

NATIONAL

PUBLIC PROTECTOR

Mkhwebane and DA legal battle continues

Thuletho Zwane

The DA and public protector Busisiwe Mkhwebane are engaged in a legal battle over the implementation of a high court judgment that overturned her suspension by the president.

The DA argues that Friday's order by the high court in Cape Town to invalidate Mkhwebane's suspension by President Cyril Ramaphosa is wrong and has no force or effect until confirmed by the Constitutional Court.

The opposition party says it will seek leave to appeal to the Constitutional Court against the high court's decision to allow Mkhwebane to return to office.

The DA's attorneys say the high court's order is suspended by the party's application for leave to appeal.

But Mkhwebane does not accept this and has filed an urgent application to the high court in Cape Town for it to affirm that its ruling is effective immediately. Her attorneys reject the DA's argument that the Constitutional Court has to affirm the high court judgment for it to take effect.

The presidency said in a statement it would seek guidance from the constitution on the next steps, while acting public protector Kholeka Gcaleka has told Mkhwebane the DA's actions mean she cannot return to the office pending the outcome of the Constitutional Court proceedings.

DA ARGUES THAT LAST WEEK'S HIGH COURT ORDER TO INVALIDATE MKHWEBANE'S SUSPENSION WAS WRONG

The high court set aside Ramaphosa's decision to suspend Mkhwebane "as unlawful, of a hurried nature and retaliatory" because – the court judgment reads – the decision to suspend the public protector came shortly after Mkhwebane announced her intention to investigate a complaint against Ramaphosa on the theft at his Phala Phala game farm in 2020 of an undisclosed amount in foreign currency.

Allegations around the theft at Ramaphosa's farm were made by former state security agency head Arthur Fraser, who lodged a complaint with the police in June.

The high court in Cape Town said Ramaphosa's decision to suspend the public protector "was certainly tainted by bias of a disqualifying kind and perhaps an improper motive".

"In our view, the president could not bring an unbiased mind to bear as he was conflicted when he suspended the applicant," the unanimous judgment of the full court says, with the request to suspend rejected "with the contempt it deserves".

After the high court decision on Friday, Mkhwebane launched an urgent application asking the court to declare its invalidation of her suspension by the president "operational and executable ... pending any application for leave to appeal and/or appeal" so she can return to her position and ... "tackle the most urgent issue of the Phala Phala investigation".

Court papers reveal that the DA sent an overnight application for leave/notice to appeal directly to the Constitutional Court, preventing Mkhwebane from going back to her office.

In her application, Mkhwebane states that the DA's true intention is to undo the legal effect of the judgment and that the opposition party's letter is aimed at reinstating the illegal decision of the president.

She adds that the process of the court is being severely abused and that the DA's motives are aimed at preventing her from resuming her duties, "by hook or by crook and by any means necessary".

zwane@businesslive.co.za

Most voters back coalition politics

● Think-tank's survey finds broad acceptance as SA heads to 2024 elections

Luyolo Mkontane
Political Writer

A report by a local think-tank on how South Africans feel about coalition politics has found that about 80% of registered voters support the idea of their party taking part in coalitions where necessary.

In its August 2022 report, the Social Research Foundation (SRF), a think-tank that focuses on public policy issues and the promotion of democracy, said eight out of 10 registered voters are in favour of a coalition future or could, "with the right messaging and examples of coalition success, become strongly in favour of a coalition future".

The data is based on an opinion survey the SRF commissioned in July and conducted telephonically among a sample of 3,204 randomly selected and demographically and regionally representative registered voters. The survey's overall margin of error is 1.7%. The SRF said the figures will not add up to 100% where respondents were unable to answer a question.

There are 26-million registered voters in SA, according to the Electoral Commission of SA.

RUCTIONS

The SRF said of the registered voters it polled, 47.8% are strongly in favour of coalitions when necessary and in the

future, and support the idea of a grand coalition.

The report said 32.7% are sympathetic to the idea of coalitions, 11.5% are generally negative to the idea, while 7.5% are "very negative" to the idea.

