

in session



Changes to Ballot Papers

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Education in Run-up to Elections



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Changes to Ballot Papers - Committee Calls for More Voter Education in Run-up to Elections

The Portfolio Committee on Home Affairs has called for more voter education before the elections in May, given the changes that will see three ballots, rather than the previous two, reports Malatswa Molepo. The Independent Electoral Commission (IEC) recently updated the committee on preparations for the upcoming national and provincial elections.

The Chairperson of the committee, Mr Mosa Chabane, said: "It is important that the Electoral Commission of South Africa enhances its voter education initiatives to ensure that people are capacitated on how to vote during the elections, taking into consideration the three ballots that will be used during these elections."

The committee heard that the IEC has planned to provide extensive voter education focusing on the three ballots, special votes and the necessity of voting where one is registered to vote. The education programmes will take place in person and on social media, television, radio, and via printed information factsheets.

The committee also welcomed the assurance that the recruiting of some 200 000 people to staff voting stations



The IEC is recruiting 200 000 people to staff voting stations and perform other election-related tasks.

and perform other election-related tasks is currently underway, along with the training of presiding and deputy presiding officers and voters' roll officers. The committee emphasised the importance of training in making the voting process as easy as possible and called for the recruitment process

to be concluded swiftly so that these people can be trained in the new system in time for the elections.

The committee also welcomed the news that the procurement of election materials has been finalised and ballot printing capacity is in place and will be

done once the candidate nomination process is completed. In addition, the committee welcomed news that the IEC has plans in place to mitigate the effects of loadshedding on the elections, as well as plans to prevent long queues at voting stations. The IEC informed the committee that they will



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Home Affairs committee confident that IEC is well-prepared to deliver credible, free and fair elections.

employ queue walkers who will ensure that voters are at the right voting stations. Ballot orientation posters will also be displayed in voting stations to assist voters to understand the ballot and to minimise the risk of miscalculation or spoiled ballots. Similarly, the committee accepted the assurances that the IEC is working well with the security cluster to maintain peace and stability before and during elections.

In the face of rumours that political parties can invite observers to monitor the election process, the committee welcomed the clarification from the IEC that the invitation of such observers falls under its mandate, as well as the mandate of the Department of International Relations and Cooperation. "The committee welcomes the clarification, as it demystifies the assertions that political parties can invite electoral observers. South Africa's electoral systems have been observed since the democratic electoral process started and the assurance that over 52 organisations have been certified to observe the elections is welcomed," Mr Chabane emphasised.

After the IEC's presentation, the committee expressed its confidence that it is well-prepared to deliver credible, free and fair elections.



Over 52 organisations have been certified to observe the elections in South Africa.

Nonetheless, the committee took the opportunity to caution political parties against acting outside the set code of conduct for elections and urged them to make use of conflict resolution mechanisms in the event of any disputes. The committee unanimously denounced any political parties fuelling

violence and mayhem around the electoral processes.

The committee also resolved to undertake an oversight visit to the IEC to witness first-hand the preparations for the elections. 🇿🇦



Justice Committee Recommends Restarting Process to Appoint Deputy Public Protector

The Portfolio Committee on Justice and Correctional Services recently adopted its report on the appointment of a new Deputy Public Protector (DPP), wherein it recommended that the process should start afresh, as the participation of one of its members has irretrievably tainted the process. Rajaa Azzakani reports.

Committee Chairperson Mr Bulelani Magwanishe said the recommendations follows a legal opinion on whether Adv Busisiwe Mkhwebane should have recused herself from the process, as she had disciplined one of the candidates during her term as the Public Protector (PP) and benefited from another candidate, who approached her to act *pro bono* on her behalf in a legal matter.

The committee interviewed seven candidates last month – Adv AV Mavhidula, Adv S Tebeile, Ms P Mokgaladi, Adv S Moleshe, Ms L Mkhize, Adv TS Thipanyane, and Adv TA Bunguzana. Mr Magwanishe said at the time of the interviews that they had been delayed due to an objection

made by some committee members about Adv Mkhwebane's inclusion on the interview panel on the grounds of an alleged conflict of interest.

The committee heard that Adv Tebeile is appearing *pro bono* for Adv Mkhwebane in a matter before the African Court on Human and People's Rights. Also, during her tenure as PP, Adv Mkhwebane did not accept the outcome of a disciplinary proceeding against Ms Mokgaladi, which recommended that she be suspended with no salary for three months. Instead, Adv Mkhwebane asked Ms Mokgaladi to provide reasons why her employment should not be terminated. The labour court later overturned Adv Mkhwebane's decision.

However, Adv Mkhwebane continued to insist on being part of the process. The committee then requested a comprehensive legal opinion and continued with the interviews.

Ms Zingisa Zenani from Parliament's Constitutional and Legal Services Office subsequently presented the legal opinion to the committee. She said that, based on the facts presented, there is a reasonable apprehension of bias. "With regard to whether this warrants her recusal from the interviews as far as the two candidates are concerned, we submit that it does, based on the test for a reasonable



Adv Kholeka Gcaleka (pictured) was the Deputy Public Protector before being appointed as Public Protector.

apprehension of bias. Our conclusion stems from, in the first instance, the fact that Adv Mkhwebane is currently deriving a financial and personal benefit from the Tebeila relationship, and, in the second instance – regarding Ms Mokgaladi – the findings of the Section 194 Enquiry, read with the *Tlhotlholemaje J* judgement, suggest strongly that any reasonable person will apprehend bias on the part of Adv Mkhwebane, given their history."

