and transparency. As an ANC-led government, we will never abandon our people. We are spending day and night, the Minister's team and the entire government working on solutions to not only alleviate the electricity cost, but the growing cost of

living. We will never ever abandon the millions of our people.

I thank you.

*IsiXhosa:*

Mnu M E NHANHA: Sekela Somlomo weNdlu yoWiso-mthetho yeSiwe, kwasa saxhinkxa ngoEskom, kwasa safak'ithwathwa ngoEskom. UEskom lo uhlala esemilebeni yabemi boMzantsi Afrika, phofu singathethi kamnandi ngaye. Ukusukela ngonyaka wama-2007 Sekela Somlomo, uEskom waqama ngokumiliselwa ucimi-cimi wombane. Abantu boMzantsi Afrika baphulukana nemisebenzi kuba abaqashi bengakwazi ukuhlawula imivuzo. Amanye amashishini aphele evalwa kwasala ngasemva iintsizi, iintsizana neenkedama ngenxa yakho Eskom.

Ndithe ndisancoma esadambile ucimi-cimi wombane kodwa ndikrokra, andavuma ukuginya nokuba kuyakrakra kuba akukrakri kuba kurakra, koko kukrakra kuba ndikrokra. Ingaba sasikwenze ntoni Eskom le nto ufana noTomas, yena ufuna ukufaka isandla ecabangeni khon'ukuze ukholelwe ukuba abemi beli lizwe baxhatshazwa linxele likakhetsekile, ikati ilele eziko ngenxa yentlupheko nentswela-ngqesho?

Usisi Bongeka Galadla kwilali yakuMahlungulu kuQumbu akasebenzi kwaye akanalo iqabane lokumncedisa ukondla

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nokukhulisa abathathu nabazukulwana ababini. Uxhomekeke kwisibonelelo sikarhulumente sabantwana esingama-R2 100 ngenyanga.

Kobo bugcwabalalana besibonelelo uthenga umbane nezinye iimfuno zekhaya. Uthenga umbane ngama-R350 kushiyeke itshintshi eli-R1750 eza kunjongana nezinye iimfuno zekhaya. Ngoku, ukuba uEskom siyamvumela ukuba onyuse amaxabiso ombane usisi Bongeka kuza kufuneka echithe ama-R510 ekuthengeni umbane ngenyanga, asale nemvilikitshane yokuthenga ukutya nezinye izinto ezingundoqo apha ekhayeni.

Malungu ahloniphekileyo, luxanduva lwethu sonke ukuba siyimele ngeenyawo le nyewe kaEskom. Iza kusichaphazela sisonke ukuba siyayivumela lentlawulo yokhuseleko iEskom isifuna yona. Icace gca okwekati emhlophe ehlungwini ukuba olu myuso lufunwa kwaEskom luza kuba nemiphumela enomdintsi kuluntu jikelele. Ngoko ke zidweshu nani zidwangube masiwubhinqe ube mfutshane simheshe kwaye simbhebhethu uEskom necebo lakhe.

*English:*

Let me take this opportunity hon members to thank all political parties that today have rejected Eskom's application to the National Energy Regulator of South Africa, Nersa. But

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you must do something about it because the DA is doing something about it. You are invited to sign our petition, please.

Hon Brian Molefe, you know as much as I do that cost drivers in the electricity generation at Eskom have got nothing to do with input costs. It has got everything to do with operational inefficiencies at Eskom, but also debt service costs at Eskom. You know that as much as I do.

Hon Paulsen, for one minute I thought you were in a wrong debate. We are not debating the City of Cape Town electricity; we are debating a decision by Nersa to grant Eskom. You should have gotten your facts right, Sir. And by the way, it's interesting that you have the audacity to speak about electricity in Cape Town whilst you live in a subsidised accommodation in Acasia Park. You should be the last one to talk about it.

Hon Adams, who is the thief MEC you were talking about in the DA?

The HOUSE CHAIRPERSON (Ms Z Majози): Hon Nhanha, can you please take your seat. Hon Paulsen.

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Mr M N PAULSEN: Hon House Chairperson, I just want you to rule on the relevance of the hon member mentioning where I live and what relevance it is to the debate, because I find that extremely childish. If you are going to allow them, because yesterday it was allowed that a member brings in the family of the hon Malema. Today he's telling people why I live. Does that have any relevance? Does this childish behaviour have any relevance?

Firstly, he can't comprehend what the debates is about. He is here to come and attack me. He has done nothing to speak about the actual topic today.

The HOUSE CHAIRPERSON (Ms Z Majazi): Hon members! Hon members! Hon members! I hear you, hon Paulsen. What you are raising is a point, but it is not a point of order. I can just caution that hon Nhanha, to please stay away from personalising debates. Please continue.

Mr M E NHANHA: House Chair, those who live in glass houses shouldn't throw stones. Hon Adams, it's a pity he is not here. Okay, thank you. Who is the DA MEC who is thieving, because ...

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Mr F ADAMS: It is Tertius Simmers. He is alleged to have stolen electricity Sir. It's Tertius Simmers.

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon members! Hon members!

Mr M E NHANHA: ... because I'll tell you something, look around ... [Interjections.]

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Nhanha, please take your seat Sir. Yes. Hon Adams, hon Adams, if you want to speak in the House like any other hon member, you raise a hand. You don't just open your microphone and speak. Please, can we respect the decorum of the House. Thank you. Continue, hon member.

Mr M E NHANHA: House Chair, I lost a minute, please take note. Hon Adams, look around your progressive caucus. That's where you'll find thieves like your VBS Mutual Bank, Nkandla, state capture enablers. They are within ...

Mr F ADAMS: Chair, on a point of order.

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Nhanha, there is a point of order. Hon Adams.

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An HON MEMBER: Chair, on a point of order.

An HON MEMBER: Speaker! Speaker!

*IsiZulu:*

Mnu M S MBATHA: Ukuhlanya sekukhulile ke manje. Usuhlanya kakhulu.

*English:*

Mr F ADAMS: House Chair, have I been recognised.

The HOUSE CHAIRPERSON (Ms Z Majazi): No, please stand. Hon member from the MK, I'm cautioning you. I raised it before, when hon Adams did it. I'm cautioning you. You open your microphone again, you speak, and I have not recognised you. You have not even raised your hand. The hon member from the MK. The one that is sitting right at the corner here.

I saw you opening your microphone and you spoke through the microphone when you were not even recognised. You did not even raise your hand. I just saw you just now. I'm cautioning you not to do that again.

An HON MEMBER: Chairperson! Chairperson!

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The HOUSE CHAIRPERSON (Ms Z Majozi): I have not recognised you.

An HON MEMBER: Okay.

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Adams, please continue.

Mr F ADAMS: House Chair, will the hon member on the podium take a question?

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Nhanha, will you take a question?

Mr M E NHANHA: I don't have time Chairperson.

The HOUSE CHAIRPERSON (Ms Z Majozi): Okay, thank you. Hon Manyi.

Mr M MANYI: House Chair, I think it is important for you to protect members in this House. Now, despite the Rules, there is this misconception here that, for a person to cast aspersions you must name a name. There is no such thing in the Rules.

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The member here is looking at our caucus, he points at us. He then cast aspersions. If you allow this to happen Chair, this House will degenerate. We have got capacity to do exactly what he is doing ... [Inaudible] ... of order.

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Manyi, that is not a point of order.

Mr M MANYI: It is.

The HOUSE CHAIRPERSON (Ms Z Majozi): In the Rules it is very clear that you will have to be very personal. Whether you can speak about an organisation or you - but as long as a person did not say hon so and so.

Mr M MANYI: The Rules don't say so.

The HOUSE CHAIRPERSON (Ms Z Majozi): No, hon Manyi, please can we not engage on that one. You are out of order. Hon Adams, are you done?

Mr F ADAMS: Yes, thank you House Chair, he is refusing.

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The HOUSE CHAIRPERSON (Ms Z Majozi): All right. Thank you. Hon Nhanha, please take the floor.

Mr M E NHANHA: If the shoe fits, wear it. Hon Hassan, you came very nicely. At some point, all of them were clapping for you and at the at the blink of an eye they were now heckling you. But I want to tell you this. There's no truth in your assertions that the DA and hon Mileham continue to criticise and criticise. Outside of this session, I'm happy to arrange coffee between the two of you and no strings attached, so that Kelvin can outline exactly what work has he been doing in his committee. Lastly, hon Chairperson ... [Time expired.]

Mr W T LETSIE: It was a very slurred debate. Yoh!

The MINISTER OF ENERGY AND ELECTRICITY: House Chair, today we face one of the most critical issues confronting our people, the rising cost of energy and its profound impact on inflation and the cost of living. The escalation in energy prices touches every facet of our society, affecting the lives of ordinary South Africans, the viability of small businesses, industry, and the broader economy.

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As we deliberate today, we must approach this matter with urgency and compassion, understanding the far-reaching consequences of the energy costs on our people and their livelihoods. Along with the freight and logistic challenges, global supply disruptions in our energy crisis have undoubtedly exacerbated the rising cost of living. South Africans are grappling with higher prices of essential goods and services, driven by inflation and economic instability. Fixing our energy infrastructure and ensuring reliable power will require significant financial resources.

One of the most critical challenges we face is balancing the need to stabilise our energy sector with the responsibility to protect citizens from economic hardships, particularly the poor and marginalised communities. It is against this backdrop that President Ramaphosa articulated in the most comprehensive fashion the priorities of the seventh administration, and the second of those priorities has to do with the fight against poverty and the rising cost of living.

I must say that these economic pressures exacerbate the widening gap between the rich and poor in South Africa. Rising prices hurt low-income households. We need solutions that balance the pressures of the cost of living for our citizens

and the unavoidable cost of investments required to end the energy crisis and gear us to energy security and socioeconomic growth.

Our challenge, therefore, is to create an energy system that is both financially and environmentally sustainable, accessible, and affordable without deepening economic inequality. At the heart of this debate lies the balance between securing a reliable electricity supply and ensuring that it remains affordable for all South Africans. The recent resolution by the National Energy Regulator of South Africa, Nersa, to allow Eskom to recover R8 billion from the 2021-22 financial year highlights this challenge we face in balancing Eskom financial sustainability and the economic wellbeing.

At this point, I really want to clarify the following, that Nersa is not obliged to ensure that Eskom recovers this R8 billion in any particular window. So, one of the proposals that we are making to ensure that we ease the pressure that is placed on every South African, in particular the disproportionate impact on the poor, is to ensure that this R8 billion is outside the current window of application, and also the law does not suggest that it should be recovered at the goal. It can be recovered over a period of time, a

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successive financial year. That is the one concrete proposal that we will be making going forward.

Eskom's financial stability is crucial for the energy sector and the national economy. Over the years Eskom has been weighed down by debt and inadequate maintenance. Last year the government announced the R254 billion debt relief to relieve some of this burden, ensuring that Eskom can continue delivering electricity. The point I am making here is that it costs money for us to keep the lights on. Essentially, we are faced with the following scenario that if we don't provide the kind of financial support that is required, we are likely going to plunge the country back into darkness and undermine the prospects of growth. That's why I am talking about that delicate balance of ensuring the investability of Eskom and the need for us to allow the economy to grow, pushing the poor, the middle-income earners in this country, so that we don't erode that disposable income.

However, the relief came with conditions, particularly the shift towards cost-reflective tariff. This means that electricity prices must reflect the reasonable and efficient cost of generation and supply. While this is essential for Eskom sustainability, we must also be vigilant in protecting

the most vulnerable household from bearing the brunt of these changes. The move to cost-reflective tariffs must be gradual and accompanied by strong social protection measures. Adequate funding is essential for Eskom to remain a reliable energy provider. It is a provider of last resort. This is especially true given the limited success of independent power producers, which we expect to play a more significant role in the integrated resource plan. There are four key factors to consider for Eskom's financial sustainability.

One, while Eskom has implemented cost-saving programme to improve liquidity, savings alone will not restore financial stability. Secondly, Eskom must strengthen its balance sheet by reducing its reliance on debt. Government equity injections are helpful in the short term, but do not solve the long-term sustainability challenges. Financial sustainability requires improved operating cash flows and a shift towards cost-reflective tariffs. Without this, Eskom will remain dependent on government support, placing an ongoing burden on taxpayers.

Unpaid debts must be addressed holistically, including those from Eskom's retail business and municipal debt. These debts threaten Eskom's financial stability and must be resolved to ensure a sustainable future. The point was made earlier on by

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one of the hon members. Eskom is owed, as of July of this year, about R78 billion collectively by municipalities. But what doesn't get to be accounted for is that municipalities collectively are owed R350 billion.

So, this talks to the financial viability of municipalities and the need for us to place urgent and concerted efforts to ensure that we improve the capacity of municipalities to be able to discharge their constitutional obligation, including but not limited to their ability to build all households and also to collect and ensure that there is credit control measures that will make it possible for them to collect that which is owed to them, but to also put measures in place to ensure that the poor that qualifies and meets the requirements of the three basic electricity do get that benefit. I have made the point previously that National Treasury is providing support to 10 million households, but only 2 million households are receiving this benefit.

So, in this instance we are not sitting with a money problem. We are sitting with the efficiency and the capability of municipalities to be able to administer that support. And that's why we are moving to ensure that we introduce at the national level any intervention that will make it possible for

us to ensure that each and every household that qualifies gets to have this three basic electricity.

Hon Hassan, you are absolutely correct. The introduction of 50 kilowatt-hour of three basic electricity was introduced 21 years ago in 2003. The electricity complex in the country has evolved, and also the demand that is placed on the grid has also increased significantly. One of the immediate interventions that we will be making is to ensure that we revisit the threshold of 50 kilowatt-hour. We have assigned the SA National Energy Development Institute, Sanedi, to come with a scientific suggestion on the best way of increasing that allocation to proportions that will allow low-income households to be able to meet the electricity demand.

The third intervention that we are making is the repurposing of what we refer to as the Integrated National Electrification Programme, Inep, grant, that enjoys a fiscal support of about R5 billion per annum. Since its inception in 1996, we have spent R110 billion and only connected 8,4 million households. We think that there is a lot of leakage there. We can improve its efficiency, and its efficacious objectives.

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For this reason, we will be launching before the end of November, a pilot that illustrates our ability to draw from new technology solutions to ensure that we are able to provide accessible energy, clean energy, renewables, relying on solar PV battery and inverters to low-income households so that we ensure that they green their energy requirements, but also we lessen the burden of the energy increases. It is our intention to ensure that we do everything possible to address the challenges that are confronting each and every household in this country.

Hon Molefe is absolutely correct. If you look at the equation that Nersa relies on in determining the allowable revenues of Eskom, primary energy, which is essentially coal and a component of the open cycle gas turbine, OCGT, constitute a third of the proposed increase. I really don't understand what the last speaker was saying, hon Nhanha. It is an important feature in the equilibrium of how you determine the cost of energy. So, coal is an important part. I suggest that you invest a bit of time just to have some degree of comprehension of how we compute the electricity pricing increase. It is an important consideration. I agree with you, hon Molefe, in ensuring that we are able to do that. You are absolutely correct in saying that there has been the burdening of the

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fiscals in relation to the sovereign guarantees that are provided for independent power producers. You are right, hon Molefe. The point we are making is that we are going to ensure that we decrease the reliance on the sovereign guarantee so that the fiscals is unencumbered, and we free ourselves from contingent liabilities and address the misalignment of the nondispatchable nature of renewables, whilst on the other hand, we continue to place a lot of reliance on a base load.

I want to say to everyone that is watching and listening, I am confident that they were going to arrive at a dispensation that were able to cushion the poor and the South African population. And the public consultation for the revenue will happen until December and for the tariff by next year, February. I give you the assurance that as the Minister, we will do everything possible that we cushion everyone. Like we said, these increases are untenable are unaffordable and the country can least afford this situation. We will do everything possible to address this. I am confident. That is the assurance I am giving to the South African people. Thank you very much.

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DEBATE ON HERITAGE DAY: CELEBRATING 30 YEARS OF UNITY IN  
DIVERSITY AND PAYING TRIBUTE TO THOSE WHO LAID DOWN THEIR  
LIVES FOR OUR DEMOCRACY

The MINISTER OF SPORT, ARTS AND CULTURE: Hon Speaker, hon members, I greet you all during this wonderful period of our democracy. Our democracy, celebrating 30 years of existence. By celebrating our 30-year existence, does in no means mean that the path was easy or smooth, where we find ourselves having a road less traveled, a difficult but a much-needed road.

It was not so long ago when some white people were stocking up on groceries in preparation for war, stocking up on ammunition in preparation for the sewer war that was to follow with the release of Nelson Mandela and his comrades. They were not the only ones. Some amongst us prepared themselves to drive white people into the sea. Also, some of which I was part of prepared ourselves to take over the beautiful houses by white people, which we've admired with a great sense of anger and murmuring under our breath with the words, one day is one day.

That day arrived, Madam Speaker, with the release of Nelson Rolihlahla Mandela and all the struggle heroes. Mandela defied

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those amongst us, which included me, those that wanted to revenge. Whites that were prepared to kill to keep the land and blacks that were willing to kill to take the land.

Mandela became a voice of peace and reason. Mandela spoke to all. That message was meant for us as South Africans, the peace message. But it was so big and unavoidable that the world took it in greatly and wholeheartedly. The ones who were taught racism when they were still wet behind the ears are the same ones today whose eyes get wet when they sing, *Morena boloka setjhaba sa heso*. Those that were willing to die in order not to speak the Afrikaans language, today, are the same ones that sing *Uit die blou van onse hemel* with the same gusto at which they fought the Afrikaans language.

Madam Speaker, our cultures and heritages might be different, but our love for South Africa is the same. We have achieved a miracle. The world still uses us as an example when they speak about people who have put the country above hate and prejudice. The world still speaks about us when they speak about people who put their country above everything else in order to attain peace and reach the promised land.

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We are one nation and the God; we are the children of Nelson Mandela. It is not uhuru yet, but we will get there. Those that died for our freedom will smile today because their death was not in vain. We have not achieved all the things they fought for, but we are very strong on our way. We are melting pots of different cultures, Madam Speaker. Our canvas is multi coloured and beautiful and admirable.

The Government of National Unity, GNU is another testament that we still have the will and potential to find each other when things are difficult and confusing. I want to pay tribute today to everyone who contributed towards this freedom. From those that took up arms to those that fought in song and culture, we are a great nation indeed.

I'm proud to be from the Khoi and San people, the people who have contributed ... [Interjections.] ...