Coalition politics is a new phenomenon in SA, and political analysts and local governance experts have said the ructions within councils are to be expected as coalitions are not established on sound principles and ideology but are largely about staying in power.

The coalitions put together after the 2021 local government elections have been rocked by instability, with attempts to remove sitting mayors through

motions of no confidence as political parties jockey for positions ahead of the national elections in 2024.

The SRF report states that "more than half of ANC supporters, almost 7/10 DA supporters, 6/10 EFF supporters, and near 8/10 FF+ [Freedom Front Plus] and ASA [ActionSA] supporters would endorse the idea of opposition parties coming together in some formalisation of a grand coalition".

On voter views about whether opposition parties "like the DA, ActionSA, COPE, the IFP, the Patriotic Alliance, the UDM, the Freedom Front Plus and others" should join together in a grand coalition of opposition

parties, 41% of ANC supporters (DA 40%, EFF 52%, FF+ 27% and ActionSA 37%) said this was "a very good idea".

However, another 37% of ANC supporters (DA 15%, EFF 25%, FF+ 20%, ActionSA 10%) said this was "a very bad idea".

In July, the ANC, in its Umrahlobo magazine, was critical of coalition governments, saying they compromised its values and governance as it had been forced to enter into coalitions with smaller parties with divergent views to its own.

"Instead, the ANC must build on strong opposition to sway the support of voters in our favour and work towards regaining power and control," the governing party said.

The ANC only won two of the eight metros in the country in

the municipal elections in November 2021, with an outright majority in Mangaung and Buffalo City.

"We lost 1,500 proportional and ward councillor seats ...

"The ANC is now in opposition or minority government or coalitions in 83 out of 257 municipalities – almost one third of municipalities," it said in the magazine.

The SRF said it had been investigating public opinion in SA for the past several months and some of its reports to date attest that sentiment is "broadly negative on social, economic and political circumstances and remains on balance negative about prospects for the future."

"That the prospect of a coalition future triggers majority positive sentiment makes this

an exception, even where that sentiment is tempered by scepticism at the ability of political leaders to co-operate sufficiently."

Levy Ndou, a political analyst and expert on coalition politics, said: "If the ANC support at national level drops below 50% in the 2024 general election, then we are definitely heading towards coalitions in SA."

"Coalitions in SA are characterised by instability, infighting, scheming and politicians wanting positions."

"If coalitions are not properly managed, they have a potential to bring serious governance challenges. We have seen that in Joburg, Nelson Mandela Bay, and Tshwane might be next. All these talk to instability in governance."

nkentane@businesslive.co.za

NATIONAL POLITICS

ANC sets rules for leadership battle

Hajra Omarjee, Mary Papayya and Thando Maeko

The race to the ANC's national elective conference in December picks up speed from Monday when branches begin nominating their preferred candidates to lead the party for the next five years.

The party last week established the rules for leadership contestation and received a report on audited membership numbers, paving the way for branches to begin the nomination process until the October deadline.

Branches will be permitted to send voting delegates to the ANC's internal leadership contest based on their respective membership numbers. A branch with 100 members is permitted to send one voting delegate while a branch with more than 255 members will be allowed to send two voting delegates.

KwaZulu-Natal, the Eastern Cape, Limpopo and Gauteng, which have a combined membership of more than 400,000, will send the largest number of delegates to the conference. Some 5,525 delegates are expected to attend it.

Three of these four provinces – KwaZulu-Natal excluded – are expected to support Cyril Ramaphosa's bid for re-election

as party president as their leadership has already endorsed his candidacy. Ramaphosa will be challenged for the party's top position by co-operative governance minister Nkosazana Dlamini-Zuma.

The Sunday Times reported that Dlamini-Zuma has raised her hand as a presidential candidate. She is yet to receive endorsement from her province, KwaZulu-Natal, which says it has not been informed nor approached regarding her campaign. ANC provincial spokesperson Mafika Mndebele told Business Day that this development is news to it.