Ms Zenani also warned of the possibility of a legal challenge if the panel continued with the process in its current form.

The committee agreed with the legal

opinion that, in the circumstances, the Code of Ethical Conduct and Disclosure of Members' Interests for Assembly and Permanent Council Members and the applicable case law place an obligation on the member concerned to recuse themselves.

The committee agreed with the legal opinion and said it is irrelevant that Adv Mkhwebane is not the sole decision-maker in the process, as both the NA Rules and the Code address her personal or private (not political) interests in the matter at hand. It further stated that although the National Assembly Rules do not provide for a process to compel a member to recuse themselves,

the committee notes that should a member refuse to recuse themselves, any party who feels aggrieved by such decision will have a right to approach a court of law to have the dispute decided.

The committee was also clear that Adv Mkhwebane should have declared these relationships at the start of the process – during nominations for shortlisted candidates – and not merely at the commencement of the interviews. Adv Mkhwebane rejected the legal opinion.

“The Committee believes that Hon. Mkhwebane’s participation has irretrievably tainted its process. In the circumstances, the Committee does not believe that it would be fair for it to continue by proceeding to deliberate

on the merits of the candidates it has interviewed. This is so regardless of whether Hon. Mkhwebane recuses herself now or not. Further, in the Committee’s view, to proceed would attract controversy to the appointment and risk litigation, both of which are not desirable,” the report reads.

Mr Magwanishe said that in its recommendations to the NA, the committee indicated that it understands that there is very little time before the sixth Parliament rises ahead of the general elections on 29 May 2024, but given the circumstances set out in this report, the committee recommends that the House resolve to redo the process to nominate a candidate for appointment as Deputy Public Protector. 🙏



During the past year Parliament passed several laws to bolster human rights

In this 30th year of our country’s democracy, Parliament is proud of the achievements of South Africans, through their Parliament, in passing progressive laws that have changed the face of our society from a people tormented by inhumane apartheid laws to a society that proudly affirms human rights and equality for all.

This we did with the Constitution as our guide – particularly the Bill of Rights – which is the cornerstone of South Africa’s democracy and guarantees everyone living in this country a life of dignity, equality and fairness.

The Presiding Officers not only celebrate with South Africans this commendable track record in transformative legislative changes but also call on all South Africans to reflect, protect and defend the gains we have made as a country with human rights.

Human Rights Day in South Africa is historically linked with the events in



Sharpeville on 21 March 1960 when 69 people died and 180 were wounded when police fired on a peaceful crowd that had gathered to protest against the Pass laws. This day marks an affirmation by ordinary people, rising in unison to proclaim their rights. It became an iconic date in our country’s history that we commemorate as Human Rights Day every year to remind us how far we have come for these hard-won rights and the cost many had paid.

In the past year, Parliament has

passed several laws to bolster some of the already affirmed human rights. Among them is the National Health Insurance Bill (NHI), which will ensure the right to access quality health care for everyone. The right to access the best possible health care is a universal human right that should be guaranteed to all.

In processing the NHI Bill, Parliament was cognisant of its constitutional obligation to ensure that no one is deprived of access to quality health care because of their social standing.

The rights of people living with disabilities have also been promoted through the passing of the 18th Constitutional Amendment Bill. This Bill amends section 6 of the Constitution to include South African Sign Language (SASL) as the 12th official language to promote the rights of persons who are deaf and hard of hearing. The Bill also helps ensure a “cultural acceptance of sign language and deaf culture”. President Cyril Ramaphosa has since signed the Bill into law, which means it is now an Act that must be implemented.

Violence against women remains one of the prominent human rights challenges still plaguing our society. The NCOP has now passed the National Council on Gender-based Violence Bill, which seeks to, among other things, establish the National Council on Gender-based Violence and Femicide. The aim is to set up a multi-sectoral, independent and non-partisan statutory body, which acts through its Board and is responsible for providing strategic leadership on addressing gender-based violence and femicide in South Africa. This Bill is the latest in a series of laws that Parliament had passed to protect women.

Parliament has not only been championing human rights within the borders of South Africa, it is also part of the Inter-Parliamentary Union Task Force, tasked with contributing solutions to the Russia and Ukraine situation.

More notably, South Africa recently reaffirmed its status as a defender for human rights through its historic case at the International Court of Justice over the actions of Israel in Gaza. With debates and resolutions, Parliament has also done its part in highlighting the humanitarian crisis in Gaza.

As we celebrate Human Rights Day, we do so recognising that we cannot claim to be free or enjoy our freedom until the people of occupied Palestine are free. We also do so in recognition that the people of Western Sahara are also engaged in a long-running territorial dispute over their land, leaving many living in camps. The International Human Rights laws encourage all humans, all nations, and all organs of society to strive to promote respect for all people's freedoms and rights to dignity and equality. 🌍



National Assembly Reflects on Three Decades of Human Rights



In commemorating Human Rights Day in March, the National Assembly held a debate on the topic – three decades of respect for and promotion of human rights, writes Sakhile Mokoena.

Opening the debate, Chairperson of the Portfolio Committee on Higher Education, Science and Innovation, Ms Nompandolo Mkhathshwa argued that over the 30 years of the democratic dispensation, the governing party has successfully implemented laws and policies to protect human rights and

improve the lives of South Africans. Ms Mkhathshwa is a member of the NA for the ANC.

Ms Mkhathshwa told MPs how the ANC government has increased budgeting for basic education, social protection and rolling out the largest HIV

treatment programme in the world. "It is indisputable that today the lives of millions have improved. We, however, acknowledge that as long as poverty, injustice, and gross inequality persists in our communities, none of us can truly rest and we need to do more; we need to do better, and we need to do it together."