The HOUSE CHAIRPERSON (Ms Z Majози): Hon Minister, there is a point of order.

Mr D M SKOSANA: Can the Minister take a question?

The MINISTER OF SPORT, ARTS AND CULTURE: No.

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The HOUSE CHAIRPERSON (Ms Z Majazi): You got your response. Continue hon Minister.

The MINISTER OF SPORT, ARTS AND CULTURE: I am proud to be from the Khoi and San people, the people who have contributed to the following words to our Coat of Arms, diverse people unite. Those are not just ancient words borrowed from the earth's oldest people which they are. Those words are not just on the Coat of Arms. They are a call to arms, for us to keep fighting to create a South Africa that is indeed truly united in its diversity.

It's a daily reminder that we need to reach a point in South Africa, where the people of this country will not be defined as black, white, coloured or Indian, or what other label you can fashion. We are being called to fight for a South Africa that we would have the same access to opportunities and the same potential to be great as socially cohesive South Africa.

Let's ignore those that want to see us return to the days of segregation and embrace the majority that want to see us prosper, Madam Speaker. We still have huge differences and that doesn't make us enemies. It makes us human. We are not where we want to be, we are not where we used to be. Our road

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is not easy, nor short. It's a long walk to freedom as we have been taught by the greatest person ever born in this earth, Nelson Mandela, and he was born on our soil. Oh, how lucky we are.

We have achieved the impossible my fellow South Africans. That is unfortunately not the pinnacle. The pinnacle is sustaining the miracle. This is difficult, but doable and only achievable by listening to those that we disagree with, embracing those that our past wants us to dissociate from. But our future demands of us to embrace each other, we have achieved the impossible indeed.

Let me end by saying, Madam Speaker, that it is not an easy fit for someone that was in jail for opposite reasons as Mandela to today address Parliament. This fit doesn't speak of an iota of greatness on my side, but I speak of the magnanimous greatness of forgiveness of South Africans.

I thank you from the bottom of my heart and the hearts of my family and those that support my journey. I intend to pay you back by becoming the greatest advocate for what Mandela stood for. We have achieved what no country on earth has achieved.

*Afrikaans:*

Mag die Here julle seën.

*Sesotho:*

Ke kopa Modimo a le hlonolofatse.

*English:*

May God bless you. Thank you.

Mr G D KGABO: Hon House Chairperson, if only you would provide the necessary assistance in terms of security from the other side of the House.

Hon House Chairperson, throughout history Africa has been a cradle of civilisation; rich in culture, innovation and resilience. From the ancient City of Timbuktu with the university and the renown centre of learning and trade. It is estimated that almost 300 000 exact manuscripts in circulation in Timbuktu and surrounding areas.

Within the manuscripts is one of Africa's greatest intellectual legacies the monumental pyramids of Giza that stand as a testament to a scientific and engineering prowess of an early African societies.

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The Kingdom of Mapungubwe located in present South Africa exemplifies the complexity of precolonial society, showcasing advanced social structures and trade networks that reached China and India, hon Montana. This historical époque does not only highlight Africa's rich history but also serves as a reminder of the continent significant role in the global history and a heritage we should all be proud of as Africans.

The precolonial and imperialism led to the destruction of aspects of our heritage and expropriated our invention and our knowledge. Through slavery and other human acts of subjugation, the story of African civilisation was distorted.

The 1884 Berlin Conference saw European powers scramble over control and power of African territories and dividing African people leading to a widespread exploitation and disruption of indigenous cultures. This error ignifed fears resistance of movements and liberation struggle across the African continent as African people fought vehemently to reclaim their autonomy and preserve their identity.

The legacy of the struggle continues to shape the South African or the contemporary Africa including South Africa as

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nations work to overcome the scars of colonial rule and assert their place in the global community. It is this history that also shaped our heritage, hon Manyi.

This context should orientate our obstruction of our country, South Africa in particular, hon House Chairperson.

It is the Khoisan that defines us as a nation that resisted colonialism. It is the leadership of Chief Magoma, King Cetshwayo, Chief Sekhukhune, Chief Makhado and Kgosi Galeshewe amongst others who stood against colonial powers.

Cognisant of our division amongst Africans is the fight against colonialism.

The formation of the ANC in 1912 represented the unity of the oppressed and bringing together Africans across ethnic divides to champion the political rights and equality against the Union of SA in 1910 which also signified the unity of the colonisers post-Anglo Boer War which ended in Vereeniging Treaty of 1902, hon members.

The election of the National Party in 1942 further led to the segregative, exploitive and racist government which heighten

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antagonism and led to the liberation movement to adopt the Armed Struggle by forming the real uMkhonto weSizwe in 1961. The real uMkhonto we Sizwe not the mickey mouse arrangement that we are seeing today that resonates nor resemble nothing revolutionary but everything that has to do with the family dynasty.

These concerted efforts, hon House Chairperson, as you protect me from the old people on my left-hand side.

These concerted efforts in conjunction with the mass mobilisation led by the resistance of the people of South Africa, international struggle and underground work contributed to the defeat of the apartheid system and gave birth to a democratic South Africa in 1994 which led to the crystallisation of the South African nation which recognised the rights of all.

The adoption of the Constitution that unified all South Africans behind the vision to address the injustices of the past and build a united nation. The realisation of unity in our diversity enshrined in the Constitution as envisaged by the Freedom Charter of 1955. The Freedom Charter expresses the hopes of people for diversity, equality, justice and unity

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proclaiming that South Africa belongs to those who live in it, black and white, hon Brain Molefe.

This was further exemplified when our nation founding President, President Nelson Rholihlahla Mandela in his speech from the dock in the Rivonia Trial Palace of Justice in Pretoria on 20 April 1964. He said that and I quote:

During my time, I have dedicated my life to fight white domination, and I have fought against black domination. I have cherished the ideal of a democratic and a free society in which all persons live together in harmony and with equal opportunities. It is an ideal I hope to live for and to achieve but if needs be, it is an ideal I am ready to die for.

South Africa's 1994 democratic breakthrough symbolise the unification of the South African nation and behest for an African renaissance. The African renaissance is also about reclaiming our Africa knowledge and practices in the changing world. It is also about the restoration of the African humanity, our values of Ubuntu, the nature of our coexistence with the environment and promoting our being as Africans.

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This transition was not just a political triumph, hon House Chairperson, it was a profound cultural rebirth that aimed at defining our national identity and promoting inclusivity.

The ideals of the Freedom Charter resonates today serving as a reminder that a fight for equality and economic justice continues and a vision for a united and grounded in shares rights and responsibilities remains a guiding beacon in our journey towards an equitable, just and national democratic society.

Hon House Chairperson, the role of traditional leadership in preserving the cultural heritage and identity of our people is of utmost important for the perpetuation of our indigenous languages, practices and values.

We call on government to increase support on cultural organisations, for writers, poets and story tellers in our communities as they play a role in naturing a collective memory and share sense of identity which is essential for social cohesion and the wellbeing of South African society.

The enduring and invaluable contribution of African states and their people in the struggle against colonialism for the South

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African liberation cannot be overstated. African states supported our leaders of the ANC, protected our struggle and our freedom fighters as one of the nations to be liberated from colonial and apartheid oppression. It is for this reason that many of our fighters including leaders lie in other African states such as Tanzania, Zimbabwe, Angola, Mozambique and Lesotho amongst others.

It has been an incredible 30-year-journey for South Africa as the country has worked tirelessly towards reconciliation, nation-building and social cohesion under the leadership of the ANC. The nation sought to embrace unity and diversity through the vision of a rainbow nation.

While there has been progress in areas such as health, education, basic services and human rights, the persistent challenges of high inequality and high unemployment continue to threaten social cohesion and nation-building.

The ANC acknowledges that the genuine reconciliation requires not just political change in leadership but also a radical transformation embedded in economic freedom and social change with a focus on skills development and in industrialisation to uplift all citizens.

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As South Africans grapple with ongoing complexities the ANC's unwavering commitment to naturing dialogue and promoting shared values and fostering a cohesive society remains crucial in pursuit of a truly united South Africa. We must shun racism, sexism and all forms of exclusion, hon House Chairperson.

Hon House Chairperson, as I approach the land history the transformation of our heritage landscape is not merely an act of rearrangement but a profound act of reimagining our national identity. It is a call to all Africans to ensure that our museums and our public spaces reflect the rich tapestry of our South African nation. We call on government to fast-track the process of returning The Taung Skull to its rightful owners of which are the Batlhaping Tribe in Greater Taung in the North West province. To oner those who lost their lives for our freedom, let us be guided by the principles of reconciliation, nation-building and social cohesion ensuring that our heritage landscape becomes a beacon of unity in diversity a space where everybody ... Thank you very much, hon House Chairperson. [Time expired.]

*IsiXhosa:*

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Mnu. M MANYI: Sihlalo weNdlu, mandithi gqabagqaba ndibethe koomofu, ndicukuceze le ngxubakaxaka.

*English:*

The MK party stands on the shoulders of a profound legacy shaped by the various struggles against colonialism, and apartheid guided by the heroic deeds of our African kings, chiefs and warriors, kings and chiefs such as the king of the Khoi Khoi, the king of the Sans, King Shaka, King Cetywayo, King Bhambatha ka Mancinza, King in Hintsa kaKhawuta, King Magoma, King Sekhukhune, King Moshoeshoe I, Queen Labotsibeni and many others who vehemently resisted the colonial conquest. They exemplified fierce resistance against Dutch and British encroachment, utilizing guerrilla tactics to preserve the sovereignty of our country, our land, and our cultural identities.

Leaders such as King Khama and King Moshoeshoe I, did not only fight battles, but they also engaged diplomatically to protect their people from Boer and British pressure. These historic leaders, inspired by their unwavering commitment to freedom, set a foundation of resistance that transcends into today's struggles. The Dutch and British colonization initiated a dark period of violent and ruthless dispossession of our land and

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cattle from the Khoi Khoi, San, Xhosa, Pedi and from the Zulu people.

The 19th century, set in an era of British imperialism fuelled by discovery of gold and diamonds, which led to further subjugation of the indigenous population and cemented the legacy of racial segregation, greed and economic disparity. Those encounters set the stage for the apartheid system of the 20th century, which institutionalized this divide, leaving a scar in South African society, a fabric that lingers in the contemporary period.

South Africa's tumultuous history is steeped in profound injustices, greed and the scramble for land. There are significant proportions of our population who were marginalized, stripped of their dignity and plundered by a minority. A reality which we face even as we speak today. Over the past 30 years, heritage has been dedicated to honouring the rich tapestry of cultures, traditions and histories that Nelson Rolihlahla Mandela tried to weave to form a new nation and an identity away from its painful past and it's supposed to be a day of remembrance and celebration but unfortunately, it is a day of sorrow.

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Today I would like to pay tribute to President Oliver Tambo who played a crucial role in maintaining the momentum of the liberation movement during a time when political activity was banned in South Africa? Pity, it has deteriorated to what it is today. His leadership in exile was marked by an uncanny ability to unite and mobilize a diverse coalition of anti-apartheid activists around the globe. His diplomatic finesse helped garner international support leading to increased pressure on the apartheid regime. The ANC that President Zuma knows.

Tambo's vision of a democratic and inclusive South Africa was rooted in his deep belief in human dignity and equality. His tireless efforts laid the groundwork for the eventual dismantling of apartheid and the establishment of a democratic South Africa. Although he passed on a year before the country's first democratic elections, his legacy lives on in the freedoms that we enjoy today, freedom of speech. While Tambo's contribution were monumental, countless others sacrificed their lives in the struggle for liberation.

There are many unsung and unnamed heroes who lost their lives for our liberation and their stories are woven into the fabric of the South African history. These brave souls faced

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imprisonment, torture and death and yet remained steadfast in their quest for freedom. Countless women and men organized and participated in protests, strikes and underground activities which played a pivotal role towards our political emancipation.

During Heritage Day, I would like to remember their resilience and courage in the face of an unimaginable adversity which must continue to inspire the generation in the ongoing fight for justice and equality. I would like to remember and pay tribute to Andrew Zondo, not Raymond Zondo, and Solomon Mahlangu, who were guardians of freedom. They stand as poignant symbols of resistance against the brutal apartheid regime, both being young men who sacrificed their lives in pursuit of justice and equality, leaving behind legacies that continue to inspire the fight against oppression. Their execution is a tragic reminder of the harsh realities faced by those who dared to oppose the regime. Solomon Mahlangu's last words were:

Tell my people that I love them and that they must continue the fight, my blood will nourish the tree that will bear the fruits of freedom, A Luta Continua, vitória é certa!

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These are the words which echo the profound impact of his sacrifice, both Zondo and Mahlangu fought for a South Africa free of racial oppression and inequality as they envision the nation built on principles of justice, unity and true democracy.

We embrace all communities as the MK Party because of this democratic dispensation. We embrace everyone. We embrace the so-called coloured people, the Indian people, the Khoi people, the San people, who are now part of a larger South African family, and indeed, I even personally embrace all these groups I have mentioned here. In the MK Party we are calling on all these groups to know that the MK Party is a melting pot. This is where all of us should end up in.

The diversity that has been brought by interacting with all other races and groups has brought about a rich tapestry of ideas, experience and cultural kaleidoscope that combine to reflect what we want. Today, the political landscape of the coalition arrangement between their organization and the neoliberal right would present challenges that they would critique. The structural, ideological and epistemic differences embodied in the recent marriage of unlikely

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bedfellows would be seen as a betrayal of their ideals, which they fought for. Comrades should be ashamed.

If Tambo, Biko, Hani and Mahlangu were to descend into this Good Hope Chamber today, they would lament seeing this frontline. They would reject any alliance that prioritizes the political convenience over genuine transformation. I mean, yesterday the same partners of this coalition were trying to fight against Employment Equity Act. Can you believe it? What a nerve! The ideals of the National Democratic Revolution, NDR as outlined by Tambo and Mandela have been perverted in the form of this grand coalition, which is a marriage of convenience where an imaginary wedding took place between the National Party of apartheid, which is now called DA, and the new ANC.

Let me conclude. The MK Party, under the leadership of His Excellency, President Zuma is therefore poised to carry forward the torch of liberation, ensuring that sacrifices of our ancestors were not in vain. Their dreams of a just and equitable South Africa should still be realized. Let us use this Heritage Day not only to leverage the rich legacy of our historical battle against the colonial dominance, but also as a foundational pillar for the aspirations of future

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generations aimed at achieving justice, equity and prosperity for all our people, regardless of race, colour or creed.

*IsiXhosa:*

Gwaza Mkhonto, Gwaza!

UMPHATHISWA WEZAMANZI NOGUTYULO: Ungakhe ulinge usiphathele udushe apha, Manyi. Yintoni le igwazwayo?

Ms B S MASANGO: Hon Chairperson, hon members, ladies and gentlemen, good afternoon. Today, as we celebrate our heritage, we must remember that it was not only a gift from above, but the result of men and women who worked incredibly hard and dedicated their lives so that our cultural diversity can be celebrated. As we reflect on our heritage, we must acknowledge everyone who has contributed to our social development and honour the long-lasting impact of their word.

Mr Nelson Mandela made this powerful observation during the UN Summit for Social Development in 1995, he said, and I quote:

However, the need to pursue the good of all has been subsumed under the narrow interest of the self or the corporate unit. The endless cycle will then become. Better circumstances for a

few precarious ones for many, and indeed worse for the majority.

Chairperson, how prophetic these words have proven to be. Back home, men and women from every persuasion, from lawyers to activists, to faith-based organisations, constitutionalists and academics worked tirelessly to draft laws that would change history for the poor, the indigent, indeed, the most vulnerable. These laws were intended to reshape the lives of the marginalised, ensuring their full participation in the newfound democracy so many had fought so hard to achieve.

The entire world rallied around South Africa and offered their support to ensure that these transformative laws could be effectively implemented. So many people have played a key role in ensuring that children, the elderly, people with disabilities and all those who benefit from these laws have their dignity restored and their lives improved. There is not enough time in this debate to single out all those who have made great sacrifices and gone to great lengths to get these laws passed and implemented. Their efforts have helped to change the status of the poor and vulnerable and allow them to enjoy the fruits of our shared, hard-earned democracy.

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We can all agree that the journey that these extremely courageous men and women from all sectors of society, government, civil society, and the international development community embarked on 30 years ago has not been without its challenges. Their efforts helped move the needle towards changing the status of the poor and vulnerable allowing them to start enjoying the fruits of our collectively hard-earned democracy. We all agree, the journey was started by those supremely courageous men and women 30 years ago from all sectors of society, all spheres of government, civil society, the international development community was not without its challenges. Their efforts saved lives of many people, restored their dignity, and started the process that holds the fabric of South African society together.

South Africa has found its place in the community of nations as a promoter of human rights and a key role model for the protection of those rights for all those who were maliciously curb-stomped by the previous government. All of us sitting here today have received the baton from these pioneering visionaries, inspired minds who saw victory in the dark days and envisioned a better socio-economic ecosystem.

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These South Africans believe that no challenge is insurmountable if they can overcome apartheid. However, our joy at their legacy must be mixed with concern. The number of poor people increases daily, as does the number of elderly people who are abused for their meagre government grants, some of them violently. Tragically, the number of children living in orphanages and juvenile homes continues to rise, as does the number of those abandoned on train station benches, pit toilets and under bridges.

We must ask ourselves how it can be that we have let down those who came before us and who have done such splendid work to change and improve the lives of the poor and vulnerable? What would they say about the current state of poverty and vulnerability? Have we properly implemented and amended the laws they so carefully crafted? Has the legacy they bequeathed us been superseded by our narrow self-interest that Mr Mandela so prophetically warned us against? We must ask ourselves as members of the Seventh Parliament whether we can meet the critical challenges we face? Can we put aside our political differences for the sake of those whose rights are on paper but not realised? Starting today, can we reduce the number of children with stunted growth, curb the abuse of women and children and alleviate the vulnerability of the elderly?

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Hon Chairperson, we have everything at our disposal within this House to solve the issues highlighted in the questions I have asked. The time for talking is over, we need to start doing because only through action can we change the lived experience of all South Africans for the better. Let the Heritage Day 2024 be the start of a changing life experience. The change that will allow all South Africans to meaningfully celebrate their culture and diversity in a country that belongs to everyone to work together to achieve this. South Africans deserve no less and God will surely help us. Thank you, Chairperson.

Mr E MTHETHWA: House Chair, it is said that cultural heritage is important because it connects people to the past, affirms it and reproduces cultural identity. Desmond Tutu testified to this by giving our nation a new identity after 1994, that of the "Rainbow Nation." According to the wisdom of our elders, the rainbow symbolises unity and hope, it stands for peace. But this rainbow nation has been robbed of its experience by the remnants of colonialism.