"While we have not been informed or approached, we are of the opinion that anyone that meets the criteria to contest any position for the party is entitled to put their hand up," he said.

"As a region we have opted for a process of independent and transparent selection by our branches ... The provincial office will ask for the national body to procure the services of an independent elections agency to then oversee the election process of the candidates.

"This will be like an election of office-bearers. Once finalised, the province will have no choice but to support the outcome of the name/s for the presidential candidate and other positions if

such is the case," Mndebele said. Dlamini-Zuma and Ramaphosa faced off in 2017 when the president won with 51.90% of the vote. A candidate requires 25% support from either branch nominations or the conference floor to make it to the ballot paper.

The race for the number two position is expected to be hotly contested between ANC treasurer-general Paul Mashatile, human settlements minister Mmamoloko Kubayi, Eastern Cape premier and ANC chairperson Oscar Mabuyane, and justice and correctional services minister Ronald Lamola.

Mashatile has received endorsements from the ANC leadership in Limpopo, while Lamola and Mabuyane have received endorsements from the Mpumalanga and Eastern Cape leadership respectively. Kubayi has received endorsement from her branch in Soweto and is expected to lobby the ANC Women's League for support.

Mashatile's tenure as acting secretary-general, which is at the heart of the party's operations, as well as being the party's finance chief, was fiercely debated at last week's special national executive committee meeting as he stood accused of neglecting his duties and violating the party's constitution.

↓
25% is what support a candidate requires from either branch nominations or the conference floor to make it to the ballot paper



Machinery and engineering company Bell Equipment has decided against declaring an interim dividend amid global uncertainty and to boost investment in its own operations to help it benefit from greater market demand, it said in its interim results on Friday. The company is ready to cash in as it upped its manufacturing operations, supported by a stronger order book. Page 11



European ministers sounded defiant as they met in Brussels to deliberate plans aimed at halting the spiral in energy prices. "We will prevail," EU energy commissioner Kadri Simson told reporters. In reality, defiance may soon give way to desperation. Friday's meeting in Brussels capped a frenzied week of government activity across the 27-nation bloc in which it became clear just how complex it is to forge a common response to the energy crisis. Page 12

NAMC
Promoting market access for South African agriculture

Independent Member: Audit & Risk Committee (3-year contract)
Renumerated in accordance with the National Treasury Regulations, Head Office, Pretoria.

Reference Number: ARC003

The National Agricultural Marketing Council (NAMC) seeks to appoint a suitably qualified individual to serve as a member of the Audit & Risk Committee (ARC), in terms of the Public Finance Management Act (Act 1 of 1999) and the National Treasury Regulations. The incumbent will report to the Chairperson of the Audit & Risk Committee and the Chairperson of the Council.

Requirements:
An appropriate bachelor's degree in Accounting/ Auditing or equivalent (NQF level 7) qualification. 5-10 years of management experience applicable specific to Auditing (Internal and External); Law, Accounting, Risk Management and Financial Management. Understanding of the Human Resource Legislations, knowledge of Public Service Regulatory Frameworks, Strong financial management and Information and Communication Technology (ICT) background. Knowledge of Corporate Governance and Project Management. Understanding and exposure to relevant prescripts/policies (Public Finance Management Act, 1999, National Treasury Regulations and other relevant prescripts) and governance best practices. Must be a member of a professional accreditation body or registered as a

CIA /CISA /CA / Finance professional in good standing with SAICA. Knowledge of the MAP Act and exposure to the Agricultural fraternity will be an advantage.

Please forward your applications to:
hrcruitment@namc.co.za

Closing date:
23 September 2022

Short-listed candidates will be subjected to reference checks, criminal records check and qualification verification. If you have not been contacted within 3 months of the closing date, please note that your application was unsuccessful.

By applying for this position, you hereby acknowledge that you have read and accepted the following disclaimer as per the Protection of Personal Information Act, Act 4 of 2013 (POPIA):

Please visit www.namc.co.za/careers or contact Mr Tiale D Mokuutu at tmokuutu@namc.co.za for further information.