Ms Mkhathshwa added that the ANC must acknowledge their shortcomings as the governing party to chart a brighter future for the country. "Citizens feel we have been soft on corruption, [that] we do not care about the ordinary citizens and that some of our members have undermined this democracy by advancing their own selfish personal interests.

"As recommended by the State Capture Commission, we are putting in place laws, institutions and practices that reduce corruption of any sort and scale. To date, the NPA's (National Prosecuting Authority) investigating directorate has taken 34 state capture and corruption cases to court, involving over 200 accused persons," Ms Mkhathshwa assured MPs.

Meanwhile, Ms Bridgette Masango of the Democratic Alliance, argued that the human rights of the majority of South Africans are being flouted. "The right to dignity is unfortunately reserved for the few connected cadres. There is no dignity for the nearly 30 million South Africans who will go to bed hungry next year, the stunted children, the families who skip one meal a day, the elderly who are abused and killed," she said.

She also accused the government of flouting human rights and gave examples of people sleeping at entrances of the South African Social Security Agency and Post Office branch offices to collect their social grants so they can put food on the table, while older people do not get paid their pensions for months while their families starve.

Also participating in the debate, Inkatha Freedom Party leader Mr Velenkosini Hlabisa said Human Rights Day should transcend mere commemoration to become the embodiment of behaviour that must be reflected in every public office to protect the Constitution.

"As we mark 30 years of human rights, we should pause to evaluate whether government has honoured the commitment to protect human rights. There is no dispute on progress made since 1994 but we should have done more," Mr Hlabisa said.

The Freedom Front Plus' Mr Wouter Wessels accused the governing party of destroying and reversing the achievements made since 1994 and of undermining the dignity of ordinary South Africans. "Honourable Mkhathswa says progress made by the ANC government cannot be disputed but what she leaves out is that the progress that was made since 1994 has since been destroyed and reversed by the same ANC government," he said.

He gave examples of what he said were ANC failures in the past decade, which included a decrease in the literacy rate, grade 4 learners who cannot read, and dysfunctional water supply systems and public hospitals.

Mr Steve Swart of the African Christian Democratic Party said while his party acknowledges that progress has been



made in terms of upholding the rule of law, ensuring media freedom and the independence of the judiciary, the ANC's scorecard was dismal when it comes to justice, access to food, quality education, healthcare, decent housing, and unemployment. "The ANC government is increasingly incompetent and incapable, rife in corruption and serving their own narrow and personal political interest," he said.

Mr Brent Herron of the Good Party said over the past 30 years South Africa's

commitment to the Constitution and Bill of Rights has been tested but has proven to be resilient and unbreakable, while both the Constitutional Court and the judiciary demonstrated their independence.

However, he said, poor South Africans struggle to live lives in which their rights are protected, while those who have the resources go to courts and others make use of Chapter 9 institutions, such as Public Protector and Human Rights Commission. 🙄

President answers questions in the National Assembly

The President appeared before the National Assembly to answer questions on progress with land reform, recommendations of the state capture commission, and the country's economic recovery plan and infrastructure investment, among other things. This session marked his last appearance before the House in the sixth parliamentary term, writes Abel Mputing. The following is a summarised version of the questions and answers.

Q: What is the progress of government's initiatives to fast-track land reforms?

A: In May 2022, there was the signing of the master plan on agriculture and agro-processing, which was effected with business partners and labour. Among many other things, the plan supports the acceleration of land reform and outlines actions that the private sector can take to support the optimal use of land available to black farmers because of land reform initiatives. These actions include support for black farmers and small, medium, and micro enterprises (SMMEs) at the processing level to improve access to both the technology and domestic and export markets.

Q: One of the fundamental failures of land reform is that land reform



beneficiaries do not receive title deeds to these farms. President, why are you sitting on your hands rather than issuing 2.5 million hectares' worth of title deeds to land reform beneficiaries?

A: A straightforward answer to that is that we are issuing title deeds continuously. Whenever I hold izimbizo, and whenever various ministers hold izimbizo, title deeds continue to be issued. Just to give a very good example, the recent imbizo, which was held in Mpumalanga, several title deeds were issued to our people.

The issuing of title deeds is a process. It must follow the processes of management of the land, scaling, and all that, and the title deeds process also must follow due legal process.

Q: Minister Didiza admitted that more than 90% of all land reform projects have failed. Moreover, more than 11% of South African households have reported experiencing hunger. What will you do to ensure food security through successful land reform?

A: When it comes to food security, the technological advancements in



agriculture as well as the focus that the government is giving to agriculture are continuing to increase the food security in our country. We are a food-secure country in many ways. We still must address incidents of poverty where several of our people still struggle to continue with their livelihoods, and this is where the government has been very supportive through several initiatives such as the social grants that we give to support the livelihoods of people.

Q: How does government intend to ensure that budgetary challenges faced by many agricultural initiatives such as the one which was intended to employ 5 000 graduates do not undermine critical employment opportunities within the agricultural sector, particularly for skilled graduates?

A: I've often said that with the Presidential Employment Stimulus, we brought in several young people in several disciplines – education, agriculture, community services and all that. So, several of them will be absorbed through that and we will make sure that they are tenured, or their continued participation in developing our agricultural sector continues.

Q: What progress has been made by government to institute the much-awaited lifestyle audit of high-ranking government officials and the Cabinet as a means of combating graft and mismanagement of state resources?