There cannot be unity whilst racism continue unabated, whereby a white farmer can murder black people and feed their human remains to pigs. There cannot be peace in a country where

crime has escalated to high levels, allowing extortion even from a poor grandmother who sells fat cakes in the streets. There can be hope whilst the "Tintswalo" graduates stand up at crossroads in their gowns, begging for food, clothes, and jobs.

A true reflection of reconciliation and a peaceful country is often displayed by the harmonic sounds of nature and song sung by its inhabitants. It is over decades since we sang the songs of victory over colonial and apartheid systems, systems that dismantled the African dream of

*IsiZulu:*

ILembe eleqa amanye amalembe ngokukhalipha.

*English:*

The founder of the Zulu nation, King Shaka kaSenzangakhona who is presumed to have died on this day in 1828.

The 9th of September also marked 151 years since Prince Maqoma of the amaRharhabe Kingdom of the Xhosa nation transit in Robben Island. After having gallantly led three wars against British invasion, Maqoma died alone in Robben Island and on his death bed, an Anglican Church baptised him against his

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wish, marking the complete emasculation of our African heritage and value systems, only to be replaced by those of our oppressors.

The 12th of September also marked the date of Steve Biko's death at the hands of white's invaders. His sin was his advocacy for African people to find themselves and affirm themselves as full human beings. I am highlighting just these few iconic individuals to emphasise that after the attainment of political freedom, we, as African people remain a dispossessed people and emasculated people. As Steve so noted as, "mere shells."

Our history has been completely replaced by that of the coloniser. Our language is that of the coloniser. Our heritage, which is being authentically ourselves in affirming our right to our land and in advancing interest that are authentically African, has been completely obliterated, and now that which we call heritage is the heritage of the coloniser.

The Oxford Learner's Dictionary defines heritage as the history, traditions, and characteristics that a country or society has had for many years. So, the logical question to

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ask ourselves is: what characteristics has our country or society had for the last 30 years? Black people live in shacks that they will bequeath to their children while their white fellow citizens own large businesses and homes in Gulf Estates. Municipal taps are used to splash water on their backs because there are no swimming pools in their communities. The imagined participation in sports without sports facilities is a testament to the President's lack of diligence to address copyright changes and laws protecting artists adequately and quickly while artists die poor week after week.

The 2010 World Cup and the missed opportunity to correct the distorted jungle image of Africa and its history.

Notwithstanding assurances from FIFA and the Minister of Trade and Industry that the World Cup will benefit the locals, people in our creative sector became spectators to the "wagga waga song" in the backyard. And the domination of foreign content over African content, even in the form of publicly reported royalty frauds and shambles, without any government agency to intervene. But quick at taking podiums to make cold speeches at funerals of the famous but died poorer.

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To this day, the party of Sol Plaatjie, who characterised the actions of the colonising settlers as making the African not only a slave but also a pariah in the land of his birth, his political party is now in bed with the colonisers. You get instructions from the colonisers on how to advance the interests of Africans. Under this new right-wing coalition between the ANC and the colonisers, there will never be true emancipation of Africans.

Our artists will continue to die paupas, our historical sites and personalities will continue to be desecrated. The 24th of September will remain a "Braai Day" rather than a day of reflection in memory of those who came before us. The EEF refuses to celebrate this day as long as our people are landless, as long as the mineral resources are still in the hands of white capitalists, as long as the statue of Louis Botha still stares at us from the outside. [Time Expired.]

*IsiZulu:*

Mnu N M HADEBE: Sihlalo weNdlu, ngikhuleke kwisizwe sikaNodumehlezi kaMenzi, uDlungwane kaNdaba, uDlungwane woMbelebele, usiShaka akashayeki, iLembe eleqa amanye amalembe ngokukhaipha. Ushaka ngiyesaba ukuthi uShaka ngoba uShaka kwakuyinkosi yaseMashobeni.

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*English:*

This month will always be a bittersweet month for the IFP as it marks a year since the passing of our great statesman, founder and president emeritus, uMntwana wakwaPhindangene. We were privileged to take lessons from his rich well of culture and traditions. We take pride in learning from his teachings of ubuntu which we base our lives on as an African nation and political party. We celebrate uMntwana for his enduring contributions that enriched our identity, our political framework and our heritage. We fondly remember his profound words, and I quote: "Our heritage is our identity, and our identity is our heritage." Indeed, our heritage identifies us.

September is often a month in which we become nostalgic as we remember the heroes and heroines who fought to build and shape the land we call our home today. It is on their shoulders that we stand and on their sacrifices that we could build our beloved South Africa.

Democracy and unity have become synonymous with the likes of former President Nelson Mandela, the late IFP founder Prince Mangosuthu Buthelezi, Oliver Tambo, Steve Biko, Winnie Madikizela-Mandela, Walter Sisulu, Helen Suzman, Albertina Sisulu, Lilian Ngoyi and Charlotte Maxeke, to name a few.

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When we think about the past 30 years of unity in diversity as the IFP, we beam with pride as we reflect on the instrumental role our late founder, the hon Prince Mangosuthu Buthelezi, and the IFP played, and we are reminded of our late founder's words when he stated, I quote:

In all that I have done I have sought the best interest of my country so that we might attain a unified equal and just society in which both individuals and groups enjoy the gains of freedom.

When we look at where we are as a country 30 years later, it almost feels as though we are experiencing a full circle moment as we are starting off the next 30 years of democracy with a Government of National Unity, GNU. As a country it is clear that we are not where we should have been by now, considering the state of our economy and the deeply entrenched inequalities our people face. However, with the GNU family in place, we can finally start progressing to where we need to be.

*IsiZulu:*

Ungaphambazeli phambi kwensizwa igiya, isiphundu sizogcwala uthuli.

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*English:*

As we celebrate this heritage month, let us be reminded of how, where and with whom it all started so that we never lose sight of where we are headed.

*IsiZulu:*

Nina bezulu eladuma obala lapho kungemunga kungemtholo, uHlamvana abhul'umlilo ube ubaswe nguMantshonga benoQgeleman, inzimane emnyama ebubende bezingonyama. Angehlele ezansi nina beSilo. Bayede!

Mr A SAULS: Greetings in the wonderful name of our Lord and Savior Jesus Christ.

Hon House Chair, our former President, His Excellency Thabo Mbeki, when explaining the reasoning behind the design of our national coat of arms, said:

The coat of arms that is supposed to symbolise the protector of the nation. Who is our protector? We said the best protectors are the first people who died when the colonialists came here. The first defenders of our independence with the Khoi and San.

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This is the reason why today our coat of arms has two bushman warriors on it. Concerning the motto used on our coat of arms, President Mbeki reflects: "We have to use a language that unites the people and the only languages that can do that are the Khoi and San languages". Therefore, we have inscribed on our national coat of arms the bushman words, "!ke e: /xarra //ke", literally translated to mean unity in diversity.

It was not the ANC alone who drafted the Freedom Charter. No, it was the congress of the people, consisting of the ANC, the South African Indian Congress, the South African Coloured People's Congress, The South African Congress of Democrats. It was unity in diversity that gave us the document upon which our Constitution is founded today. It was not uTata Nelson Mandela's revolutionary leadership alone that could usher in a democratic South Africa. It required President FW de Klerk to join hands with him to do so.

Once again, it is unity in diversity that made it possible for us to sit here in this House today - "!ke e: /xarra //ke". It is not Rassie's brilliant coaching alone that makes us the number one rugby team in the world. It is also the leadership of Kolisi, the speed of Kolbe and the unity in diversity of the entire Bokke team that gives us consistent victory.

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The opposition should take note at this juncture that pushing an all blacks only political agenda will lose. It's only a government of national unity in diversity that can ensure we remain global political champions of nonracialism, even if we win with only this one political point, history shall still consider the GNU as the ones in the Seventh Administration who were progressive.

There is a Khoisan proverb that holds: "A dream is only a dream if it's a dream shared by all people". We all dream of a united South Africa. At the helm of the department tasked with the constitutional responsibility to ensure we achieve this dream should be someone to whom racial integration is not just a noble ideology, but a matter of biology - someone who is a biological prototype of racial integration.

Dear South Africans, the hon Minister Gayton McKenzie is that someone. A man whose grandfather is Irish, so he can't look down on a white person. Whose mother is Sotho so he can't look down on a black person. A man who leads the only political party in this country founded by himself as a coloured man, a black man hon deputy president Kenny Kunene, a white man, Charles Cilliers, a man in whose DNA is everyone therefore he can't look down on anyone.

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Hon Minister Gayton McKenzie continue to lead us in your God-given assignment through your department, together with your deputy and your entire team, to realise our shared South African dream of unity in diversity or more accurately stated, "like e: /xarra //ke".

May the blood of Krotoa ... [Inaudible.] ... Stanley Lollan, Anton Fransch and Ashley Kriel continue to speak from the ground of this our great Republic until we all become one people under God. I thank you.

Dr C P MULDER: Hon House Chairperson, today we debate in this Heritage Day debate the topic of celebrating 30 years of unity in diversity.

*Afrikaans:*

Dis nie die eerste keer nie; dis vir 30 jaar dat ons hierdie debat voer en dag ons hierdie goed met mekaar gesels. Ek het vandag baie aandagtig na die sprekers van verskillende party voor my geluister. Ek het geluister na die ANC se spreker, die agb Kgabo; ek het geluister na die MK se spreker, die agb Manyi; ek het geluister na die DA se Masango, ek het geluister na die EFF se Mthethwa, en na die ander ook.

Wat interessant vir my is, is dat deur na hulle te luister, oortuig my dat ons nie nader aan mekaar is as wat ons was 30 jaar gelede nie; ons is verder weg van mekaar as wat ons was 30 jaar gelede. As u mooi geluister het na wat elkeen te sê gehad het, het ons nie in hierdie tyd nader aan mekaar gekom nie, maar verder van mekaar af weggedryf in suid-Afrika, en ons moet daarvan kennis neem.

Dit help nie elkeen kom na hierdie podium toe en sê al die mooi en regte cliches en die regte aanhalings en woorde nie, maar in werklikheid praat ons verby mekaar nie.

Erfenis is is 'n persoon, groep of 'n gemeenskap se unieke oorgeërfde sin van identiteit, waardes, tradisies, kulture en gebruike, wat oorgedra is van vorige geslagte, die toekoms in.

Erfenis gaan nie maar net oor wat nou is nie; erfenis gaan oor wat voorlê en geskep word op die pad na die toekoms.

Ek het mooi na die agb Manyi geluister. Hy het ons baie mooi vertel en verduidelik ...

*English:*

... whom they all embrace. He didn't mention anything about the Afrikaner or white people. That was his choice; he did not embrace them.

*Afrikaans:*

Ons moet daarvan kennis neem.

*English:*

He didn't. We must listen to what people are saying and what the words mean in terms of what they are basically saying.

*Afrikaans:*

Hierdie debat, wat oor kultuur en erfenis gaan, gaan ook oor baie verder as dit. Dit gaan oor nasiebou, oor social cohesion [samehorigheid] of nie. Ek moet eerlikwaar sê, die agb Miniser van Kuns en Kultuur het 'n enorme taak en hy het 'n groot klomp werk reeds gedoen in terme van nasiebou, in terme van die departement. Hierdie departement leen hom daartoe tot 'n baie groot mate.

Aan die een kant is daar sport en solank dit goed gaan in sport, is sport 'n vereniger, iets wat ons bymekaar bring, 'n unifier [vereniger]. Dit gaan nie altyd goed in sport nie.

Daar kom 'n tyd wanneer sportspanne swak vaar en verloor en mense assosieer nie daarmee nie.

Dan kom ons by ander dinge uit rondom kultuur en identiteit en die boustene wat in gemeenskappe basies daar staan. Suid-Afrika is 'n enorme diverse land. Ons weet van die verskeidenheid, ons weet van die diversiteit. Daarom sê die Grondwet het ...

*English:*

... 11 official languages.

*Afrikaans:*

Dit is werklikheid van die verskeidenheid van Suid-Afrika. Dan is die vraag: Wat doen ons rondom hierdie diversiteit? Is ons ernstig daarvoor of is ons besig met lippediens?

*English:*

Unity in diversity, but what are we really doing in terms of accommodating that diversity?

*Afrikaans:*

Ons het 'n keuse. Daar is enorme energie wat opgesluit is in Suid-Afrika in sy verskeidenheid van mense, die verskeidenheid

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van kulture. Daar is die enorme energie wat na vore kan kom, om hierdie land vorentoe te vat.

Wat ek vir u op hierdie stadium sê moenie omsluit word. As u vandag na die sprekers van die verskillende partye geluister het, het ek niemand gehoor wat vir my vreeslik gelukkig en opgewonde klink om deel van hierdie groter prentjie nie te wees, behalwe Minister Mckenzie, ja. Die res het vir my geklink asof hulle nie werklik opgewonde is nie. Niemand is regtig vreeslik gelukkig nie. Almal kl na alle kante toe.

Die werklikheid is, erken die diversiteit, maak daarvan 'n sukses, en neem dit vorentoe. Jy kan Suid-Afrika vorentoe bou deur elkeen se identiteit te erken, deur sy verskeidenheid te erken, wat boustene word, anders as om voort te strompel van een geleentheid na die ander.

Dit kan gedoen word, maar vandag se debat sê vir my daar is nie noodwendig die groot opgewondenheid oor diversiteit in terme van ... [Tyd verstreke.]

Mr T K S LETLAPE: Just before I came into the House, I listened to Pravin Gordhan's daughter bid farewell to their father. Her last words were: Today we mourn the dead, tomorrow

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we live for them. I would like to modify them by saying: Tomorrow we honour them. What we have done in the last 30 years is to dishonour those that came before us.

We have a more unequal society today and we have a country that is not safe. Women are worse off today in terms of their personal safety and their lives than ever before. I would like to correct the Minister when he says that in 1976 we fought against Afrikaans. We didn't fight against Afrikaans, we fought so that we could be seen; we fought not to be dominated; we fought not to be oppressed and we fought to be able to choose the language that we want to be taught in. When you contrast it, it is very similar to the challenges that have been put on the Basic Education Laws Amendment, BELA, Bill now which is about autonomy of communities to choose their languages in their own schools.

You ask yourself: Have we made progress or are we moving backwards? We are the most unequal society on earth today. Forty-seven years and seven days ago, Steve Biko died. I grew up in that era and I learned from him. However, the man that went before him was Simangaliso Sobukwe. He said: To be an African you have to put Africa first. He is the one man that never saw colour. He is the one man that advocated for one

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person one vote. I ask as we sit here today, how many of us put Africa first? That is what is needed to take Africa forward.

We can only go forward if we are not bringing our histories to impede the future. We have to work together. We can look back about our histories but if we do not accept that all of us, the rainbow nation has to work together, all colors we have to come together, what we need to promote are human rights and humanity. What we need to do is to take action that we make South Africa better and safer.

We have stolen - I mean - I am a product of Bantu Education not because what the Afrikaner government wanted for me was good but because our communities were resilient and they resisted. The education that we govern over today produces kids that can't read for meaning. That is on us. That is not on those that went before us. It is time we stop desecrating the graves of those that gave us this opportunity, accept that mistakes have been made in the last 30 years.

In the first 10 years there was hope but in the last 20 years we have all faltered and we have to take collective responsibility. No name calling, no shaming of others and we

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work together to build South Africa. The people have voted that we should act. We, in ActionSA, say that all are welcome, whatever your history is. It is about the future that would be for all of us so that women and children can be saved ...

[Time expired.] ...

Mr S N SWART: House Chair, while the ACDP believes that the nation is facing many and diverse challenges, there is still much to be grateful for and to celebrate after 30 years during this debate on Heritage Day. It is important for us to reflect on the values that have guided our country so far.

Reconciliation, unity and nation building leading to unity in diversity. For those of us who are followers of Jesus Christ, we need to build and continue building our nation because we are called to minister love, forgiveness and reconciliation.

We have no choice, that is the centrality of our gospel. This message of forgiveness and reconciliation was advocated by former President Nelson Mandela 30 years ago. It laid the foundation for our nation. It is the message that remains the hope for a prosperous and peaceful future for everyone in our nation to achieve even greater unity in diversity. We need to come together in the Seventh Parliament to make sure that South Africa is indeed a better place for all.

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Our heritage is also importantly passed through the generations from parents to children. Parents have the right and responsibility to choose the kind of education best for their children including religious, cultural and language bases of their values. This is recognised by South African and the international law. We cannot protect our heritage when parents' rights and responsibilities are undermined in the name of a very radical brand of secularism.

We, as believers and as faith-bearing people in this nation need to take a stand against secularism in our nation. Religious and cultural speech is also under threat when one considers the contentious Hate Speech Act that may well be abused to silence religious and cultural speech which should and does enjoy constitutional protection. The ACDP believes that our democracy will be poorer not richer. Our diversity will be undermined if religious and cultural voices that have stood the test of time in South Africa are silenced and suppressed in our nation.

On this Heritage Day, let us celebrate unity in diversity by remembering that our Constitution welcomes and protects religious and cultural speech and activities in the public sphere. I thank you.

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*IsiXhosa:*

Nksz C T NONTENJA: Sihlalo weNdlu ohloniphekileyo, le nyanga sikuyo yinyanga yenkcubeko esikhumbuza ngemvelaphi yethu, imbali yesizwe, amasiko kunye nezithethe. Kufanelekile ke ngoko ukuba sibonakalise ukuzingca ngemvelaphi yethu kuba kaloku isizwe esingayaziyo imvelaphi yaso, asizazi ukuba ziyaphi.

Nangona indlela yenkcubeko yaseNtshona ikhula kweli lizwe lookhokho bethu, thina sinoxanduva lokukhusela inkcubeko yethu kuba ililifa lethu nezizukulwana zethu ezizayo. Yiyo loo nto urhulumente kufuneka athathe uxanduva lokuhlohla abantwana nolutsha ngokubaluleka kweelimi zomthonyama, imbali yookhokho kunye namaqhawe eli lizwe.

Imbali yesizwe kufuneka iqale ukufundiswa kumabanga aphantsi ezikolweni abantwana beselula, ukuze bangalahlekelwa bubuntu nobubona.

*English:*

Hon Chairperson, heritage month is the time the nation celebrates unity in diversity in a country that has unpleasant history of division and apartheid. Unity in diversity demonstrates extreme levels of tolerance to teach others of

its uniqueness. South Africans have come too far to reach such understanding of diversity.