The NAMC reserves the right to withdraw, amend or not fill the position.

www.namc.co.za/careers

nersa
NATIONAL ENERGY REGULATOR OF SOUTH AFRICA

INVITATION TO COMMENT ON THE CONSULTATION PAPER ON THE ESKOM'S PROPOSED RETAIL TARIFF RESTRUCTURING PLAN

The National Energy Regulator of South Africa (NERSA) is a regulatory authority established as a juristic person in terms of section 3 of the National Energy Regulator Act, 2004 (Act No. 40 of 2004). NERSA's mandate is to regulate the electricity, piped-gas and petroleum pipeline industries in terms of the Electricity Regulation Act, 2006 (Act No. 4 of 2006), Gas Act, 2001 (Act No. 48 of 2001) and Petroleum Pipelines Act, 2003 (Act No. 60 of 2003).

NERSA invites members of the public to submit comments on the Consultation Paper on the Eskom's proposed Retail Tariff Restructuring Plan.

The above document is available on NERSA's website at www.nersa.org.za or on request.

NERSA would like to encourage all stakeholders and the public to actively participate in this process by submitting written comments, in line with the issues raised in the consultation paper, to ERTSA@nersa.org.za.

The closing date for written comments is **Friday, 08 October 2022**.

For more information or queries on the above, please contact Dr Bongani Khonjelwayo at:

Tel. No.: 012 401 4196
Fax: 012 401 4700
Email: ERTSA@nersa.org.za

@NERSA_SA @NERSAZA

mineral resources & energy
Department: Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

REQUEST FOR QUALIFICATION AND PROPOSALS (RFP) UNDER BID WINDOW 6 OF THE RENEWABLE ENERGY INDEPENDENT POWER PRODUCERS PROCUREMENT PROGRAMME (REIPPPP) ("the Programme")
Tender no: DMRE/001/2022/23

The Department of Mineral Resources and Energy ("the Department") hereby provides notice of the following amendments to the Request for Proposals issued on 6 April 2022 under the REIPPPP Bid Window 6. The amendments are as follows:

a) The new generation capacity to be procured from this Bid Window will be increased up to 4200MW, made up of 3200 MW wind energy resources and 1000 MW Solar Photovoltaic energy resources;

b) The Bid Submission date will be extended accordingly to Monday 3rd October 2022; and

c) The last date to register for participation in this Bid Window is extended to Friday 23rd September 2022.

Prospective Bidders are invited to submit proposals, taking into consideration the above amendments.

Registered bidders that have already registered and paid the non-refundable documentation fee are not required to re-register.

New prospective bidders are required to register. Prior to accessing the RFP, each prospective bidder is required to pay a non-refundable documentation fee of twenty five thousand Rand (R25 000) per prospective Project and to complete an electronic registration form. The electronic registration form is to be completed online at www.ipp-renewables.co.za. The Department will communicate only with prospective bidders that have completed the electronic registration form and have paid the required document fee.

The RFP is available for download online to all new prospective bidders after confirmation of payment of the required documentation fee. The required document fee is payable by means of a direct deposit or electronic funds transfer. Details on payments, i.e. banking details and payment reference number can be obtained from query@ipp-renewables.co.za.

The required document fee is payable into the following bank account:
Bank: Nedbank
Account Name: GTAC-IPP
Account Type: Current
Account: 1068872608
Branch: Corporate Client Services, Johannesburg
Branch Code: 198765
Swift Code: NEDSZAJJ

NB: The prospective bidder company name must be used as the payment reference.

Bid Submission is scheduled for 3 October 2022, closing at 17:00. Delivery of bids must be made at the Departments IPP Office, Building 9, Blysbidge Office Park, Corner Olievenhoudbosch Street and Jean Avenue, Centurion, Pretoria.

Enquiries should be directed to the Project Officer by way of email addressed to: query@ipp-renewables.co.za.