A: After several delays, the issue of lifestyle audits of members of

the executive is firmly underway. Capacity building has taken longer than expected, but it is well underway. This is the first time the national government has conducted lifestyle audits of its members and this requires new systems that have now been put in place.

Q: Mr President, since you are the reason that lifestyle audits were not done, you are the reason we are sitting with an allegedly corrupt Cabinet that reads like Zondo's most wanted list. Are you going to take responsibility and accept that in this matter you are accused number one?

A: I have explained that yes, this matter has taken an inordinately long time. However, it is a matter that is being addressed and reaching finality.

Indeed, it is a serious matter that requires the serious attention that we are bringing to bear on it. I am quite satisfied that the process that we have now embarked upon is a process that is going to streamline precisely how this is done. It is a process which will also be a very good precedent to the next administrations of this country. It will be such that we have a good system, a good process that is going to address the issue of lifestyle audits.

Q: What measures can enhance lifestyle audit systems and its legislative authority to access various data points and enhance its rigour and impact?

A: Yes, there have been a number of approaches that have been used. A number of entities in our government, both national and provincial, have

used a variety of methods and some of those have been outsourcing, for instance, to audit firms. Some have been to the Special Investigation Unit, and some have been to other entities. We do hope that they are able to come out with the type of information that will enable us to address the issue or the question of corruption itself and bring to bear sufficient information to enable us to take actions on it.

Q: What difference has the Presidential Employment Stimulus Programme made to the lives of millions of young people in the country?

A: The initiatives of the Presidential Employment Stimulus Programme have made a real difference in the lives of millions of young people in our country. As you go through the length and breadth of our country you find that it is an initiative that has indeed touched the lives of many. Through the work already done, we have established a firm foundation of those initiatives to make an even greater contribution to addressing poverty, unemployment and inequality.

Q: Given that the issue of unemployment remains one of the main challenges that the country is facing, is there another way to encourage all relevant stakeholders, including social partners, to participate in an even more massive employment creation?

A: There are a number of ways in which we can bring in a number of partners, social partners and stakeholders to play a role in



the whole task of addressing unemployment. I recently held a meeting with business and government, and out of that meeting came a number of interesting proposals from the private sector on how they can co-operate with government. They also included setting up a small/medium enterprise fund of great scale to fund small and medium enterprises to enable them to run their business in ways that can create jobs.

Q: What progress has been made to implement the recommendations of the State Capture Report?

A: As I indicated in a written reply to this House on my birthday, 17 November 2022, any actions that I take with respect to members of the executive about whom the commission made findings will be informed by the outcomes of the processes that are undertaken by the relevant entities that have the responsibility and capacity to investigate and hold those implicated in acts of corruption emanating from the state capture



report to account. It's these entities that are going to guide me and should guide us all.

Q: If it turns out that some members of the executive in the current executive mismanaged the funds in the fiscus or did something undesirable, what kind of steps

do you envisage as consequential actions for these recalcitrant members of the executive?

A: Any member of the executive who will be found to have mismanaged the funds of the state must face the consequences of the law. Those who participated in activities that go against the ethics that are required must face the consequences, and that is something that I am very clear on.

Q: Can we expect anything before the end of this term ... action taken out of the State Capture Report?

A: Where there would be and where there is any form of evidence, yes, action will be taken because we have to take action based on facts, on real information. Without that we would just be speculating. What all of us should be endowed with is some ability to be able to sift chaff from facts, and say where there are facts, action needs to be taken.

Q: What have you done to instill good governance in government?

A: It is important to note that Parliament, as being part of these entities, itself has an important role in combatting corruption and state capture through its own

committees, for instance, through the Ethics Committee and the Powers and Privileges Committee. So, I want to repeat what I have been saying – that various entities, which we have empowered and continue to empower to do their work, must do their work because, in the main, they tend to have the capacity and ability to do their work much more thoroughly.

Q: What are the successes of the economic recovery plan to date?

A: One of the most important pillars of government's economic recovery plan is a significant increase in infrastructure investment. This has meant that we have had to give specific attention to effective project preparation and the mobilisation of funding on a far larger scale. We have amended the Division of Revenue Act to provide for the pledging of future infrastructure grants to crowd in private sector finance and to leverage external technical capacity.

Q: On the issue of infrastructure, will you consider a comprehensive study on the true state of infrastructure countrywide?

A: The Infrastructure Symposium [has brought] together business, investors, financial institutions as well as government leaders. And this time around we also have had government leaders from other parts of Africa. One of the things we talked about was the progress that we are making on infrastructure development in a number of key areas. And one of the things I've said quite often is that we found that with the development that we are engendering, we are beginning and continuing to have a much greater grip and understanding of the infrastructure needs of our country. 🇿🇦



Any member of the executive who will be found to have mismanaged the funds of the state must face the consequences of the law. Those who participated in activities that go against the ethics that are required must face the consequences, and that is something that I am very clear on.

South African Delegation Makes Significant Contribution to IPU Draft Resolutions on use of Automatic Weapons and Climate Action



Members of the multi-party parliamentary delegation that attended the Inter-Parliamentary Union Assembly in Geneva in March included Mr Narend Singh (left), Ms Fikile Masiko (second left), Nqabayomzi Kwankwa (third left), Mr Cedric Frolic (third from right), Ms Doris Dlakude (second from right) and Mr Seiso Mohai (far right).