However, the UDM suggest that we celebrate heritage month with a consideration that there are some critical issues surrounding our heritage, for instance, when looking back at the past 30 years what is said is that South African people have been relegated to being tourists of their own heritage. Our identity is no longer an anchor of our daily lives. It is something we now visit occasionally. Foreign tendencies have now formed habits that are now creating new items ...

[Interjections.] ...

The HOUSE CHAIRPERSON (Ms Z Majozi): Hon Nontenja.

Ms C T NONTENJA: Yes, Chair.

The HOUSE CHAIRPERSON (Ms Z Majozi): Yes continue, madam. We lost you there for a second.

Ms C T NONTENJA: Okay. Thank you, Chair. It is these new heritages that the current generations will be equipped to forthcoming generations. Old ones will be extinct if we don't do anything about it. We believe that nations are made up of a

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collection of stories and legends. These stories shaped the way we think about our country and our standing within it and for our children ... [Time expired.] ... Thank you, Chairperson.

*Xitsonga:*

Tat S M GANA: Hi vule leswaku hi ta entirhweni. Mutshamaxitulu, ndza khensa. Vahlonipheki va Huvo.

*English:*

Hon members, this debate offers us an opportunity to reflect on ourselves, first as South Africans but also as Members of Parliament. This heritage debate must be a moment of some deep reflection in terms of what it means to be a South African 30 years into our democracy. How should we define ourselves as a people? What is the South African consciousness? What is it that will unite us as a people.

In many ways Heritage Day is connected to our nation building efforts. The task of building a nation is never completed in one generation. It is passed on from one generation to the next. That which is passed from one generation - at least in the case of South Africa - must be significantly better than with that which was inherited. As a generation of leaders, can

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we confidently say that we are on course to pass to the next generation a better South Africa than the one we inherited?

The essence of heritage is not in so much what we wear or eat. That is important but it must be in what we are able to pass on to the next generation. Nevertheless, hon members, in fostering our national identity and diverse heritage, we must also acknowledge that there are inhabitants to solid heritage and identity. These include the culture of lawlessness, a lack of respect for human safety and life, inability or unwillingness to select the best for critical roles in society, the normalisation of stealing of public funds and glossing over current and historical injustices.

As the Seventh Parliament, what is the parliamentary heritage we would want the next Parliament to inherit and continue to build the South Africa that is safe, prosperous, equal and united? A good heritage is not an accident of history, it is an intentional and deliberate effort of leaders and leadership. At the core of what we do has to be respect, ubuntu, a culture of hard work and excellence. The heritage that we must pass on to the next generation is a commitment to build a bigger and a solid middle class whilst taking care of our fellow South Africans who cannot provide for themselves.

*Xitsonga:*

Ndza khensa, Mutshamaxitulu.

*IsiZulu:*

Nk N L WEBSTER: Ngibonge Sihlalo, ngibingelele iNdlu.

*English:*

Heritage Day is meant to be a day of celebrating a shared national identity, a shared future and a shared vision for this country. The colleagues have made mention of King Shaka, an inspiration for Heritage Day ...

*IsiZulu:*

... uNodumehlezi, iLembe.

*English:*

His legacy was of bringing the nation together, and Heritage Day exists to bring South Africa together and to make us one nation. This is a day that was meant to celebrate a shared heritage, but also to encourage us to build a shared heritage into the future. However, we must be honest, South Africa, that we haven't built a shared heritage. For 30 years, the government has failed to capitalise on the goodwill of South Africans in building a united and equal South Africa. I grew

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up in the 80s, and like it was then, it still is now. We have multiple South Africans, we have different education systems, one for the rich, one for the poor, we are also one of the most, economically, an unequal societies in the world. Our communities are still the picture that the architects of apartheid had and mind, different kinds of communities that have infrastructure and that don't, and that runs along racial lines.

We can't fix a problem we don't own and acknowledge, so, let's acknowledge that we have not built one South Africa, we have not built one heritage, and we need to start today to work towards building one South Africa. This year's election results provided an opportunity for that, and that's why before even the Government of National Unity, GNU, was formed, as Build One South Africa, BOSA, we called for a national convention where every constituency would be represented. In the absence of a shared vision and a shared plan, the GNU has become a patronage and power-grab government, where the focus is on handing positions to parties in exchange for co-operations, and the South Africans are fast losing hope. We have an opportunity now to have a national convention where we offer a democratic and transparent pathway on agreeing on a

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government agenda that is value-based and that is delivery-based.

As South Africa, we cannot start to build a new country when we don't share the vision, we have to identify as a generation what our visions are, like the heroes that were spoken about today, who actually fought for a shared vision and a shared future for South Africa. We have to identify, what is the South Africa that we want. Therefore, I invite you today that we start to build towards one South Africa, and that starts with coming together and crafting this vision. Thank you.

The DEPUTY MINISTER OF SOCIAL DEVELOPMENT: Hon Chair, the theme for 2024 Heritage Month is commendable as it gives recognition to those who laid down their lives and went to prison to defend their land. The Department of Social Development will have an engagement with the villagers of Cofimvaba on International Day for the Eradication of Poverty on 17 October as part of Social Development Month, SDM, and we are going to ask the villagers what needs to be done immediately, and thereafter, take them out of poverty.

This type of engagement should take place in all villages where villages put up resistance to keep their land, and which

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led to the freedoms we enjoy today. I would like to thank the hon members for acknowledging Chief Moshoeshoe of the Nakungwani tribe of the Temple Nation in Cofimvaba, in the Eastern Cape's Chis Hani District Municipality. The chief and about eight members of his family started to struggle against land theft by the 1820 British settlers. He and his son were captured and imprisoned on Robben Island.

It was during a parliamentary oversight visit to Cofimvaba that I met with the tribal community, and we had discussions under three ... where the elders raised their wishes to have the remains of the King's son return to Cofimvaba to be buried next to him. They showed me the grave of the king. After the king's release from Robben Island, he was killed defending the precinct of Ngcobo, where Walter Sisulu later resided on. Cofimvaba has a rich history of freedom fighters dating back to the 18th century, and where amongst the first freedom fighters who were hanged by the apartheid government as recently as 1952 after they were captured in Queenstown.

As we celebrate Heritage Day, the best way the Seventh Parliament can pay tribute to the stalwarts of Cofimvaba and other villages who gave their lives before the land, is to eradicate poverty amongst their progenies. Our heritage is the

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land. We need to fight like Chief Moshoeshoe, his son and the eight members of his family. We need to show our gratitude by eradicating poverty. Chief, rest in peace. Thank you very much.

Ms M L MMOLOTSANE: Hon House Chairperson, South Africa is a country characterised by diversity. We are a people from different geographical localities, spanning nine provinces which range from the Gauteng Province to the Cradle of Humankind, where fossils of the earliest human life forms are found, and the Western Cape Province, where you can find Robben Island, which is a symbol for the struggle of freedom and where many of our political prisoners such as Nelson Mandela, Walter Sisulu, Herry Gwala, Robert Sobukwe, Toivo ya Toivo and others were imprisoned. We are also linguistically diverse people with 12 official languages, including the recognition of the SA Sign Language, SASL, as the 12th official language.

It is in this spirit that we support the signing of the Basic Education Laws Amendment, BELA, Bill, into the law by President Cyril Ramaphosa, in its provisions to support our linguistic diversity and promote multilingualism in our education system. The signing of the BELA Bill marked the

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positive step in ensuring that our differences are embraced and no longer can be used as barriers to access and success. Thirty-years into democracy, a minority within our society seeks to retain what the youth generation of 1976 fought and died for. Our diversity should not serve as a source of division, as observed in some schools in various communities. The government ought to allocate sufficient resources for the development of our official languages, for mother tongue teaching and learning in our education system on sign language to improve accessibility.

The South African heritage is also underpinned by an intricate history tied to the rest of the African continent, whose history has been distorted and marginalised. These narratives are aimed at undermining the agency of African and their contribution to civilisation and innovation. A critical component of celebrating our heritage is reclaiming our narrative history and challenging falsified and distorted Eurocentric narratives using institutions like schools to teach and reviewed history from an African perspective that reflects the complex and rich history of our struggles, economic and sociocultural system, which existed before the period of colonialism.

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We must reclaim the narrative of our history from an African perspective as part of restoring the identity and dignity of our people. This will also impact our national consciousness to have an appreciation of vastness, diversity, and complexity of our history, and the multiple contribution to foster deeper appreciation of where we came from and support strikes to realise a united, nonracial and nonsexist, democratic and prosperous society. Furthermore, this also require addressing the erasure of women, which is the marginalisation and underrepresentation of women voices, experiences and contributions to various and unrepresentation of women in our public monuments such as statues of liberation fighters, despite the vital role of women such as Charlotte Maxeke, Ray Alexander Simons, Victoria Mxenge, Dorothy Nyembe and amongst others in the anti-apartheid movement.

Monuments and statues commemorating women across the country are overwhelmingly rare, especially, compared to the male leaders. The erasure of women is not only a reflection of practical norms, but also indicative of the continued work we must collectively do to close gender parities and start recognising the contribution of women and creating meaningful opportunities for participation and success. Hon Chair, the media, music and other creative arts remain an important

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component and preserving shaping the South African heritage from the messages of resistance conveyed in the work of Miriam Makeba and Hugh Masikela, to the contemporary vibrant sound of Amapiano champion by Kabza De Small and Uncle Waffles, as well as stories told in film and virtual art such as Sarafina and Shaka Ilembe.

All of these are incredible expression of our evolving culture, reflecting various movements and context, and aligning to the people of the time. This is why we also welcome technological advancement and the use of social media in not only documenting and preserving our history, but also inspiring new generation to engage and celebrate their heritage by using modern innovation. Innovation such as podcast can spread our heritage through popular culture, creative artists such as Munaka, Mac G and Sol Penduka have produced the largest podcast, the podcast and chill. We must support such initiatives as part of transforming the creative sector. I hope chillers are watching.

Equally important, in an evolving society of the protection and preservation of our indigenous knowledge system, therefore, we recognise and applaud the work done by introducing such as the Indigenous Knowledge System, IKS,

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centre, at the University of North West, whose programme are developed and designed to recognise, protect, develop, promote and affirm Indigenous Knowledge System, IKS, as a body of knowledge and relevant knowledge community. Hon Chair, we must be resolved to lead our society of destructive narratives and practices which hinder reconciliation efforts and social cohesion. We must be resolved to uphold the constitutional principle of diversity, respect and tolerance.

As we continue to celebrate our rich heritage in this month, let the words of uTata Nelson Mandela echo when he said, I quote. "We truly have many cultures, yet we are one nation. We are truly diverse, yet we are bound together in a common destiny in the southern part of Africa. We are all Africans."

We are compelled never to lose sight of the fact that our rich diversity is our greatest treasure and strength as a nation. Our identity and unity as South Africans are not built nor should we aspire for them to mean conformity or sameness. Ours is an intricate identity rooted in diversity in religions, ethnicities, languages, cultures and traditions. Ours is of unity in diversity. Malibongwe! [Let it be praised!] Thank you, Chairperson.

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Mr F ADAMS: House Chairperson, the progressive caucus. You know, we've had the discussion about identity, history and dignity. But very few people have touched on the issue of the coloured people. The people whose identity was stolen and whose land is still being sold off to this day by people who form part of the Government of National Unity, GNU.

We don't speak about this. We don't speak about the fact that the first indigenous people still have not had their royalty recognised by this House 30 years into the new dispensation. Our coloured people, the uncomfortable stepchild of the new South Africa. The answer is yes, we speak about equality, but you know that I can never be equal because I have no acknowledged history and no acknowledged land in this country.

The European settler has more say over the land he evicted me from in 1976 than I do. But we speak about dignity, and we speak about heritage, and I listen to the right wing speak to the MK party about what they see as the wrongs that they committed, and therefore they do not belong in this august House. But that same DA has sent apartheid killers to council and brought them to this Parliament and think nothing of it. It's as if theft and looting ... [Interjections.] ...

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The HOUSE CHAIRPERSON (Mr W HORN): Hon Adams, just take your seat for a moment. There is a hand. Hon Michalakis, why are you rising?

The CHIEF WHIP OF THE 2nd MAJORITY PARTY: Hon House Chair, the member at the podium said that the DA sent apartheid killers to council. I would like him to please withdraw. Thank you.

The HOUSE CHAIRPERSON (Mr W HORN): Thank you, hon Michalakis. Aspersions can't be cast on a party. That is ultimately a point of debate. Hon Adams, please continue.

Mr F ADAMS: House Chairperson, I understand that these people don't understand, like they didn't understand that they sent a racist here, Renaldo Gouws. Now, can I please continue?

The HOUSE CHAIRPERSON (Mr W HORN): Hon Adams, there is another hand. Hon member, why are you rising?

Mr G D KGABO: Is the member willing to take a question?

The HOUSE CHAIRPERSON (Mr W HORN): Hon Adams, are you willing to take a question?

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Mr F ADAMS: From him Chair, all day.

Mr G D KGABO: Is that an agreement or what? Is he agreeing to take a question?

Mr F ADAMS: He doesn't understand.

The HOUSE CHAIRPERSON (Mr W HORN): He said yes.

Mr G D KGABO: I wanted your confirmation before raising my question. When the hon member is speaking of the chiefs that they have lost or the chiefs that have not received recognition, which chiefs is the hon member speaking of?

Mr F ADAMS: The Korana. Chief, you need to come and sit and have coffee with me then maybe one day you will learn something. The coloured people have faced a 400-year genocide since Van Riebeeck got off that boat, and in 1995 the ANC decided to extend it by another 30 years. Today you speak to me about my heritage, acknowledge my heritage man. Acknowledge the fact that my people are dying because of a lack of opportunity and it's systemic. A handful of coloureds in council, a handful of coloureds in Parliament, a handful of coloured Ministers that do not do anything for my people.

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It is the biggest day of the year. Chief, I understand that you think it's funny, but I also understand you don't understand that you're stupid. My people are dying, and you think it's a joke.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Adams, please take your seat for a moment. Hon member, why are you rising?

Mr X NQOLA: I'm rising on a point of order. I think the member on the podium is excited. Just by smiling he is addressing me and leaving everything and saying I'm stupid. And I want to appeal that he must withdraw that. Thank you.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Adams, please moderate your language.

Mr F ADAMS: Chair, if the man thinks that the death of coloured people - if he thinks that the dying of ten of our sons a day is a joke, I will not retract.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Adams, did you refer to that member as stupid?

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Mr F ADAMS: Chief, he was laughing at my face while I was telling you that ten of our sons died.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Adams, did you refer to that member as stupid?

Mr F ADAMS: I will not retract. I will not retract.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Adams? Hon Adams, I will give you another opportunity to withdraw.

Mr F ADAMS: I will not retract. I don't want the opportunity; I will not retract.

The HOUSE CHAIRPERSON (Mr W Horn): Okay, then you must leave the podium and the House. Hon Adams, leave the House, please. There is a door just to your left. Hon members let's continue. The next party with an opportunity to participate in this debate is the PAC. Is there a speaker for the PAC, if not then we move on to the hon Mahlatsi.

Mr L W MAHLATSI: Chairperson, greetings to the progressive caucus.

*Sesotho:*

Kgotso, Maafrika.

*English:*

Hon Letlape, if the Jews are still speaking about the holocaust today and you are expecting us, Africans ...

*Sesotho:*

... tanki, o kgutlile mongaka.

*English:*

If the Jews are still speaking about the holocaust today and expect us just to forget about apartheid, forget it.

*Sesotho:*

Re a hana!

*English:*

So that one, we must make it clear. If you are saying we must recognise or make 1913 the benchmark for the land ...

*Sesotho:*

... re a hana.

*English:*

We're not recognising it.

*Xitsonga:*

Khanimamba.

*English:*

Now, the heritage month is meant to celebrate our rich and diverse culture, traditions and histories. But the UAT is faced with the critical question, how do we truly celebrate our heritage when the foundation of our land ...

[Interjections.] ...

The HOUSE CHAIRPERSON (Mr W Horn): Hon Mahlatsi, please take your seat for a moment. There is a hand.

Mr T K S LETLAPE: He's attributing things to me that I never said.

The HOUSE CHAIRPERSON (Mr W Horn): Hon member, that's not a point of order. It's a point of debate. Thank you. Hon Mahlatsi, please continue.

*Sesotho:*

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Mong L W MAHLATSI: Ntate, o itse re lebale. Ha re lebale. Re a hana! Re a hana, ntate. Ha hona botjhaba boo re tla bo keteka re sena lefatshe.

The HOUSE CHAIRPERSON (Mr W HORN): Hon Mahlatsi, whilst I'm not clamping down on your freedom of speech, please just speak through the Chair. I think it will lower the temperature in the House. Thank you.

Mr L W MAHLATSI: I don't understand, Chair. I'm continuing with my speech. I'm not addressing ntate Letlape.

*Sesotho:*

Ke mo hlompha haholo. Ntate wa ka. Re a hana!

*English:*

How do we truly celebrate our heritage when the fundamental issue of our land, the very soil of our identity, remains unresolved? Our heritage is inseparably tied to our land, the land is not just an economic asset, it's our culture, spiritual, our historical foundation. Yet for centuries, African people were violently dispossessed of their land by colonisers, a legacy that apartheid entrenched, and democracy has thus far failed to fully address.

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The failure to return the land to its rightful owners is a stain on the very heritage we are being asked to celebrate. The land question is not just about farming or houses, it's about identity, dignity and justice. Without the land, the heritage of African people remains incomplete.

As UAT, we cannot ignore the contradictions. As a Pan Africanist, we throw our wisdom of leaders like Thomas Sankara, who reminded us that without the control of our land and resources, we cannot control our destiny. To Kwame Nkrumah, spoke of political independence, being meaningless without economic independence and central to the economic independence. It's our land.

*Xitsonga:*

Khanimamba.

Mr A D DE BLOCC VAN SCHELTINGA: Chairperson, Heritage Day is an opportunity for South Africans to celebrate. We want to celebrate what brings us together as South Africans and what we share as South Africans. We want to celebrate what makes us South Africans, but also to celebrate our differences. Because in celebrating our differences, we can learn to love the beauty of our diversity.

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Diversity is at the heart of our shared South African heritage. Our national motto as we've heard translates as, "diverse people unite". This sentiment underpins the vision of the Government of National Unity for a non-racial, and non-sexist country; a country where we come together to celebrate our differences constructively, rather than use those differences as a destructive wedge to drive people apart.