Ms Sylvia Lucas, the Deputy Chairperson of the National Council of Provinces and leader of a multi-party delegation that travelled to Geneva in Switzerland to participate in the 148th Assembly of the Inter-Parliamentary Union (IPU) was full of praise for the delegation's contributions to the assembly, writes Nolzwi

Magwagwa. The theme for this year's assembly was Parliamentary Diplomacy: Building bridges for peace and understanding.

The delegation made significant inputs on amendments to the draft resolution before the Standing Committee on Peace and International Security on the social and humanitarian impact of autonomous weapons systems and artificial intelligence. The delegation also participated in the deliberations of



Ms Sylvia Lucas, Deputy Chairperson of the National Council of Provinces led a multi-party delegation to the 148th Assembly of the Inter-Parliamentary Union that was held in Geneva, Switzerland in March this year.

the Standing Committee on Sustainable Development on the draft resolutions on partnerships for climate action to promote access to affordable green energy and ensure responsible and equitable innovation. The South African delegation presented several proposed amendments to the draft resolutions and 11 out of the 13 amendments submitted on the impact of autonomous weapon systems and artificial intelligence

were accepted. The delegation also submitted 18 amendments to the draft resolution on partnerships for climate action and 14 were approved. Ms Lucas called this a great milestone for Parliament and for South Africa.

The draft resolution on the impact of autonomous weapon systems and artificial intelligence was intended to address the implications of developing autonomous weapons that can function without human intervention, highlighting the risks and consequences from social and humanitarian perspectives. The South African Parliament's proposals strengthened the draft resolution by proposing, among other things, including in the resolution armed conflicts and the prohibition of lethal autonomous weapon systems directly targeting humans. The proposal also stressed the responsibility of parliaments and parliamentarians in overseeing the development, acquisition and use of lethal autonomous weapons.

Meanwhile, Parliament's proposed amendments to the draft resolution on partnership for climate action stressed, among other things, the need to increase awareness among parliamentarians so they can

contribute more effectively to climate action. The South African Parliament's proposals called, among other things, for the inclusion of Sustainable Development Goal 7, which calls for enhanced international cooperation to facilitate access to clean energy research and technology, including renewable energy.

The delegation also proposed that parliaments ensure meaningful and equal participation of women in climate action, including gender-responsive implementation and implementing of the Lima Work Programme on Gender and its gender action plan to achieve climate goals.

The delegation also made notable contributions to the proposal for an emergency item motion on the Palestine issue. However, this effort was unsuccessful, as it was short 12 votes to reach the required two-thirds majority. Although the motion was not carried, "It was the very first time in the history of our attendance of the IPU to witness many groups united behind an emergency item of this nature," Ms Lucas observed. 🇿🇦

The South African Parliament's proposals called, among other things, for the inclusion of Sustainable Development Goal 7, which calls for enhanced international cooperation to facilitate access to clean energy research and technology, including renewable energy.

During her subsequent address to the assembly following its consideration of the motion, Ms Lucas called on the assembly to ensure that parliaments collectively oversee the implementation of the International Court of Justice provisional measures on Israel. “[This] while establishing other mechanisms to address issues, including the matter of detainees and hostages and build consensus around how we can begin to systematically segment these issues to address them with the urgency they deserve.”

The parliamentary delegation welcomed a statement made by the leaders of the IPU in the last plenary sitting on the situation in Gaza. Reading the statement, the IPU President, Dr Tulia Ackson said, “In view of the worsening situation in Gaza, we call for urgent action to alleviate the suffering of the people in the region, including women, children and the elderly who have been caught up in the fighting. On behalf of the

global parliamentary community, we call for an immediate ceasefire in Gaza.

“We reiterate our demand for the immediate and unconditional release of all hostages. We appeal to the relevant authorities on all sides to expand the flow of essential humanitarian aid to reach those in need in Gaza. We reiterate our utter condemnation of any violence against civilians and stress the need for respect for international humanitarian law.”

Said Ms Lucas: “We are very proud of the fact that we can say that over the years we have been able to make considerable inputs to the discussions of the IPU. Our Speaker was also part of the Task Force on Russia and Ukraine and they have been commended for the role they played on behalf of the South African Development Community (SADC),” she said. 🌍



SCOPA and SIU Sign Memorandum of Understanding

The Standing Committee on Public Accounts (SCOPA) and the Special Investigating Unit (SIU) recently signed a memorandum of understanding (MoU), primarily to strengthen the relationship between SCOPA and the SIU concerning investigating and reporting on matters about irregular, fruitless, and wasteful expenditure of public funds reports Faith Ndenze.

More importantly, however, the signing of the MoU helps to refer formally certain pressing matters from SCOPA to the SIU, as the SIU does not identify specific matters to investigate. Matters referred by SCOPA to the SIU for investigation or the motivation for a proclamation include the Eskom

intelligence report and the National Skills Fund.

SCOPA believes that the SIU will continue to prioritise these matters, even after the dissolution of the sixth Parliament. In fact, the SIU will ensure that in its handover report to SCOPA in the seventh Parliament these matters are flagged for consideration.

SCOPA has received updates from the SIU on maladministration, malpractice and corruption uncovered during its investigations at state institutions. It has noted the specific concerns raised about high levels of corruption, maladministration, malpractice, lack of consequence management, and delays in prosecutions, which all resulted the state failing to recover monies owed to it.

During the sixth Parliament, the SIU has consistently briefed SCOPA on its investigations, including state capture matters and the lack of consequence management in state institutions

in implementing the SIU’s referrals. SCOPA intervened by requesting the Presidency to devise a mechanism to ensure that all SIU referrals are implemented. This led to the Presidency establishing a monitoring and tracking tool that ensures every referral from the SIU is implemented for disciplinary action intervention. This has resulted in Eskom and Transnet restricting suppliers implicated in SIU investigations on their supplier databases.

SCOPA has resolved to continue collaborating with the SIU in areas of mutual interest, particularly

investigating and considering matters relating to irregular, fruitless, and wasteful expenditure of public funds, and implementing prevention measures and monitoring activities.

Both parties acknowledge the importance of consultation, mutual support and cooperation on aspects such as disclosure of information, reporting and mutual cooperation and assistance to ensure effective financial oversight and accountability of state institutions, thereby combatting maladministration, malpractice and corruption of state resources, money and assets. 🌍





The provincial public hearings on the Electricity Regulation Amendment Bill were held from 26 September 2023 to 29 January 2024 and the majority of those who participated supported the Bill.

Committee Chair Welcomes Passing of Electricity Regulation Amendment Bill in National Assembly



The Chairperson of the Portfolio Committee on Mineral Resources and Energy, Mr Sahlulele Luzipo, has welcomed the National Assembly's (NA) passing of the Electricity Regulations and Amendment (ERA) Bill, reports Justice Molafo.

Mr Luzipo said that the Bill is a product of the collective wisdom of everyone who participated in the process, including the contributions made during public hearings held in all nine provinces and in the written

submissions. The provincial public hearings were held from 26 September 2023 to 29 January 2024 and the majority of those who participated supported the Bill.

The Bill seeks to amend the Electricity Regulation Act of 2006 and once enacted into law, it will enable the transformation of the country's electricity sector to ensure electricity sustainability, supply and affordability. It proposes an end to the monopoly-driven market and allows competition through key legislative reforms. This move is underscored in the Department of Public Enterprises' 2019 Roadmap for Eskom in a Reformed Electricity Supply Industry. The Bill, however, does not propose the privatisation of Eskom, which most participants in the public hearings said they opposed.

Furthermore, the Bill proposes that within five years a state-owned transmission system operator (TSO) be established that is legally distinct from Eskom. It also proposes the expansion and alignment of the powers of the National Energy Regulator of South Africa (NERSA) to regulate the competitive market. It also proposes that NERSA be empowered to set and approve tariffs and prices, as well as regulate the participation of independent power producers (IPPs), among other things.

In the interim, it authorises a ring-

fenced subsidiary of Eskom Holdings in the form of the National Transmission Company of South Africa, or NTCSA, to fulfil the functions of the TSO. The TSO is an enabler of the competitive market. Therefore, the functions of the TSO are grid ownership and operation, system and market operation, and the creation of a Central Purchasing Agency that will take care of legacy and vesting contracts.

Mr Luzipo said: "I am happy that the NA has passed the Bill that is responding to the people's concerns about the need for setting parameters on the competitive behaviour of IPPs, as this will ensure that the sector delivers sustainable electricity at competitive prices."

According to Mr Luzipo, this is important, not only for competition but also because it addresses global commitments around climate change issues with regards to the country's Just Energy Transition framework. This is because the participation of multiple players will result in diverse electricity generation technologies, including renewable energy.

"It is anticipated that, in the long term, the Bill will drive down the cost of electricity generation, which will be passed on to consumers in the form of lower electricity bills. Further, new investment in the industry will bring new technologies and multi-year capital programmes that will enable new local industries and local

businesses to empower youth and create new-age skills and digital capabilities, because individuals who generate electricity for their use will be allowed to sell surplus to the government," said Mr Luzipo. The ERA Bill also criminalises the unlawful destruction and damage of electricity infrastructure inclusive of transmission, distribution or generation equipment or infrastructure. This hopes to address the issue of cable theft and unlawful electricity damage, amongst other things.

The Bill states that if a person is convicted of these offences, a fine can be imposed not exceeding R1 million. If a person is found guilty of unlawful trading in electricity infrastructure, as listed above, a fine not exceeding R5 million will be charged, or imprisonment shall be imposed not exceeding 10 years, or both such a fine and imprisonment.

Mr Luzipo added that the committee intends for the Bill to not only address the immediate electricity challenges and loadshedding but also to enable long-term electricity supply for businesses and the broader society. He thanked all political parties who supported the Bill in the NA and for putting the interest of the country and its citizens ahead of their political interests in the forthcoming elections. He also thanked members of the committee and the staff for their dedication in processing the Bill. 🇿🇦

Office of the Auditor-General briefs COGTA Committee on Municipal Material Irregularities



Ms Tsakani Maluleke, Auditor-General of South Africa.

The Portfolio Committee on Cooperative Governance and Traditional Affairs (COGTA) recently met with the Office of the Auditor-General (AG) to be briefed on material irregularities in the audits of various local municipalities, writes Sakhile Mokoena. The briefing included a reflection on the implementation of the AG's extended powers, following Parliament's amendments to legislation.

The AG's extended powers seek to promote better accountability, improve the protection of resources, enhance public sector performance, and encourage an ethical culture, as well as strengthen public sector institutions to better serve citizens.

In the AG's presentation to the committee, material irregularities were defined as any non-compliance with or contravention of legislation, fraud, theft or a breach of a fiduciary duty identified during an audit performed under the Public Audit Act that resulted in or is likely to result in a material financial loss, the misuse or loss of a material public resource, or substantial harm to a public sector institution or the general public.

The committee heard that the material irregularities process is making an impact, particularly as a result of responsive accounting officers. The following developments have been reported in local government: R182.75 million in financial loss recovered; R18.85 million in financial loss prevented; and R310 million in the process of being recovered.