Heritage Day is also an opportunity for reflection. Our heritage is inherited from our ancestors and previous generations. By this, our heritage is also our history. All South Africans are products of our shared inheritance. We are all sons of Shaka and daughters of Sarah Baartman, nieces of Queen Modjadji and nephews of Van Riebeeck. We are formed by our collective history. The most painful parts of our story are those when we pointed fingers at our differences as South Africans rather than celebrating our shared diversity. We must choose to have strength in diversity, not division. We must celebrate each other, not denigrate each other. For it is only together that we can move this country forward ...

[Interjections.] ...

Mr J S MALEMA: House Chairperson, on a point of order: It is an offensive language to say we are all descendants or

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grandchildren of Jan van Riebeeck, a murderer. We can't be told that we are children or descendants of Jan van Riebeeck. Shaka and them we agree, but to mention Jan van Riebeeck in the same line with Shaka Zulu, with Queen Mujaji, is an offensive language and it's unacceptable. The Jews will never agree that Hitler be mentioned in a debate that seeks to identify ... [Inaudible.] ... will never agree that we are the descendants of Jan van Riebeeck.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Malema, that is a point of debate and not a point of order. Hon de Block van Scheltinga, please continue.

Mr A D DE BLOQ VAN SCHELTINGA: If we are going to acknowledge that we are all products of South Africa's history, then unfortunately that's a fact we have to admit. My point is, ... [Interjections.] ...

Mrs E N NTLANGWINI: Chair, on a point of order: I want you to caution the young men, if you're going to continue like that, we are not part of the legacy of Jan van Riebeeck, and he cannot consistently tell us that we are part of Jan van Riebeeck. That is offensive to all of us Africans and we cannot allow that and tolerate that. That is precisely why you

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still want to protect Louis Botha standing in front of Parliament. We're not going to allow that. ... [Inaudible.] ... with a murderer and racist. That is offensive.

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, hon Ntlangwini. I have already ruled. Please take your seat now. Please take your seat now. I have already ruled that that's ultimately a point of debate. So, we can't abuse points of order. Order! [Interjections.] Hon member, I'm now speaking. In terms of the Rules, when the Chair speaks, you are to desist. Hon members, it might be that you disagree vehemently with the hon de Block van Scheltinga, but that doesn't take away from his right to air his views. I have made that ruling. If you disagree, you know what recourse to take. Hon Reddy, why are you rising? If it is on the same point, then I'm not going to entertain it.

Mr V G REDDY: House Chairperson, on a point of order: rise in terms of Rule 69(d) It is headed gross disorderly conduct on the part of the descendant of Jan van Riebeeck. It persists in making serious allegations against other members of this House without adequate substantiation. If he is saying we are the descendants of Jan van Riebeeck he needs to ... [Inaudible.] ... in terms of the Rules.

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The HOUSE CHAIRPERSON (Mr W Horn): Hon Reddy, please take your seat. In terms of the Rules, hon Reddy, I've already ruled.

Mr V G REDDY: I rose on a new Rule.

The HOUSE CHAIRPERSON (Mr W Horn): No! Hon Reddy, gross disorderly conduct is ultimately what we will have if members continue to raise the same point of order, which I've already ruled on. Thank you. I am now on the floor. So, I've ruled on this matter. It's a point of debate. I think South Africa is now clear. You, along with some other members, vehemently disagree. That doesn't take away from the right of this member to air his views. Hon de Blocq van Scheltinga, please continue.

Mr A D DE BLOCQ VAN SCHELTINGA: I think they will agree, Chair, that we have inherited van Riebeeck's legacy in our inequality in South Africa. That his legacy is not necessarily a positive one, but it's one that we inherited, and we share.

Mr M MANYI: Chairperson, on a point of order: Once you've ruled on a matter, that ruling binds all of us, including the man on the podium. So, once you've ruled on the matter, he

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mustn't continue provoking us. We will keep rising on the same thing.

The HOUSE CHAIRPERSON (Mr W Horn): Hon Manyi, please take your seat. That is not what the ruling said. The ruling said that while I take notice, along with the rest of South Africa, that you vehemently disagree with this member, he has a right to air his views. Please switch off your mic now. Thank you. Hon de Blocq van Scheltinga, for the sake of progress. I think you have limited time left.

Mr A D de BLOCQ van SCHELTINGA: My point is that it's only together that we can move this country forward and bring freedom and prosperity to all South Africans. And I'm going to draw on our vast and extremely diverse natural heritage to demonstrate this. We are sitting right now in the most biodiverse city in the world. From the steps of this very Chamber, one can marvel at one of the world's seven natural wonders, Table Mountain.

Table Mountain alone is home to more plant species than the entire United Kingdom, 2 000 species, of which 90 are found nowhere else on planet Earth. This biodiversity hotspot ...  
[Interjections.] ...

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

Mr A D DE BLOEQ VAN SCHELTINGA: ... is characterised by what we call fynbos, home to our national flower, the King Protea. Fynbos is as apt a symbol for the South African people as you can find, both megadiverse and unique to South Africa. Fynbos is hardy and adaptable. It thrives on even the most nutrient-poor soils, can withstand droughts and floods, and can be found growing from the coast, where it's lashed by the temperature storms, to the peaks of the Cape Fold Mountains, where it is baked by the African sun in summer and smothered in frost and snow in winter.

Fynbos has found a way to overcome adversity and thrive in difficult environments. It is the epitome of resilience. The ability of such diverse constituents to overcome the most overwhelming odds is a trait that has come to define generations of South Africans throughout our turbulent history. Perhaps the most telling part of this metaphor is the fynbos' relationship with fire. Fire is a natural part of our African ecosystems, having shaped our landscapes even before the first humans sprung forth from the Cradle of Humankind to conquer the world. Fires rip frequently through the fynbos,

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scorching the earth and leaving a blackened hellscape behind. South Africa has been on fire. We have been suffocating in the smoke plumes of crime, poverty and unemployment.

We have been burning in the flames of neo-racial politics, stoked by persistent inequality and lack of basic freedoms. Our homes and institutions have been tarnished and charred by the soot of corruption and failed service delivery. But the secret to fynbos is that every 30 years, it needs to burn. The smoke and heat are the cues for dormant seeds to germinate and sprout the next generation of proteas. The old and moribund must make way for new growth. From the ash, green shoots will soon be seen, a symbol of hope, new beginnings and a new chapter.

Earlier this year, South Africa was perilously close to a point of no return. The scorched earth lay dormant, uncertain, seemingly holding its breath in trepidation of what would come next. So many countries have been here before us and have made choices that have run them to ruin, choosing violence, division and blame. So many countries, but not South Africa. We have been here before. Thirty years ago, the world marvelled at how South Africa pulled itself back from the brink, not by force, but with love, a nation reborn. Thirty

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years on, the world is again marvelling at the miracle of South Africa, how we once again are able to overcome the overwhelming odds, how we pull together as a nation, rather than pull apart, using our strength and diversity, rather than tearing ourselves apart at the seams of our rich tapestry of heritage.

Like the proverbially famous fynbos phoenix, we are rising once again after 30 years of struggle, because shared diversity will always beat adversity. In 2024, we were truly at a crossroads. Do we cave into adversity, embrace ethnocentric politics and populism, and follow the well-trodden road to ruin? Or do we make the difficult choice to once again find each other in a shared love for our beautiful country and write a new chapter for the people of South Africa?

The choice was clear. Either we adopt a Government of National Unity or a government of notorious impunity. We have chosen again to hold hands together under our shared values of non-racialism, the rule of law, and the primacy of our Constitution, guided by the African principle of Ubuntu.

*IsiZulu:*

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Umuntu ngumuntu ngabantu.

*English:*

A diverse people have again united. My fellow South Africans, this Heritage Month, I can see those green shoots starting to show. I thank you.

The DEPUTY MINISTER OF SPORT, ARTS AND CULTURE: Thank you very much, hon Chairperson. Hon members, as we reflect on 30 years of democracy, it is essential to acknowledge our diverse heritage and continue to shape the rich heritage of our country. The month of September annually marks the heritage month in South Africa. This year, we will mark the start of heritage month under the theme, Celebrating the Lives of Our Freedom Heroes and Heroines Who Laid their Lives for Our Freedom.

The theme was deliberately adopted to call to prompt the nation to reflect on the significance of celebrating 30 years of our freedom and acknowledge the sacrifices by our heroes and heroines. In identifying this year's theme, the department considered the Preamble of the Constitution, which enjoins us to recognise the injustices of our past and honour those who suffered for justice and freedom in our land.

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Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.

Hon Chairperson, the Truth and Reconciliation Commission Report, which recommended the symbolic reparations as legal and moral obligations to survivors of gross human rights violations, was necessary to restore human and civil dignity, to enable victims to come to terms with the past. The reparations also takes place in the context of the resistance and the liberation heritage route, the project, which symbolises the restoration of identity and heritage, and the reconnection with ancestral routes.

The South African Government has since been inundated with requests from families and communities for repatriation of the mortal remains of freedom fighters over the years. The well-known and publicised cases are those of Net Nakasa, in 2024, Moses Kotani and J B Marks, in 2015 until recently.

Hon Chair, given the volume of the remains of South African liberation struggle fighters scattered across the globe, the Department of Sports, Arts and Culture developed a National Policy for the Repatriation and Restitution of Human Remains

and Heritage Objects, which was approved by Cabinet in 2021. The advisory committee was appointed to advise on the implementation of the policy and the military veterans endorsed the country-to-country model and the implementation plan for the repatriation of human remains to military veterans.

Heritage is the soul of a nation. It connects us to our past, informs our present and shapes our future. All South Africans of all races have been custodians of culture, language and tradition for generations. We have nurtured the stories, songs and rituals that define our diverse identities. Our traditions are alive in times of peace and strife, teaching us who we are and where we come from. These contributions are particularly significant in the context of South Africa's vibrant yet unstrained history.

Our transition to democracy in 1994 marked the beginning of a new era, not just politically, but also culturally. The task of redefining South Africa's heritage in an inclusive and representative manner fell largely on the shoulders of each one of us. Our heritage is being safeguarded by practicing and transferring indigenous knowledge systems, traditional crafts,

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... [Interjections.] ... and oral histories to future generations.

The heritage that we preserve is not only found ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr W HORN): Hon Deputy Minister, my apologies. Hon members, on the virtual platform, please ensure that you stay muted.

The DEPUTY MINISTER OF SPORT, ARTS AND CULTURE: The heritage that we preserve is not only found in museums and books, but also in the everyday lives of our people. The digital age offers new opportunities to document, share and celebrate our diverse traditions, ensuring that our heritage rights are in modernity. We must continue to invest in empowering our youth within the heritage sector, ensuring equal representation in decision making.

The centuries of both slavery and colonialism that were followed by the decades of apartheid has made black people, in particular, fight for their worth. Racism, sexism and economic barriers often lead to exclusion and marginalisation of certain groups from decision making processes, limiting their

ability to contribute to nation building. Our history bears testimony to this.

Economic exclusion perpetuate inequality, and thus, creating disparities in access to resources, opportunities and services, undermining social cohesion and national unity. Unaddressed racism, sexism and economic disparities can lead to social unrest, protest and conflict, destabilising the nation. Systematic injustices erode trust in institutions and nation building processes, making it challenging to build a cohesive society. Hon Chairperson, continuing to deny the existence of racism and refusing to confront it will lead to a less vibrant, less cohesive and less prosperous society.

The South African creative sector is the significant contributor to the economy, known broadly as the creative industries. These include areas such as fine arts, music, film, television, literature, design, fashion and multimedia. The creative sector is a substantial source of employment, thus contributing to the job creation. Our cultural exports, in a form of music genre, such as *Amapiano*, has penetrated the international markets. This proves the cultural potential that South Africa has. The diversity in our creative industries provide various opportunities for innovation and growth.

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In conclusion, as we celebrate heritage month, let us honour the past and commit to a diverse cultural society. The stories, leadership and the resilience are the bedrock upon which we continue to build a more conclusive, proud and united South Africa. Let us continue to celebrate and elevate all the voices who have given so much of themselves to ensure that the fabric of our heritage remains strong and vibrant, reflective of the true spirit of our nation.

Hon Mthethwa, 30 years of democracy has given us enough experience to understand how to resolve challenges faced by our artists. I promise you that it cannot continue as usual, and that the leadership of the GNU is all right. Thank you.

**CONSIDERATION OF DRAFT NOTICE AND SCHEDULE DETERMINING THE  
RATE, WITH EFFECT FROM 1 APRIL 2023, AT WHICH SALARIES,  
ALLOWANCES AND BENEFITS ARE PAYABLE TO PUBLIC PROTECTOR AND  
DEPUTY PUBLIC PROTECTOR ANNUALLY**

**CONSIDERATION OF DRAFT NOTICE AND SCHEDULE DETERMINING THE  
RATE, WITH EFFECT FROM 1 APRIL 2024, AT WHICH SALARIES,  
ALLOWANCES AND BENEFITS ARE PAYABLE TO PUBLIC PROTECTOR AND  
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Mr X NQOLA: House Chair. hon members, the Portfolio Committee on Justice and Constitutional Development having considered the Draft notice and schedule determining the rate, with effect from 1 April 2023 and 1 April 2024, at which salaries, allowances and benefits are payable to Public Protector and Deputy Public Protector annually for approval by Parliament in terms of section 2(2) A and 2a(5) (A) of the Public Protector Act of 1994 report as follows: The matter was referred to the committee on 9 July 2024 to consider and report on the President's proposed determination of the salaries and allowances of the Public Protector and Deputy Public Protector with effect from 1 April 2023 and 1 April 2024.

Section 219 (5) of the Constitution of the Republic of South Africa, Act 108 of 1996, provides that national legislation must establish frameworks for determining the salaries, allowances and benefits of judges, the Public Protector, the Auditor-General, and members of any commission provided for in the Constitution.

The Determination of Remuneration of Office Bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014 creates the necessary framework to determine the

salaries of office bearers of independent constitutional institutions.

Among others, the Act amends the Public Protector Act 23 of 1994 to provide a process to determine the salaries of the office bearers of these constitutional institutions.

Section 2(2) of the Public Protector Act, 1994, read with section 17 of the Determination of Remuneration of Office Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014, provides that the Public Protector is entitled to such salary, allowance and benefits as determined by the President, from time to time, by Notice in the *Gazette*, after taking into account the recommendations of the Independent Commission for the Remuneration of Public Office Bearers.

Section 2(3) of the Public Protector Act, 1994, requires that the National Assembly resolve to approve the Notice, whether in whole or in part; or disapprove the determination, before publication.

Concerning the Deputy Public Protector, section 2A of the Public Protector Act, 1994, read with section 3 of the

Determination of Remuneration of Office Bearers of Independent Constitutional Institutions Laws Amendment Act, 2014, provides that the Deputy Public Protector is entitled to such salary, allowances and benefits as determined by the President, from time to time, by notice in the *Gazette*, after taking into account the recommendations of the Independent Commission; and approved by the National Assembly.

Section 2A(5C) of the Public Protector Act, 1994, requires that the National Assembly resolve to approve the Notice, whether in whole or in part; or disapprove the determination, before publication.

The Independent Commission recommended a 3% salary increment for all categories of public office bearers, including office-bearers of the independent constitutional institutions, for the 2023-24 financial year.

A recommendation of 2,5% salary increment for all categories of public office bearers, including office-bearers of the independent constitutional institutions, for the 2024-25 financial year.

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In a letter, dated 28 May 2024, the President informed the House that he has considered the Independent Commission's recommendations and the serious economic challenges facing the country and intends to determine a 3% salary increment for all members of the independent constitutional institutions with effect from 1 April 2023, subject to the National Assembly's approval and a 2,5% salary increase for all members of the independent constitutional institutions with effect from 1 April 2024, subject to the National Assembly's approval.

Hon House Chair, I table this report for approval by this august House. Thank you very much.

*Declarations of vote:*

Mr D D KLOPPER: Hon House Chair, considering the economic climate, we as the DA took note of the increases and the recommendations that is significantly below the inflation rate. Many if not the majority of South Africans are experiencing low to no annual increases. Likewise considering that unemployment rate is sitting around 42%.

The increase alone will be more than what 42% of South Africans earn individually. This highlights the significant difference. Most South Africans makes significantly less than

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the average salary of R26 000 according to the statistics South Africa, which published the statistics revealing mean salary was only R5 417. Approximately R65 000 earned per annum to boost the sympathetic. The mean salary versus the Public Protector general salary of approximately R1,9 million. An increase of 2,5% will see the Public Protector enjoying roughly R48 000 increase per annum. By average South Africans would only enjoy R1 624 per annum increase on the same percentage. I do want to be clear that it is not that we as the DA or opposed to the increase as living costs increase for every South African, including the Public Protector, however, this must not be destructed from extreme dire situation of the average South African. We do not enjoy the same relief when increases are implemented. Mere percentage may be misleading as small and insignificant when the true value of rands and cents differ considerable when the starting point is works apart.

We support the report and proposed increases by remaining mindful to the fiscal challenges facing all South Africans.

Thank you, Chair.

*IsiZulu:*

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Nk P P NCUBE: Ngiyabingelela Sihlalo, siwuMkhonto weSizwe asihambisani nokunyuswa komholo kaMvikeli Wesizwe kanye neSekela lakhe ngaphansi kwalolu luhlu ...

*English:*

Section 181 of the South African Constitution states that Chapter 9 institutions are independent and subject only to the Constitution and the law and they must be impartial and must exercise their powers and perform their functions without fear. This is followed by section 181, which further states that no one may interfere with the functioning of Chapter 9 institutions. It goes without saying that living up the appointment of the current Public Protector, we have witnessed adverse violation of the aforementioned constitutional provision only deny the ANC and DA coalition protagonist failed to consider to the fact that Public Protector's Office is presently compromised since has allowed to convert into political weapons which is being used by politicians to settle political scores.

As logically as our position is the other incidents forms for wrongdoing which we will argue says the foundation for what we easily point out as wrong on the Phalaphala search. This includes, amongst others, gross violation of the Constitution

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abuse of authority. In her worldly criticised investigation reports into the Phalaphala scandal, the Public Protector excepted Mr Ramaphosa who used state security personally to handle the alleged theft in his private farm and kept the money at his private home and the business in the Limpopo notwithstanding accepting Mr Ramaphosa ...

The HOUSE CHAIRPERSON (Mr W Horn): Order, hon member. Let's give this member an opportunity to make her impute. Order!

Ms C M PHIRI: Read properly, there is no word like personeling.