The committee also heard that internal controls improved to prevent recurrence.

In addition, responsible officials were identified and disciplinary process were completed or are underway. Furthermore, fraud or criminal investigations were instituted, supplier

contracts were stopped where money was being lost, and outstanding financial statements have been submitted.

The AG told the committee that it is concerned that municipal public accounts committees (MPACs) have not made efforts to address irregular expenditure. One of the AG's recommendations is for municipal councils, MPACs and provincial legislatures to request quarterly reports from accounting officers on the status of their material irregularities.

In addition, they should hold accounting officers accountable for any unreasonable delays in resolving the irregularities.

The Deputy Minister of Cooperative Governance and Traditional Affairs, Prince Zolile Burns-Ncamashe, assured the Committee that the department will do everything possible to ensure there is significant improvement in recoveries, record management and all the other matters raised by the AG.

The Committee Chairperson, Mr Fikile Xasa, said the briefing provided committee members with useful information and answered important questions.

"We appreciate that the work of the AG is yielding some results, especially on non-submission of financial statements and disclaimers.

We also noted the issue of the time it takes to conclude investigations and the negative impact of such delays, such as the inability to recover resources because people have moved," he said.

Mr Xasa also said that he believes accounting officers who fail to deliver on their mandate should face censure

"If accounting officers are not doing what they are supposed to do, the law should take its course. Make examples of such accounting officers who are not doing their work," he urged. 🗣️



Chairperson of the Portfolio Committee on COGTA, Mr Fikile Xasa (left) said the committee is pleased that the AG's work is yielding results in municipalities.



Efforts Underway to Amend RAF Legislation

Representatives from the Road Accident Fund (RAF) told Parliament's Portfolio Committee on Transport in a meeting that plans are underway to amend the RAF Act, reports Sakhile Mokoena. The amendments are aimed at improving the entity's operations. The RAF delegation briefed the committee on progress in implementing the entity's turnaround strategy, including its plans to amend legislation governing the scheme.

The RAF Board Chairperson, Ms Lorraine Francois, told the committee meeting that when the new board started, it did an overall assessment of the RAF and identified many issues relating to financial sustainability and legislation that do not support the fund's mandate. She said the fund is now self-sustaining and receives little support from the fiscus. In addition, the Board and RAF management are committed to driving transformation.

'No longer in ICU'

"RAF is no longer in ICU, is not being mismanaged, and all we need to do is support it and ensure it remains sustainable. The first thing is to adopt amendments to the legislation," said Ms Francois.

During the sixth parliamentary term,

the committee decided not to proceed with the Road Accident Benefit Scheme (RABS) Bill but rather to amend the Road Accident Fund Act. The RABS Bill aims to replace the Road Accident Fund Act and to improve the administration of benefits and payouts to accident victims.

During the meeting, RAF leadership said that plans are now underway to table amendments to the RAF Act. RAF CEO Mr Collins Letsoalo said the amendments will simplify the fund's system, as currently people find it hard to navigate and struggle to access information and services.

To address these challenges, the RAF has launched a contact centre. This provides a platform for RAF claimants to access their claims information without relying solely on their legal representatives. One of the key programmes implemented through the contact centre is the Know Your Rights Campaign, which allows claimants to verify the payments made to their legal representatives by the RAF.

Signs of improvement

In the RAF 2022/23 Audit and Management Reports, the Auditor-General acknowledged that the RAF is focused on settling claims within 120 days and has achieved this target for the first time. Although the RAF is still a long way from settlement of all claims within 120 days, the overall turnaround time has shown good signs of improvement, according to the AG.

The RAF has also recorded other achievements since implementing

its 2020/25 strategy, particularly in procurement, asset management, information technology and performance information, the AG noted. In addition, the RAF's organisational performance improved significantly, from 57% in the 2019/20 financial year to 91.3% in the 2022/23 financial year.

Reviewing operations

In addition to system challenges, the RAF also told the committee that the current scheme was highly inequitable as it tended to benefit middleclass claimants rather than the poor. The fund would also like to review foreign claims, as it can be difficult to establish proof of life or assess the seriousness of injuries, which exposes them to the possibility of fraud. The RAF's most expensive claim was paid to a Swiss national in 2010 for R500 million and R1.62 billion was paid for foreign claims during the 2022/23 financial year.

The RAF is also proposing direct claims, without the involvement of lawyers, and says this will simplify the claims process and enable claimants to lodge claims without the help of third parties.

In its presentation to the committee, the RAF also noted its ongoing dispute with the Auditor-General about the application of accounting standards and whether the RAF is an insurer or a social benefit fund. According to CEO Mr Letsoalo, the AG argues that the RAF is an insurer that must apply IFRS 4, a standard meant for insurance contracts. However, this standard has

been discontinued since 1 January 2023 and replaced with IFRS 17.

The RAF maintains that it is a social benefit fund, as classified in the 2017 Institutional Sector Classification Guide published by the South African Reserve Bank. It says this position was confirmed in December 2022 by the Public Sector Classifications Committee. The RAF is also classified by the NDP 2030 as a social security fund.

The RAF also told the committee that generally recognised accounting practice standards in South Africa do not have a standard for social benefits. The only existing global standard for social benefits is the International Public Sector Accounting Standards Boards' IPSAS 42.

Committee Chairperson Ms Mina Lesoma said the committee had taken note of the report and will flag the RAF Amendment Bill for the seventh Parliament to prioritise. 🇿🇦

"RAF is no longer in ICU, is not being mismanaged, and all we need to do is support it and ensure it remains sustainable."