Ms P P NCUBE: Okay. She also defended an obvious unlawful conduct of keeping dollars under the mattresses. What makes the Phalaphala incident quiet extra ordinary is that it has gross details of cross border criminal activity loading of foreign currency and unethically abused of state resource. It is our firm view that supporting the Public Protector's salary increment for both 2023 and 2024 under these circumstances will be tantamount to awarding mediocratic it will be tantamount amount to the sabotage of the people of South Africa who have not witness a constitutional narrative which say we are all equal before the law. We will support this

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salary increment under the discussion the day the current  
Public Protector ...

The HOUSE CHAIRPERSON (Mr W Horn): Hon member, unfortunately  
you are out of time. I have given you a few extra seconds.

*IsiZulu:*

Nk P P NCUBE: Ngiyabonga. [kwaphela isikhathi.]

*English:*

The HOUSE CHAIRPERSON (Mr W Horn): Hon members, lets respect  
the decorum of the House.

*IsiNdebele:*

Adv B MKHWEBANE: Sihlalo, siyi-EFF sithi uMvikeli womPhakathi  
kukunje urhola R2,4 miliyoni, uSekela woMvikeli womPhakathi  
urhola R1,9 miliyoni. Okubuhlungu kukuthi umsebenzi wakhe  
akawenzi begodu ngaphezulu komrholo wakhe unekarada lesikolodo  
alinikelwa yi-ofisi yakhe nabonogada abane abaneenkoloyi  
akhamba ngazo ezithelwa ipetroli mbuso. Nofana kunjalo,  
uhlulekile kuphenya amacala. Uvale amacala amaphesende ama-42.

*English:*

People go there to complain because the Public Protector is the last resort that they have ...

*IsiNdebele:*

... kodwana yena uvala amacala athi sele kusikhathi eside into leyo yenzeka. Umuntu ongakafundi akakwazi ukuthi yena azilwele; udinga uMvikeli womPhakathi bonyana amlwele. Nagadesi uMvikeli womPhakathi akakawenzi umsebenzi wakhe ...

The HOUSE CHAIRPERSON (Mr W Horn): Order! Hon Mkhwebane, please just give me a second. Hon members, we can't drown the speaker. Please respect her opportunity to now give her input as to why we should or should not adopt this report. Order!

Adv B J MKHWEBANE: The Public Protector should be doing her work without fear or favour. She failed to do that and exonerated Mr Ramaphosa in the Phala Phala scandal. That matter was very clear; the President violated section 96 of the Constitution by hiding dollars under a mattress. He agreed that the money was his because he is in a business of selling cows. So, that person is not performing her responsibilities without fear or favour, hence the perception that she is the President's protector.

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In these kinds of offices, we need people who are very independent in their thinking and who wouldn't be going around and servicing the people ... [Interjections.]

The HOUSE CHAIRPERSON (Mr W Horn): Order, hon members! My apologies, hon Mkhwebane.

Adv B J MKHWEBANE: ... the interests of the politicians. Therefore, she failed as well. For three years the office got clean audits and then with her in office she failed to maintain the clean audit. Therefore, as the EFF we are saying she can't be given that increment. As I said ...

The HOUSE CHAIRPERSON (Mr W Horn): Hon Mkhwebane, I have a hand there, just take your seat for a moment. Hon Michalakis, why are you rising?

The CHIEF WHIP OF THE SECOND MAJORITY PARTY: Hon House Chairperson, I just want to find out if the hon member knows that we are not debating the ... [Interjections.] [Inaudible.]

The HOUSE CHAIRPERSON (Mr W Horn): No, hon Michalakis, don't do that. You as a Chief Whip are supposed to know that you first have to enquire whether the hon Mkhwebane will take a

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question. Please refrain from doing that in the future. Hon Mkhwebane, please continue.

Adv B J MKHWEBANE: Thank you, hon House Chairperson, for protecting me against the Chief Whip. As the EFF we are saying that R2,4 million is sufficient with a credit card and four bodyguards. Therefore, the public needs protection, we don't need to be engaging ourselves in this. Thank you.

Mrs E N NTLANGWINI: On a point of order, hon House Chairperson.

The HOUSE CHAIRPERSON (Mr W Horn): Hon member of the IFP, just take your seat for a moment. Hon Ntlangwini?

Mrs E N NTLANGWINI: House Chair, I didn't want to stop the Advocate because she was making very valuable inputs and we would have wanted to listen to that very much valuable input, but she was disturbed by the DA drowning her and playing with her opportunity to make a point. She is going to come back again, and when she does, can you please protect her?

Otherwise, no DA speaker will speak there. We are going to start with this tendency. No DA speaker will speak there. We

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can do what you do, and we can do it much worse. They must not ...

The HOUSE CHAIRPERSON (Mr W Horn): Thank you, hon Ntlangwini. That is not a point of order it is a point of warning or whatever. Let us all give one another an opportunity to address this House and the public when members are at the podium. Let us first try and give the IFP now a full opportunity and then all other speakers. Thank you.

Mr N M HADEBE: Hon House Chairperson, our Constitution is widely considered one of the best in the world for a number of reasons. A notable example is the establishment of the Public Protector, a Chapter 9 institution that is mandated to support and strengthen constitutional democracy. Following a controversial period that dented the image of the office, the IFP is pleased that the office has regained trust and respect not only locally but also across the continent and globally.

This is exemplified through our Public Protector being appointed the African Regional President of the International Ombudsman Institute. The restoration of this crucial institution is unsurprising, as the IFP was one of only two parties that unanimously endorsed the incumbent.

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We recognise our country's current unfavourable economic climate. However, we support the Independent Commission's recommendation of a R2,5 million salary increment. This office is mandated to act impartially and perform its functions without fear, favour or priorities. As such, given the responsibility of the office, it is essential to offer a competitive salary. In consideration of the issues raised above, the IFP supports the recommendations. I thank you.

*Afrikaans:*

Me H DENNER: Agb Huisvoorsitter, as die artikel 194-proses ons enige iets geleer het, is dit dat dit uiters belangrig is om iemand wat bevoegd, vaardig, onpartydig is as Openbare Beskermer te hê en wie se karakter en handeling ter alle tye bo verdenking is. Sy met haar werk sonder vrees en vergelding, sonder vooroordeel ...

Die HUISVOORSTTER (Mr W HORN): Agb Denner, hou net vir 'n oomblik vas.

*English:*

Can the Table Staff please assist; it would seem there is no translation at the moment?

*Afrikaans:*

Me H DENNER: Sy moet natuurlik ook haar werk sonder vrees en vergelding, sonder vooroordeel in die beste belang van die mense van Suid-Afrika kan doen. Wat dit ook vir ons geleer het is dat haar voorganger duidelik nie verhewe is bo suur druiwe nie.

*English:*

The mission of the Public Protector SA is to strengthen and support constitutional democracy by investigating, reporting on and remedying alleged or suspected improper conduct in state affairs.

Yesterday, the Portfolio Committee on Justice received a report from the Public Protector and her team detailing their systemic investigation into administrative deficiencies related to gender-based violence within the South African justice system, including remedial actions and timelines. Though quite upsetting, the report of the work done by this office and the report given to the committee was of a very high standard, which is exactly what we want to see from our Public Protector.

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We therefore support the recommendation by the committee and would also like to see that the PPSA's Office is better capacitated beyond the credit card in future to do better work. I thank you.

Mr T K S LETLAPE: House Chair, we support providing resources to the Public Protector, but we think more should be done to ensure that people cannot be intimidated. We need to find a mechanism that ensures that those that might be investigated by an office should not be the ultimate appointing officers or ones that approve the financial sustainability of those organisations.

We need to create a mechanism where our independent institutions can operate without fear or favour. That they are not beholden to someone that to appoint them. A situation where you are applying for a job and the person that's going to appoint you is the person that you are investigating. That is an untenable situation, and we need to find a mechanism as Parliament to ensure that our independent institutions are supported, are well funded and are able to do their job.

We could do with part of the money that has created a bloated executive to ensure that our independent structures are

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properly funded. We ask this committee to ensure that that is taken to the committee, and we find a mechanism in this Parliament to ensure that our officers are not under pressure from us in different positions.

Mr S N SWART: House Chair, the ACDP supports the report. The Public Protector plays a key role in investigating any conduct which is improper or resulting in any impropriety or prejudice and to report on that conduct and take appropriate remedial action.

Former Chief Justice Mogoeng Mogoeng described the Public Protector as David who had to go against the mighty Goliath and came out victorious. He said she is the embodiment of a biblical David, that the public is, who fights the most powerful and very well-resourced Goliath that impropriety by government officials are. The Public Protector is one of the true crusaders and champions of anticorruption and clean governance.

The hon Dener referred to the report that the Portfolio Committee on Justice received yesterday, and the ACDP agrees with her sentiments that this was a seminal report on the shortcomings by government departments in fighting gender-

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based violence. It highlighted shortcomings in the Department of Justice, in the South African Police Service, Saps and in Social Development.

It is disgraceful that there is lack of victim friendly rooms at these stations, that there are incapacitated sexual offences courts and that there are insufficient social workers. I pointed out that this is an indictment on us as Parliament that we should have done an oversight ourselves as well, but this report is very useful and very helpful. As we know, remedial findings of the Public Protector are binding and we, as Parliament, members of those various portfolio committees need to ensure that the Public Protector's binding recommendations and turnaround plans are enforced.

This report illustrates the good work that the Public Protector's Office does, and for those reasons, the ACDP will support this report. I thank you.

Ms C T NONTENJA: Chair, the UDM supports the determined salary increment for the Public Protector and the Public Protector with effect from 1 April last year, as recommended by the commission. The UDM acknowledges the role of these office bearers and also recognises the office's critical role in

upholding our democracy. The Public Protector is one of the Chapter 9 independent institutions which were established with a mandate to support and strengthen the constitutional democracy - a supreme administrative oversight body with the power to investigate, report on and remedy improper conduct in all state affairs.

The UDM welcomes the decision to move to fill up the vacancy of the Deputy Public Protector and we hope that this will also apply to all vacancies if there are any within the institution. Thank you.

*Sepedi:*

Mna S M GANA: Modulasetulo, ke leboga le nako ye o mphilego yona. Re le Rise Mzansi re a e thekga pego ya komiti yeo e amago Mošireletši wa Setšhaba. Ke a leboga, Modulasetulo.

*English:*

Ms N L WEBSTER: House Chair, as both of you say, we are in support of the reports and this is on the basis of the importance of this institution in our democracy and in defending the rights of South Africans. Thank you.

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Mr N T TSOTETSI: House Chairperson and members of this House, the ANC rises in support of the report of the Portfolio Committee on Justice and Constitutional Development on the draft notice and schedule determining the rates with effect from 1 April 2023 and 1 April, 2024, increasing salaries and allowances of the Public Protector and Deputy Public Protector annually.

In a case of *Public Protector v Mail & Guardian & Others*, the court made the following remarks. that the Constitution upon which the nation is founded is a grave solemn promise to all its citizens. It includes a promise of representative and accountable government functioning within the framework of pockets of independence that are provided by the various independent institutions. One of those independent institutions is the Office of the Public Protector. The Office of the Public Protector is an important institution. It provides what will often be the last defence against bureaucratic oppression and against corruption and malfeasance in public office that is capable of insidiously destroying the nation if that institution falters or finds itself undermined, the nation loses its indispensable constitutional guarantee. The Public Protector has been described as one of the most invaluable constitutional gifts of our nation in the fight

against corruption, unlawful enrichments, pretentious and impropriety of state affairs, and for the betterment of good governance. It stands to reason that the drafters of our Constitution would have an institution such as the Office of the Public Protector.

Litigation is still prohibitively expensive for the average South African. The Public Protector is an institution which not only supports our constitutional democracy, but also ensures accountability. Some of the key functions of the public protector are to promote good governance and access to justice for the poorest of the poor.

The office acts as a defender of the people's rights against the abuses of public office, corruption, mismanagement, and negligence. As our democracy continues to mature, we note that more and more citizens are aware of the Office of the Public Protector and continue to make use of it. Yesterday, the portfolio committee received a briefing by this office on its report on the investigation into systematic administrative discrepancies relating to gender-based violence within the justice system.

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The former Deputy Minister of Justice and Constitutional Development, John Jeffery, approached the Office of the Public Protector to investigate the matter. We must applaud the good work done by this office. It is important that the remedial actions must be taken into cognisance and be implemented. The justice system must be responsive to the need of those seeking assistance. These are matters which affect the daily lives of women in a very serious way. Gender-based violence is a pandemic which needs to be uprooted completely, and collaboration in this regard is needed.

Justice must not only be done, but it must be seen to be done. As a parting shot, we may wish to remind ourselves of what former President Nelson Mandela said when he explained the thinking behind the creation of the Office of the Public Protector. He said that we were mindful from the very start of the importance of accountability to democracy. Our experience has made us acutely aware of the possible dangers of a government that is either transparent or accountable. To this end, our Constitution contains several mechanisms to ensure that this government will not be part of the problem, but part of the solution. The ANC supports the report of the committee.

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What the ANC also notes is that not only are members on the left inspired ideologically by baba, but also the reading patterns thereof are also inspired by baba. It is quite surprising that others among us attend some of these committees and become so prolific in their support of these reports and come here to stand about the credit cards and everything. We support this budget, Chair. Thank you very much.

Question put.

Report adopted and draft notice and schedule determining the rate, with effect from 1 April 2023, at which salaries, allowances and benefits are payable to Public Protector and Deputy Public Protector annually accordingly approved (Economic Freedom Fighters and uMkhonto weSizwe dissenting).

Report adopted and Draft notice and schedule determining the rate, with effect from 1 April 2024, at which salaries, allowances and benefits are payable to Public Protector and Deputy Public Protector annually accordingly approved (Economic Freedom Fighters and uMkhonto weSizwe dissenting)

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CONSIDERATION OF DRAFT NOTICE AND SCHEDULE DETERMINING THE  
RATE, WITH EFFECT FROM 1 APRIL 2023, AT WHICH SALARIES,  
ALLOWANCES AND BENEFITS ARE PAYABLE TO COMMISSIONERS OF THE  
SOUTH AFRICAN HUMAN RIGHTS COMMISSION ANNUALLY

AND

CONSIDERATION OF DRAFT NOTICE AND SCHEDULE DETERMINING THE  
RATE, WITH EFFECT FROM 1 APRIL 2024, AT WHICH SALARIES,  
ALLOWANCES AND BENEFITS ARE PAYABLE TO COMMISSIONERS OF THE  
SOUTH AFRICAN HUMAN RIGHTS COMMISSION ANNUALLY

Mr X NQOLA: Hon House Chairperson, the Portfolio Committee on Justice and Constitutional Development having considered the draft notices and schedules determining the rate, with effect from 1 April 2023, at which salaries and allowances and benefits are payable to the Commissioners of the SA Human Rights Commission annually reports as follows: The matter was referred to the committee on 9 July 2024, to consider and report on the President proposed determination of salaries and allowances payable to Commissioners of SA Human Rights Commission annually with effect from 1 April 2023.

Section 219(5) of the Constitution, of the Republic of South Africa of 1996, provides that national legislation must establish frameworks for determining the salaries, allowances and benefits of members of any commission provided for in the Constitution. The Determination of Remuneration of Office Bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014 creates the necessary framework to determine the salaries of office bearers of independent constitutional institutions.

Among others, the Act amends the SA Human Rights Commission Act 40 of 2013 to provide a process to determine the salaries of office bearers of the constitutional institutions.

Section 9(1) of the SA Human Rights Commission Act of 2013, read with section 17 of the Determination of Remuneration of Office Bearers of Independent Constitutional Laws Amendment Act of 2014 provides similarly with respect to the salaries, allowances and benefits of the full and part time Commissioners of the SA Human Rights Commission.

Section 9(5) of the SA Human Rights Act of 2013 requires the President to submit the notice to the National Assembly for

approval whether in whole or in part or disapproval for publication.

The Independent Commission recommended the 3% salary increment for the 2023-24 financial year for all the categories of public office bearers including office bearers of the independent constitutional institutions.

In a letter dated 28 May 2024 the President informed this House that he has considered the Independent Commission's recommendations and the serious economic challenges facing the country and intends to determine a 3% salary increment for all members of the independent constitutional institutions with effect from 1 April 2023 subject to the National Assembly's approval.

The Portfolio Committee on Justice and Constitutional Development having considered the draft notice and schedule determining the rate with effect from 1 April 2024 at which salaries and allowances are payable to the Commissioners of the SA Human Rights Commission annual reports as follows: The Independent Commission recommended a 2,5% salary increment for all categories of public office bearers including the office

bearers of the independent constitutional institutions for the financial year 2024-25.

In a letter dated 28 May 2024, the President informed this House that he has considered the Independent Commission's recommendation and the serious economic challenges facing the country and intends to determine 2,5% increment for all the members of the independent constitutional institutions with effect from 1 April 2024 subject to the National Assembly's approval.

Hon House Chairperson, the committee recommends that the National Assembly resolve to approve the draft notice and schedule determining the rate with effect from 1 April 2023 and April 2024 at which salaries and allowances are payable to Commissioners of the SA Human Rights Commission annually.

Hon House Chairperson, I table the reports to this august House. Thank you very much.

*Declarations of vote:*

Mr D D KLOPPER: Hon House Chairperson, we as the DA take note of the increases of the Commissioners of the SA Human Rights Commission. The Human Rights Commission is the fundamental

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part of our democracy, and it should be integral in safeguarding the human rights of every single South African citizen.

While we take note of the increases recommended for the Human Rights Commission, we are particularly aware that many South Africans are barely surviving as they find themselves well below the poverty line struggling to make ends meet.

In considering section 9,5 of the SA Human Rights Commission Act of 2013 and taking note of the Independent Commission's recommendation of 2,5%, we as the DA do take note of the salary increases and approve. Thank you.

Ms G MCHUNU: Hon House Chairperson, the MK party reject the proposed increment on the remuneration of the Commissioners of the SA Human Rights Commission effective from 1 April 2023 and 1 April 2024 respectively. We wish to put it on record that our rejection is based on solid grounds. The violation of human rights enshrined in our Constitution daily with no punitive repercussions remains our major concern.

Our observation as the MK party is that the investigation methodology espoused by the Human Rights Commission is

stagnant and ineffective in that there are less public hearings, enquiries and widespread investigations which might improve success in securing regress for complaints about the violation of human rights.

Whilst the violation of socioeconomic rights manifest itself and high level of inequality and extreme poverty in our country. There is a lack of due and proper recognition for the Human Rights Commission role by ordinary citizens. They result in the vulnerable and the marginalised continue to bare the brand of service delivery failures.

Hon House Chairperson, we wish to register our strong desire for a well-oiled Human Rights Commission that rises above the occasion. We desire a commission that will swiftly protect humans who are on the receiving end of poor service delivery and laziness in public institutions by public officials. We desire a commission that will take to its shoulders in educating as mandated by section 184 of the SA Constitution to teach the people of South Africa about channels they can follow to report extreme violation of their constitutional rights.

We also want to use the opportunity to call on the Human Rights Commission to take this House into their confidence and share their first draft on the July 2021 unrests because we are reliably informed that their final report has been tempered with and differs fundamentally to their honest first draft.

In conclusion, we are not convinced that the Human Rights Commission can adequately execute its constitutional obligations enshrined in the SA Constitution. In section 184(3) which mandates it to require relevant organs of the state to provide it with information on the measures that they have taken towards the realisation of rights concerning housing, health care, food, water, social security, education and the environment. If the Human Rights Commission was successful in executing their constitutional provisions, we would not be having patience of Rietvlei Hospital in Umzimkhulu in KwaZulu-Natal ...

*IsiZulu:*

... abalala bengadlile ukudla okufanele futhi okunye ogogo esibabonayo bebambe olayini abaningi eMnyangweni Wezasekhaya. Uthole ukuthi sebewubambile lowo layini omude unjalo bese uzwe sebetshelwa kamuva ukuthi ngeke besabasiza ...

*English:*

... they must come back tomorrow. We would not be having farm workers who are at the disposal of super exploitation by farm owners.

We hope that the new commissioner who will be appointed will swiftly address all these atrocities. We reject this salary adjustment. I submit.

*IsiNdebele:*

UGq B J MKHWEBANE: Silhlalo, siyihlangano ye-EFF ...

*English:*

... under the leadership of the commander in chief, CIC, Julius Malema, we reject the increment of the salaries. What we are pushing for is that the SA Human Rights Commission and other Chapter 9 institutions should be receiving enough budget to do their work.

In terms of the Constitution, section 181(3) says state institutions and individuals should support and strengthen these institutions including Parliament because we are not giving them enough money to do their work and they are failing to deliver the services.

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The Human Rights Commission failed to investigate expediently the death of children and the people of Eastern Cape because of hunger. The Human Rights Commission failed to deliver the report speedily relating to the killings in Phoenix.

They failed to investigate the DA when they advertised that the people who were murdering other people in Phoenix, they were praising them for doing that.

The Human Rights Commission failed to investigate the President who said ethnic mobilisation because it was as if it is one tribe against the other tribe.

They were supposed to be very quick and say that is not the true reflection of what should be happening.

So, we as the EFF are saying our focus is for us to properly fund this Chapter 9 institution however the salaries need to be kept as they are, and they need to change the way they do the work. They need to commit themselves and move away from being political. For most of the time they are criticised for them to be always on the side of the wrong politicians of as well perpetuating the human rights oppressions in the country.

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We did not hear the Human Rights Commission comment about the killing of those two women in Limpopo who were fed to the pigs. We did not hear the Human Rights Commission ...

*IsiNdebele:*

... kunoMnguni noMahlangu ababulewe lapha nge-Middleburg, nakhona likhuwa, ngemiphumela yamakhuwa ababulala abantu bethu emaplasini. Nanje basabaphatha kumbi.

*English:*

The Human Rights Commission is nowhere to be seen.

*IsiNdebele:*

Thina siyihlangano ye-EFF sithi iKomitjhini yamaLungelo woBuntu singasekela bona ithole isabelomali izokwazi bonyana ibonakale sizokwazi bonyana nemibiko ekhutjhwa yiKomitjhini yamaLungelo woBuntu akhona.

*English:*

Against, there is an investigation they did in the Western Cape Farm Worker Oppression; those are the reports we will follow up as the EFF so that as committees we make sure that we hold to account those who are accountable. Thank you. [Time expired.]

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Mr N M HADEBE: Hon House Chairperson, the IFP acknowledges the crucial role that the SA Human Rights Commission plays in upholding human rights and ensuring justice within our country. However, we must also consider the broader implications of any increases in public office compensation within the context of our current economic climate and the principles outlined in our manifesto. Our manifesto emphasizes fiscal responsibility and the efficient use of public funds given South Africa's economic challenges.

Any increase in public official's remuneration including SA Human Rights Commission Commissioners should be carefully scrutinised to balance fair compensation with maintaining economic stability and manageable taxpayer burden.

Public official must be held accountable, and their compensation should reflect their performance and contribution to their roles.

While acknowledging the importance of attracting qualified individuals to serve as commissioners we need to ensure that salary increments are aligned with effectiveness and impact of their work. In consideration of the issues we have raised, the IFP accepts this report. Hon House Chairperson, I thank you.

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Ms S G KGOJANE: Thank you, House Chairperson and though we are supporting the report for the consideration of the determination of the salaries, we want to urge the Human Rights Commission to remember to prioritise South Africans and when they raise concerns about illegal immigrants that they are not pushed to the back burner. The mandate of the Commission is to remain focused on serving and protecting South Africans and their rights and the interests of South Africans - hence the South African Human Rights Commission. They need to look at a balanced approach that acknowledges the complexities of migration while prioritising the safety and the wellbeing of citizens of South Africa. Thank you.

Mrs H DENNER: Thank you, House Chairperson ...

*Afrikaans:*

... dis die plig van die Menseregkommissie, MRK, as die waghond van menserege van Suid-Afrika, om ons grondwetlike demokrasie te ondersteun en te beskerm. Ek moet vir u sê dat ek baie bly is dat ek nie in die kommissie se skoene staan nie, want die hoeveelheid menseregteskendings wat deur byvoorbeeld net munisipaliteite alleen gepleeg word, is astronomies. Mens wil nie eers praat van menseregtevergrype

soos die sing van liedere wat die uithoor van ons eie mense roep nie.

Die MRK het nie genoeg tande nie, nie genoeg hulpbronne nie, die genoeg geld nie, nie genoeg mense om al die werk te doen wat deur hulle mandaat gedek word nie, baie keer die genoeg dringendheid nie en ek hoop ook nie, maar dit wil so voorkom dat hulle ook 'n gebrek aan die nodige wil het om te doen wat ons van hulle verwag om te doen nie.

Dit word gemeet aan byvoorbeeld die verslag wat oor die Jagersfonteinramp, wat twee jaar later nog steeds nie klaar is nie.

Die grootste skande van alles is egter dat die staat self 'n reuse las op die MRK plaas. Een voorbeeld is, artikel 24 van die Grondwet bepaal dat elkeen van ons geregtig is op 'n omgewing wat nie skadelik vir ons gesondheid en ons welstand is nie. En ek is seker elkeen van ons wat vandag hier sit kan nou uit ons koppe uit aan ten minste vyf rioollekke dink wat direk in ons drinkwater invloei, of wat tussen mense se huise lê. Dit is nie net 'n menseregteskending deur munisipaliteite wat nie hul werk doen nie, dit is krimineel.

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Die MRK moet meer doen om hul mandaat te vervul, maar munisipaliteite, wat hulself aan sulke oortredings skuldig maak, moet ook dringend oor die kole gehaal word. Ons sal graag wil sien dat rekenpligtige amptenare wat verantwoordelik is vir byvoorbeeld rioolbesoedeling van waterbronne gearresteer word, omdat dit 'n kriminele oortreding is. Net een municipal manager, MM, [munisipale bestuurder] moet toegesluit word en ons sal resultate begin sien.

So, ons ondersteun hierdie verslag, maar ons wil daadwerklike optrede van die MRK begin sien. Dankie.

Mr T K S LETLAPE: Thank you, Chairperson, we support the funding for Human Rights Commissioners, but we'd like them to be mindful of the fact that they need to do their job. They need to be funded for operational activities so that they can have oversight over us as MP's. As to whether we're fulfilling our obligations for the rights of citizens. When we talk about children that starve in the Eastern Cape, the question should be asked: Where is the South African Parliament on this? How can we allow that to happen? We need others to hold us accountable, because if we not, it is just the mockery. They need to be properly funded so that they could also talk about the responsibilities of citizens. When we promote and we are

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happy with people living in squalor. How does that square up with section 27 of the Constitution that talks about the right to health, the right to clean water? Where is the Minister of Water and Sanitation and the MEC's in terms of access to clean water, 30 years after democracy. When basic human rights are not achieved and we have a bloated Parliament, a bloated executive. Where is our responsibility? They need to be well funded so that they are a structure that needs to hold us to account as to our duties for a better society.

Mr S N SWART: Thank you, House Chairperson, the ACDP will support the report, but we are very cognisant of the budget cuts that the South African Human Rights Commission has experienced in the previous financial year and going forward in the medium term. This has necessitated the fact that they are not able to deal with all the complaints that are referred to them. However, despite these budget cuts they do furnish the reports that they are statutorily required to furnish, and many of us in Parliament have not taken the time to read those reports, and I would suggest that that is done. Those reports are very helpful for us to understand the implementation of socioeconomic rights in our country, given the high levels of poverty and inequality that we have experienced.

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Chairperson, the office of the speaker that supports the Chapter 9 institutions also has a very important role to play in ensuring that the recommendations of the SA Human Rights Commission are complied with and assist in the Chapter 9 institution of SA Human Rights Commission. We, as members of different portfolio committees, also play a very key role, and in particular the Justice Portfolio Committee in assisting the SA Human Rights Commission when they struggle with municipalities and other organs of state to have their recommendations fully implemented. It is very important to bear in mind that their recommendations, ... as is the case of the Public Protector, and they are therefore reliant on us. That having been said, the ACDP will support this report. I thank you.

Ms C T NONTENJA: Thank you, hon Chairperson, the UDM support the report on the remuneration of the Commissioners of SA Human Rights Commission. The Constitution gives powers to the Commission to conduct investigations and report on the observation of human rights, to take steps to secure appropriate redress where human rights have been violated, carry out research and to educate people of this country on human rights. However, the Commission has been lacking in some respects, for example, the countries, marginalised communities

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and rural population have limited access to its services and usually have little, if any, awareness of their human rights or human rights institutions. This is as a result of the Commission's urban focus when launching the human rights awareness campaigns. The Commission has been very slow to curb racial and gender discrimination, inequality and racism. Issues of race and gender pay gap have not been prioritised more especially in the in the private sector. Moreover, there is a dire need to remedy the Commission's shortfalls and enhance the delivery of its constitutional mandate, the Commissioner's salary increment must be equivalent to the progress of their jobs. The Commissioners also need to consider the imperative to develop and implement an integrated comprehensive monitoring and evaluation system to check its impact in society to identify other areas of improvement. However, the UDM supports the report. Thank you.

*IsiZulu:*

Mnu S M GANA: Ngiyabonga Sihlalo, njengombutho we-Rise Mzansi, umbutho wabantu sithi lo mbiko wekomidi siyaweseka. Ngiyabonga Sihlalo.

Ms N L WEBSTER: Thank you, Chairperson, as Build One SA, we are in support of the report with no declaration.

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Ms F HASSAN: House Chair and members of the House, the ANC rises in support of both reports based before the portfolio committee on the benefits payable to the SA Human Rights Commission annually, both for 1 April 2023 and from 1 April 2024. The preamble of the Constitution of South Africa contains a commitment to, amongst other things, establish a society based on democratic values, social justice, and fundamental human rights, and lay the foundations as well for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law and improve the quality of life of all citizens and free the potential of each person.

Our internationally acclaimed Constitution contains socioeconomic rights. For these rights to be of any value to people they seek to protect, they must be implemented. One of the ways in which this implementation of these rights is monitored is by the means of the SA Human Rights Commission. The commission has a general mandate to monitor and assess the realisation of all human rights as well as a special mandate in relation to socioeconomic rights.

This additional role of the commission is of great importance given South Africa's history of racial discrimination which

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has resulted in many South Africans suffering from socioeconomic disadvantages. Following an unsatisfactory audit outcome for the 2022-23 financial year, we learned that the commission developed an institutional performance improvement plan that is aimed at improving the performance of the actual commission. They plan to also obtain a clean audit.

Towards the end of 2023, a new cohort of commissioners joined the commission who hit the ground running in implementing the responsibilities through the various focus areas. We believe that this will contribute to the strengthening of the institution, and we will continue playing an oversight role over the SA Human Rights Commission.

In a letter dated 28 May 2024, the President informed the House that he has considered ... [Interjections.]

The HOUSE CHAIRPERSON (Mr W Horn): My apologies, hon member. Hon members on the virtual platform, please remain unmuted. Table staff, please assist.

Ms F HASSAN: Thank you, House Chair. In a letter dated 28 May 2024, the President informed the House that he has considered the independent commission's recommendation and the serious

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economic challenges facing the country and intends to determine a 3% salary increment for all members of independent constitutional institutions with effect from 1 April 2023 and in another letter determined a 2,5% salary increment for all members of independent constitutional institutions with effect from 1 April 2024 subject to the National Assembly's approval. Having considered these recommendations made, the ANC supports these reports and overwhelmingly supports the SA Human Rights Commission. Thank you.

Question put.

Report adopted and draft notice and schedule determining the rate, with effect from 1 April 2023, at which salaries, allowances and benefits are payable to Commissioners of the SA Human Rights Commission annually accordingly (Economic Freedom Fighters and uMkhonto weSizwe dissenting).

Report adopted and draft notice and schedule determining the rate, with effect from 1 April 2024, at which salaries, allowances and benefits are payable to Commissioners of the SA Human Rights Commission annually accordingly (Economic Freedom Fighters and uMkhonto weSizwe dissenting)

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CONSIDERATION OF DRAFT NOTICE AND SCHEDULE DETERMINING THE  
RATE WITH EFFECT FROM ONE APRIL 2023 AT WHICH SALARIES,  
ALLOWANCES AND BENEFITS ARE PAYABLE TO MAGISTRATES ANNUALLY  
AND

CONSIDERATION OF DRAFT NOTICE AND SCHEDULE DETERMINING THE  
RATE WITH EFFECT FROM ONE APRIL 2024 AT WHICH SALARIES  
ALLOWANCES. AND BENEFITS ARE PAYABLE TO MAGISTRATES ANNUALLY

Mr X NQOLA: Chairperson, I have said the Portfolio Committee on Justice and Constitutional Development having considered the draft notice and schedule determining the rate with effect from 01 April 2023, at which salaries allowances and benefits are payable to magistrates annually reports as follows.

The committee notes that the Independent Commission of the Remuneration of Public Office Bearers recommended a 3% increase for all public office bearers, including magistrates, for the 2023/24 financial year.

In arriving at the annual remuneration recommendations of the 2023/24 financial year, the independent commission considers the following, amongst others. The affordability of different levels of remuneration of public office bearers, the available state resources, public service remuneration levels, the role,

status, duties, functions and responsibilities of the office bearers recommended.

The committee notes that the President proposed a salary increment of 3% with effect from 01 April 2023, having considered the Independent Commission of the Remuneration of Public Office Bearers and the serious situation of the country ... Chair, should I also deal with the judges in this report?

The HOUSE CHAIRPERSON (Mr W HORN): Hon member, this one is only dealing with the magistrates.

Mr X NQOLA: Thank you, Chairperson. We move that the House adopts the report as tabled.

*Declarations of vote:*

Mr D D KLOPPER: House Chair, the DA take notes and support the President's recommendation. Nonetheless, we received horrifying reports from Judicial Officer's Association of South Africa, Joasa, and the Lower Courts' Remuneration Committee, LCRC. How is it that we treat our magistrates with such contempt that there must wait and endure more than a year for the wage increases to be implemented? Consider the predicaments in which we place a magistrate. They are not only

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responsible for deciding the fate of the citizens daily, but they also do their task without fear or favour under public scrutiny and do so patiently waiting for what is due to them.

While we as the DA are well aware of the economic climate facing all South Africans, as a consequence of years of corruption as mismanagement, we must also take special note of the magistrates who serve the people of South Africa daily in challenging circumstances. We must ensure that they do not overburden themselves with a lack of financial security while attempting to maintain the judicial independence.

We point out that the magistrates are not in a position to take on additional work to make up for financial shortfalls. How is it conceivable that the magistrates are not only waiting for the unimplemented salary increases for 2023, but also for those for 2024? Not only is money being lost every day, but the lost interest must also be considered. There is no back payment for lost interest. Members in this House should bear in mind that they also have children who have to go to school, medical bills to pay and food to put on the table. Consider this carefully. If this House does not ensure that financial obligations are met, it would be this very House that is jeopardising the independence of the judiciary

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by putting the financial security of judiciary officers at risk. Thank you.

Mr S NOMVALO: Chair, the MK party supports the increment proposed on the remunerations payable to magistrates with effect from 01 April 2023 and 01 April 2024, respectively. Our support hereof emanates from an indispensable reality that our magistrates carry huge responsibilities of adjudicating matters while they experience the following deplorable and catastrophic challenges.

Firstly, the shortage of magistrates in small claims court, district courts and regional courts. Secondly, an insurmountable backlog which requires them to work even beyond their normal working hours and on weekends. Thirdly, the premature enrolment of matters with insufficient evidence by prosecutors, which increases more workload on their day-to-day activities.

The view of the MK party is that all these challenges are insurmountable for as long as the magistrate, courts are still under the supervision of the Department of Justice. In line with the South African Constitution, the magistrate courts should be under the supervision of the Chief Justice who is

the head of the judiciary in terms of Section 165 (6), which provides that the Chief Justice is the head of the judiciary and exercises responsibility over the establishment and monitoring of norms and standards for the exercise of the judicial functions of all courts.

When the lawmakers drafted section 165 of the Constitution, their purpose mission was to put into context the doctrine of separation of powers by ensuring that there is no undue encroachment of one organ of state to another hence we find it disingenuous and peculiar to donate judicial responsibilities to the executive. The MK party is always on the side of the oppressed and exploited people hence it got extremely agitated when the issue of magistrates who demand an increase on their remunerations was making rounds on social media platform.

Out of their genuine desperation, the magistrates took it further by writing a letter to Parliament, registering their genuine concern on the delay of increase of their salaries, while the inflation rate goes high with speed. The magistrate are unsung heroes and heroines who dedicate their lives to combat crime without fear, favour or prejudice. They fearlessly punish, in accordance with the applicable laws, dangerous criminals, even though the state does not provide

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any form of security to them to ensure their safety. Many magistrates continue to do their work to the best of their ability under dilapidated courtroom which were built by the apartheid government.