- Ms Lorraine Francois, Board Chairperson.



Adv William Rasenga Mokhare recently handed over the report of the Independent Panel of Experts appointed to conduct a preliminary assessment on Mr Mbuyiselo Botha's potential removal from his position as Commissioner of the Commission for Gender Equality (CGE). The Acting Speaker, Mr Lechesa Tsenoli received the report.

Parliament Receives Report on CGE Commissioner

The Acting Speaker of the National Assembly, Mr Lechesa Tsenoli, recently received the report of the Independent Panel of Experts appointed to conduct a preliminary assessment on Mr Mbuyiselo Botha's potential removal from his position as Commissioner of the Commission for Gender Equality (CGE). Parliament has since published the panel's findings in the Announcements, Tablings, and Committee (ATC) Reports for the attention of Members of Parliament. The report is also available on Parliament's website.

The Speaker appointed the panel in March following a substantive motion put forward in November 2023 by Ms Fikile Maseko, a Member of the National Assembly. Ms Masiko proposed an inquiry under section 194(1) of the Constitution for Mr Botha's removal from his position at the CGE on grounds of alleged misconduct. The National Assembly, adhering to its constitutional obligations and rules, formed this panel to conduct a preliminary assessment. The panel was appointed on 7 March 2024, and they reported to Parliament on 10 April 2024.

There were five charges of misconduct against Mr Botha, among others, that he allegedly violated his constitutional duty as Commissioner to uphold the values of the Constitution. Mr Botha, represented by his attorneys, did not provide a substantive written response to

the allegations, focusing instead on queries about procedural aspects and the nature of the evidence. The panel found prima facie evidence that Mr Botha made disrespectful, demeaning, and humiliating remarks about fellow commissioners. This conduct appears to violate the constitutional obligations of dignity, respect, and equality, foundational to the CGE and its mandate.

During the press briefing to hand over the report, the Chairperson of the panel, Adv William Rasenga Mokhare, SC, said their preliminary assessment found that Mr Botha does have a case to answer, and the panel recommended that the matter be dealt with according to the Rules of the National Assembly.

Providing an overview of the process the panel followed, Adv Mokhare said their mandate was not to establish guilt, "but just to see if there is prima facie evidence" for a case to be answered. He said the panel based their assessment on the evidence, which included an audio recording of Mr Botha allegedly making defamatory and derogatory remarks about fellow CGE commissioners during an internal meeting.

The panel recommended that the National Assembly proceed with a formal inquiry into the allegations of misconduct against Mr Botha. This recommendation is in line with the panel's mandate and the provisions outlined in section 194 of the Constitution and the applicable rules of

the National Assembly. The rules of the National Assembly states that once the panel has made its recommendations, the Speaker must schedule the recommendations for consideration by the Assembly, with due urgency, given the programme of the Assembly.

Should the Assembly resolve to proceed with a section 194 enquiry, the matter will be referred to a committee for a formal and comprehensive inquiry. This inquiry will be conducted in a manner that upholds the principles of fairness, justice, and transparency.

Receiving the report, Mr Tsenoli thanked the panel for their work, pointing out that the report came on the day the country lost one of its "most active participants [Chris Hani, who was assassinated on 10 April 1993] in the process leading up to our constitution-making".

"The significance of that reality is in our commitment and loyalty to the goals of having our country running properly, to putting people first in how we govern society that is democratic and where people have recourse when wrongs have been committed against them. It is also an important indicator of the relationship we, as Parliament, have with the institutions supporting democracy," he said.

"The Commission for Gender Equality is a Chapter 9 institution and, therefore, the integrity of its functioning – just as our own institution of Parliament – we have a responsibility in the oversight we do, the accountability demands we make, in the responsibility to ensure that we fulfill those aims and objectives of managing our own integrity ethically all the time." 🇿🇦





PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

HAVE YOUR SAY

AD HOC COMMITTEE ON THE GENERAL INTELLIGENCE LAWS AMENDMENT BILL

CALL FOR PUBLIC INPUTS

In line with Parliament's core objective of facilitating public participation and involvement in legislative processes, the Ad Hoc Committee on the General Intelligence Laws Amendment Bill invites relevant stakeholders and interested persons to submit written submissions and indicate interest in making oral submissions on the **General Intelligence Laws Amendment Bill [B40 – 2023]**:

The purpose of the Bill is to amend the National Strategic Intelligence Act, 1994, the Intelligence Services Act, 2002, and the Intelligence Services Oversight Act, 1994, so as to amend and insert certain definitions; to provide for the establishment of the South African Intelligence Service, South African Intelligence Agency, the National Communications Centre and the South African National Academy of Intelligence; to provide for the functions of the Intelligence Service Structures; to provide for additional

Written submissions on the Bill must be directed to Ms Nola Matinise, Committee Secretary, and be addressed to the Ad Hoc Committee on the General Intelligence Laws Amendment Bill, Parliament of the Republic of South Africa, PO Box 15, Cape Town, 8000, or submit via any of the following online platforms:

WhatsApp to **083 709 8397** OR complete the submission form on the link <https://forms.gle/UAYtzsaU3LaCcvjx5> OR email to GILAB2023@parliament.gov.za.

All submissions must be received by no later than **12 May 2024**.

Please indicate your interest in making a verbal presentation.

Copies of the Bill may be obtained from the Committee Secretary, Cell **083 709 8397** or www.parliament.gov.za

Issued by Hon. Mr K Mmoiemang, MP, Chairperson: Ad Hoc Committee on the General Intelligence Laws Amendment Bill

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