It goes without saying that this DA-ANC coalition government is determined that overlooking the importance of magistrate within our legal system. Pierre Bayle said, and I quote:

One must be stark mad, to believe that mankind can subsist without magistrates.

It is scrupulous and prudent to assume that when Pierre Bayle uttered these words, he correctly anticipated that one day our country will be in the hands of vicious scoundrels, who will call themselves the Government of National Unity, GNU, even though we feel that the proposed increments are small and are not proportional to a rising cost of living, we are in support of the increase on the remuneration payable to magistrates. Thank you.

Adv B J MKHWEBANE: Chairperson, the Independent Commission for the Remuneration of Public Office Bearers, as a legislated body charged with the primary objective of making

recommendations to the President concerning salaries allowances, benefits of public office bearers, that is one challenge as well, because that is a violation as well of the independence of the judiciary in terms of section 165. So, the Independent Remuneration Commission, IRC, is very inefficient and there is a lot of maladministration and there is a lot of delay.

For over a decade and a half, the commission has admitted itself that it failed to consider the role status, duties, functions and responsibilities of magistrates in its annual remuneration recommendations, a decade and half. This has led to significant delays, secrecy, lack of consultation with the magistrates. One glaring issue is the delay in the publication of annual proclamations and major review reports. Last year alone, 19 months elapsed from the implementation date to the actual date of payment.

Furthermore, no interest was paid out of that and leading to financial burden to magistrates and their lump sum is elevating their nominal tax rates. Moreover, the IRC has been notoriously secretive, because they will just decide and not consult. The lack of transparency and consultation directly affects the confidence and morale of the judiciary. Article 8

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of the International Association of Judges, the Charter, stipulates that judges must receive sufficient remuneration to maintain true economic, impartial and independent status, - I would say judges, because we regard magistrates as lower court judge. And it impacts on their dignity. Article 8 of the Constitution is very clear that the magistracy should be included in the broader judicial system, and magistrates who serve in the cold face of South African judiciary bear the brunt of inefficiencies. Therefore, failure by the IRC in its mandate not only affects the morale and financial standing of the magistrates, but also the broader judicial integrity. This leads to a capture of the judiciary, because then people are tempted to accept bribes, which is wrong. Some of them even resign and take prosecutors job because the prosecutor is paid more than a magistrate, which is so unfair.

The highest paid magistrate earns a million less than the lowest paid judge, and that is how glaring the problem is. Therefore, as the EFF, we support the increment for the two financial years, and we are saying the increment should be in such a way that the department speed up the Lower Courts Bill so that we have one judicial ... [Time Expired.]

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Mr N M HADEBE: House Chairperson, the consideration of the benefits, salaries and allowances cannot be done without considering the current financial situation our country find itself in. However, we also acknowledge that the need to retain and attract highly qualified individuals to the judiciary comes with an ability to compensate magistrates competitively as their responsibility demands utmost ethical conduct.

The IFP values the fact that the process followed was transparent ground grounded on law and therefore takes the public into its confidence. In support of this recommendation, the IFP affirms its commitment to a well-functioning judiciary, acknowledging the crucial roles magistrates play in upholding the rule of law and ensuring democratic governance. Chairperson, the IFP supports the report. Thank you.

Mrs H DENNER: House Chairperson, we support the recommendations for the increases of both financial years in question and we would also like to see that these increases are implemented as soon as possible without any further delay. We also want to urgently see that the working conditions in the lower courts are improved for both magistrates and courts' staff and that the Departments of Public Works and

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Infrastructure, Justice and Labour, come to the party on this and start acting on their mandate with regards to the courts in our country. Thank you, House Chair.

Mr T K S LETLAPE: Chairperson, we support the report. But we want to raise concern that it is inhumane for public servants at the forefront not to be paid for a year. We hope that the committee will look into why the increases for last year are only being done now, and those that have created that scenario should ensure that it doesn't happen again. Because they are real tough times, when you look at the cold face cases just get postponed. There are backlogs in court and people that are either accused or are the ones that have been aggrieved do not get justice. So, can we please make sure that even the salary gap that has been alluded to between lowly paid judges and magistrate is breached because they are the key to access to justice for our people. Thank you.

Mr S N SWART: Chairperson, the ACDP reluctantly supports this recommendation. The essence of the problem is actually that magistrates are not public servants, and that is the reason why you have members of the National Prosecuting Authority, NPA, earning more than the magistrates. We received impassioned pleas from the Lower Courts' Remuneration

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Committee and Judicial Officer's Association of South Africa, they were asking for 7,5%, but now, we see that only 3% has been granted by the Independent Commission for the Remuneration of Public Office-Bearers.

Chairperson, we know magistrates are facing severe pressure and they are right at the forefront of the delivery of justice. They are having a very heavy workload and poor court environment. But possibly, we need to hold the commission accountable. And that question arises because we as parliamentarians also complain about late salary increases. I think it is time for the Portfolio Committee of Justice to ask the commission to come and appear before it, to explain how it reaches these decisions and what capacity constraints it has.

Judge M Leeuw, who chairs the committee is on record for saying that they have capacity constraints and that they rely heavily on the Presidency. We call on the Presidency to assist the commission with these capacity constraints to ensure that delays in these salaries and benefits for magistrates do not happen again. Thank you.

Ms C T NONTENJA: House Chair, the African National Congress rise in support of the report of the Portfolio Committee on

Justice and Constitutional Development. Section 34 of the Constitution provides that, and I quote:

Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or where appropriate, in another independent and impartial tribunal or forum.

Access to justice includes the formal rights to a fair hearing. The judiciary, which is made-up of magistrates and superior courts, plays a critical role in the functioning of our democracy as the final arbiters in disputes, both the magistrates and judges must be independent and accountable. The independence of the judiciary is a distinctive feature of a constitutional democracy, and it is an important feature of the doctrine of the separation of powers.

The Constitution demands that the courts remain independent subject only to the Constitution and the law. Judicial independence entails the ability of a magistrate or a judge to decide without undue influence and interference from internal and external forces. The judiciary must have security of tenure and financial security in order to guard against bribery and related interference and corruption conduct.

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House Chair, arguably the magistracy, is the only judiciary that South Africans will ever encounter because it is situated at the grassroots level, where most people are located. In equal measure, we appreciate the important role played by the judges in the superior courts. As the ANC, we emphasise the point made by His Excellency President Ramaphosa when he said, and I quote:

All the citizens of South Africa are joined to respect, protect and promote our Constitution and the rule of law by respecting and protecting the judicial authority of our courts. This is important to ensure that our constitutional democracy continues to thrive.

The baseless and unjustified attacks on the judiciary undermine confidence in our courts and aim to weaken our constitutional order. Our courts are fundamental to upholding the rule of law, protecting human rights and ensuring the fair and impartial administration of justice. They play a crucial role in interpreting and enforcing the provisions of the Constitution.

Under a transformative Constitution, judges have the ultimate responsibility to justify their decisions not only by

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reference to authority, but also by reference to the idea and values of the Constitution. Once again, we wish Chief Justice Maya, the first female Chief Justice in southern South Africa, all the best. We wish her every success in leading the judiciary.

**CONSIDERATION OF DRAFT NOTICE AND SCHEDULE DETERMINING THE  
RATE, WITH EFFECT FROM 1 APRIL 2023, AT WHICH SALARIES,  
ALLOWANCES AND BENEFITS ARE PAYABLE TO CONSTITUTIONAL COURT  
JUDGES AND OTHER JUDGES ANNUALLY**

Mr X NQOLA: House Chairperson, hon Montana says I deserve my own 3%, I've been working very hard. The Portfolio Committee on Justice and Constitution Development having been considered the Draft Notice and Scheduled determining the rate with effect from 1 April 2023 to salaries, allowances and benefits are payable to the Constitutional Court judges and other judges annually, for approval by Parliament in terms of section 2(4) of the judges, remuneration and conditions of Employment Act of 2001.

We report as follow; the committee notes that the Independent Commission for the Remuneration of Public Office Bearers

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recommended a 3% increase for all public office bearers, including judges, for the 2023-2024 financial year.

The committee notes further that President has proposed a 3% salary increment for Constitutional Court judges and other judges, with effect from 1 April 2023, having considered the independent commission's recommendation and the serious economic situation.

As much as we're attending to this hon Letlape, we are also attending to the issue of the lower courts with keen interest. We have already met with the Judicial Officers Association of South Africa. We have already met with the Lower Court Remuneration Commission. We have asked them to send us a detailed memorandum as the committee to ventilate all issues relating to magistrates and the lower courts. Because we want to pay much focus those... because those are the courts that are actually in use by those who live particularly in the disadvantaged areas. So, that issue you're suggesting is already underway. We thank you for that.

The committee having considered the Draft Notice and Schedule determining the rate, with effect from 1 April 2023, at which salaries, allowances and benefits are payable to magistrate,

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Constitutional Court judges and other judges annually.

Recommends that the National Assembly approves the Draft Notice and the Schedule. Thank you very much, House Chair.

Adv G BREYTENBACH: House Chair, the portfolio committee considered the report on salaries of Constitutional Court justices and other judges with effect from the 1st of April 2023. The proposed percentage increase of 2,5% has been determined for 2024-2025.

However, the Chief Justice has requested that this determination be reconsidered as it results in a distinct disparity between judges and magistrates' remuneration cumulatively, over the same period.

There has been no consultation between the President and the Chief Justice in this regard. The consultation process determined by the independent commission. Decisional probability and inadvertent, but in impermissible misstep, and undermines the functionality of the commission. Any disparity in the determination of remuneration between judges and magistrates is fundamentally problematic. The salaries of judges have been eroded over the past 10 years.

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They are called upon to do a serious job. They work long hours under less-than-ideal conditions, with little to no administrative support. If this matter is left unattended, it will increase the vulnerability of the judiciary to corruption and other influences. We must take proper care of our judiciary; the rule of law depends on it. We support the report. Thank you, House Chairperson.

Mr S NOMVALO: House Chair, we wish to humbly submit that as the MK Party will support the proposed increment on the remuneration payable to Constitutional Court judges and judges with effect from the 1st of April 2023 and the 1st of April 2024, respectively.

Our support is motivated by the amount of dedication expressed by many judges in our country whose conduct is aimed at preserving integrity in our judicial. Contrary to popular belief, judges also play a pivotal role in our country by developing common law which, if properly developed, enhances the realization of social justice and human solidarity.

Many socially impactful judgments have become a precedent which our people use as a tool to fight for the implementation and recognition of human rights. To illustrate this

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phenomenon, I just wish to remind the House about an old groundbreaking judgement delivered by the Constitutional Court in the case of the government of South Africa versus Irene Grootboom and others.

In a unanimous decision, written by Justice Yacoob, it was noted that the Constitution through section 26 and 28 oblige the state to act positively, to ameliorate the plight of the hundreds of thousands of people living under deplorable conditions throughout the country. And the state must provide access to housing, healthcare, sufficient food, water and social security to those unable to support themselves and their dependents.

I cite this judgment to emphasize the importance of judges in strengthening our democracy and protecting the correct interpretation of our Constitution and numerous legislations. They remain an integral facet of our constitutional democracy, whose fruits have not been tasted by many vulnerable groups in our in our society.

Furthermore, we wish to emphasize a need for the judiciary to continue with protecting its independency, as required by section 165 of the South African Constitution, which states

that the court are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice.

Lamar S Smith says:

Judicial abuse occurs when judges substitute their own political views for the law.

To corroborate what S Smith said, we unapologetically state that if some judges that we won't call by names, were still going to stay longer in the judiciary, we were not going to support this proposed increment, because their conducts have never convinced us that they protected the judiciary independence. Their conduct was starting to cause great loss of confidence in the judiciary. As we were starting to view them as judges of certain ANC factions.

We however believe that the new Chief Justice, Justice Maya, will execute her constitutional responsibilities with high constitutional standards and due diligence.

Lastly, if it was not of integrity preserved by the majority of judges in our country, this country would have long turned

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into a banana republic. Because the executive, formally led by the ANC and presently led by the DA-ANC coalition, has successfully failed to lead with integrity and honesty. Like the task ... [Interjection.] ... into a palace ... does not become a king ... [Interjection.]

The House Chairperson (Mr W Horn): Thank you, hon member, your time has now expired, hon member.

Mr S NOMVALO: ... then turns into a circus. I submit. [Time expired.]

Adv B J MKHWEBANE: House Chairperson, in terms of section 2(1) (a) of the Judges' Remuneration and conditions of Employment Act, judges are entitled to annual salaries, benefits and adjustments as determined by the President after considering the Independent Commission for the Remuneration of Public Office Bearers. That's still a problem for us as the EFF that you have the executive who will determine the salaries of the judges, and it is encroaching on the issue of separation of powers. Therefore, we need to separate the two. The sixth Annual Judiciary Report for 2022-23 in South Africa which was issued by the former Chief Justice, cast a spotlight on the performance of the judicial functions underscoring the

judiciary's obligation to maintain transparency and accountability to the public. The Chief Justice's recurrence failure to ensure annual publication of postscrutiny hampers public trust and oversight. The delay compromises the public's right to timely information and genuine oversight by Parliament. The report delineates the efficiency of various courts within the judicial system, only the higher courts. For instance, the Constitutional Court has finalised only 55% of its matters, a noticeable drop from 70% target. This is not acceptable.

Worse as well, despite these figures, the backlog in the Labour Court is alarming with over 50% of the 2022 cases still unresolved hurting new trial enrolments and exacerbating the situation. The judiciary, through the former Chief Justice, needed to be accountable to Parliament like the Public Protector which is a Chapter 9 institution which is also independent and should do their work without fear or favour. That section in the Constitution is akin and similar to section 165 of the Constitution. We cannot have the judiciary which utilises state resources and not come before this Parliament and account. Therefore, this needs to come to a stop.

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The former Chief Justice, Zondo, wrote to the President decrying this 2,5%. This dispute which he made, anyway, won't make any sense because we are saying we need a single judiciary. We need to close the gap between the magistrates and the judges. Whilst acknowledging that judges play a very critical role indeed, as the EFF we support the increase, the 2,5% increase for the two financial years. Our concern as well is that the current chief justice, Chief Justice Maya stay away from politics. We have seen your predecessor addressing the funeral of the late Pravin Gordhan ... [Time expired.]

THE MINISTER OF WATER AND SANITATION: What's the problem for addressing the funeral?

Mr N M HADEBE: House Chairperson, the IFP fully supports the report, and we do not have a declaration. Thank you.

Mrs H DENNER: House Chair, strict constitutionally entrenched judicial authority is the judiciary's mandate, their duty to safeguard and protect the Constitution and its values, thus ensuring the consolidation of our democracy and a better life for all.

*Afrikaans:*

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Dis 'n reuse taak wat op die skouers van ons land se regters en veral regters van die Grondwethof rus. Dis 'n taak wat nie ligtelik opgeneem kan word nie en 'n taak wat deur bekwame, belese en uiters professionele regslui verrig moet word. Die van u wat bekend is met regslui se fooie sal weet dat sulke individue meer as hulle pond vleis in die privaatsektor kan verdien, en ons sal daarom verstaan dat ons voorsittende-beamptes in die hoër howe van ons land dus behoorlik vergoed moet word, ten einde hul vaardighede vir die regbank te behou.

*English:*

If ever the saying that says, you get what you pay for, is true, it is in this case. The FF Plus therefore supports the recommendations by the committee. Thank you, House Chairperson.

Mr T K S LETLAPE: House Chair, we support, but we would like to reiterate that the gap between the magistrates and judges should be bridged, and as such we support the differential increase. It cannot be bridged if the increases are the same. Judges have to stop competing with lowly paid magistrates who are key to clearing the backlog. We also hope that the committee will look into why our cases take forever and the

performance of the higher courts has gone down, and that need to be looked into.

Mr S N SWART: House Chair, the ACDP does support this report. As we know courts are independent through the Constitution and no person or organ of state may interfere with the functions of the courts. One of the most pressing issues is obviously the budget of the judiciary which is determined by the Office of the Chief Justice. Just as the challenges arise at Parliament having our budget set by the Finance department, clearly, there also challenge with the judiciary having its budget determined by the Office of the Chief Justice and not the judiciary itself.

The second issue relates to the very pressing issue of the judiciary's institutional independence and the delay in finalising that model. We fully appreciate that the judiciary's patience in this regard is running out given the very long delays in finalising this model and it doesn't appear that the executive is serious about this issue. In other African countries the judiciaries have even gone to court to force the executive to grant the judiciary institutional independence that we've been speaking about for

years. I trust that it will not be necessary in South Africa, and that model will be finalised in this Seventh Parliament.

Lastly, we are very concerned about the overburdened courts and insufficient number of judges. If one regards to the civil justice system in Gauteng, it is in crisis. One has to wait for five years before a matter is heard. We know that justice delayed is justice denied. We would urge that we in the Justice portfolio committee look at these issues during the upcoming budgetary review and recommendations reports, BRRR, process. That having been said we support this report. I thank you.

*Xitsonga:*

Tat S M GANA: Mutshamaxitulu, loko hi vulavula hi mhaka ya vaavanyisi hi vulavula hi vanhu va nkoka swinene eka tiko ra hina. Xiviko lexi humaka eka komiti va kombisa leswaku va lava ku tlakuseriwa muholo hi tipesente leti va nga ti vula. Hi ri Rise Mzansi, hi rhandza ku seketela xiviko xa komiti loko yi langutisisile mhaka ya miholo ya vaavanyisi va tiko ra Afrika-Dzonga. Ndzi khensile swinene, Mutshamaxitulu.

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The HOUSE CHAIRPERSON (Mr W Horn): Table staff, please, the interpreting services failed us again. We really cannot have that. Thanks, hon Gana. [Interjections.]

Mr D M SKOSANA: Thank you, hon Chair. Perhaps, the hon Chair can really relate to me what the hon member was saying.

The HOUSE CHAIRPERSON (Mr W Horn): As I indicated that there was a failure of the interpreting services. As members would be aware the Deputy Speaker is dealing with it. My apologies!

Mr D M SKOSANA: My last part would, in short, be these matters as I've raised with you, could you please be better organised for people at home to understand, and your people in particular, to understand what we are saying here. Thank you, Chair.

The HOUSE CHAIRPERSON (Mr W Horn): Point taken! Thank you.

Mr N T TSOTETSI: Chair, without any declaration the ANC supports. Thank you.

Report adopted and Draft notice and schedule determining the rate, with effect from 1 April 2023, at which salaries,

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allowances and benefits are payable to Constitutional Court judges and other judges annually approved.

The House adjourned at 19:50.

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