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**THE SECOND MEETING OF THE THIRD SESSION  
OF THE TWELFTH PARLIAMENT**

**MONDAY 28 MARCH 2022**

**MIXED VERSION**

HANSARD NO: 205



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**The Hon. Phandu T. C. Skelemani PH, MP.**  
**DEPUTY SPEAKER**  
**Hon. P. P. P. Moatlhodi, MP. (Tonota)**

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Deputy Clerk of the National Assembly	- Mr L. T. Gaolaolwe
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His Honour S. Tsogwane, MP. (Boteti West)	- Vice President
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Hon. K. T. Mmusi, MP. (Gabane-Mmankgodí)	- Minister of Defence, Justice and Security
Hon. Dr L. Kwape, MP. (Kanye South)	- Minister of International Affairs and Cooperation
Hon. K. K. Autlwetse, MP. (Specially Elected)	- Minister of Local Government and Rural Development
Hon. K. S. Gare, MP. (Moshupa-Manyana)	- Minister of Agricultural Development and Food Security
Hon. P. K. Kereng, MP. (Specially Elected)	- Minister of Environment, Natural Resources Conservation and Tourism
Hon. Dr E. G. Dikoloti MP. (Mmathethe-Molapowabojang)	- Minister of Health and Wellness
Hon. T.M. Segokgo, MP. (Tlokweng)	- Minister of Transport and Communications
Hon. K. Mzwinila, MP. (Specially Elected)	- Minister of Land Management, Water and Sanitation Services
Hon. T. M. Rakgare, MP. (Mogoditshane)	- Minister of Youth Empowerment, Sport and Culture Development
Hon. A. M. Mokgethi, MP. (Gaborone Bonnington North)	- Minister of Nationality, Immigration and Gender Affairs
Hon. P. O. Serame, MP. (Specially Elected)	- Minister of Finance and Economic Development
Hon. F. M. M. Molao, MP. (Shashe West)	- Minister of Basic Education
Hon. Dr D. Letsholathebe, MP. (Tati East)	- Minister of Tertiary Education, Research, Science and Technology
Hon. L. M. Moagi, MP. (Ramotswa)	- Minister of Mineral Resources, Green Technology and Energy Security
Hon. M. Kgafela, MP. (Mochudi West)	- Minister of Investment, Trade and Industry
Hon. M. R. Shamukuni, MP. (Chobe)	- Minister of Employment, Labour Productivity and Skills Development
Hon. E. M. Molale, MP. (Goodhope-Mabule)	- Minister of Infrastructure and Housing Development
Hon. D. M. Mthimkhulu, MP. (Gaborone South)	- Assistant Minister, Presidential Affairs, Governance and Public Administration
Hon. S. N. Modukanele, MP. (Lerala -Maunatlala)	- Assistant Minister, Local Government and Rural Development
Hon. T. Monnakgotla, MP. (Kgalagadi North)	- Assistant Minister, Local Government and Rural Development
Hon. M. M. Pule, MP. (Mochudi East)	- Assistant Minister, Local Government and Rural Development
Hon. M. S. Molebatsi, MP. (Mmadinare)	- Assistant Minister, Agricultural Development and Food Security
Hon. S. Lelatisitswe, MP. (Boteti East)	- Assistant Minister, Health and Wellness
Hon. N. W. T. Makwinja, MP. (Lentsweletau-Mmopane)	- Assistant Minister, Basic Education
Hon. B. Manake, MP. (Specially Elected)	- Assistant Minister, Investment, Trade and Industry
Hon. H. B. Billy, MP. (Francistown East)	- Assistant Minister, Youth Empowerment, Sport and Culture Development
Hon. A. Lesaso, MP. (Shoshong)	- Assistant Minister, Tertiary Education, Research, Science and Technology

## MEMBERS OF PARLIAMENT AND THEIR CONSTITUENCIES

<b>Names</b>	<b>Constituency</b>
<b>RULING PARTY (Botswana Democratic Party)</b>	
Hon. L. Kablay, MP. (Government Whip)	Letlhakeng-Lephephe
Hon. Dr U. Dow, MP.	Specially Elected
Hon. P. Majaga, MP.	Nata-Gweta
Hon. M. Balopi, MP.	Gaborone North
Hon. J. S. Brooks, MP.	Kgalagadi South
Hon. C. Greeff, MP.	Gaborone Bonnington South
Hon. T. Letsholo, MP.	Kanye North
Hon. T. F. Leuwe, MP.	Takatokwane
Hon. T. Mangwegape-Healy, MP.	Gaborone Central
Hon. Dr T. Matsheka, MP.	Lobatse
Hon. S. N. Moabi, MP.	Tati West
Hon. P. K. Motaosane, MP.	Thamaga-Kumakwane
Hon. O. Regoeng, MP.	Molepolole North
Hon. J. L. Thiite, MP.	Ghanzi North
<b>OPPOSITION</b>	
<b>(Umbrella for Democratic Change)</b>	
Hon. D. Saleshando, MP. (Leader of the Opposition)	Maun West
Hon. M. G. J. Motsamai, MP. (Opposition Whip)	Ghanzi South
Hon. D. L. Keorapetse, MP.	Selebi Phikwe West
Hon. Y. Boko, MP.	Mahalapye East
Hon. Dr K. Gobotswang, MP.	Sefhare-Ramokgonami
Hon. C. K. Hikuama, MP.	Ngami
Hon. K. K. Kapinga, MP.	Okavango
Hon. G. Kekgonegile, MP.	Maun East
Hon. T. B. Lucas, MP.	Bobonong
Hon. K. Nkawana, MP.	Selebi Phikwe East
Hon. O. Ramogapi, MP.	Palapye
Hon. Dr N. Tshabang, MP.	Nkange
Hon. D. Tshere, MP.	Mahalapye West
Hon. M. I. Moswaane, MP.	Francistown West
<b>(Botswana Patriotic Front)</b>	
Hon. T. S. Khama, MP.	Serowe West
Hon. L. Lesedi, MP.	Serowe South
Hon. B. Mathoothe, MP.	Serowe North
Hon. M. Reatile, MP.	Jwaneng-Mabutsane
<b>(Alliance for Progressives)</b>	
Hon. W. B. Mmolotsi, MP.	Francistown South

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Monday 28<sup>th</sup> March, 2022

THE ASSEMBLY met at 2:00 p.m.

(THE SPEAKER in the Chair)

PRAYERS

\* \* \* \*

QUESTIONS FOR ORAL ANSWER

DEPRESSION POST THE COVID-19 RELATED LOCKDOWN

**MR S. N. MOABI (TATI WEST):** asked the Minister of Health and Wellness to state plans in place to assist people suffering from depression post the COVID-19 related lockdown.

**ASSISTANT MINISTER OF HEALTH AND WELLNESS (MR LELATISITWE):** Thank you so much Mr Speaker. Mr Speaker, in Botswana a care of medical ill is guided by the National Policy on Mental Health which was enacted in 2003. Therefore, Ministry of Health and Wellness has integrated the psycho social component of healthcare during the COVID-19 into the already existing mental health programmes.

Mr Speaker, as a public health response, the ministry works with partners to set up measures in mitigating mental health and psycho social challenges such as depression and other mental health conditions which might be induced by COVID-19. In this regard, the District Health Coordinator and the Social Worker are the lead officers in this obligation. Furthermore, the various health districts have established COVID-19 mental health and psycho social support teams which are the overseers of COVID-19 induced depression. I thank you Mr Speaker.

**MR MOABI:** Ke a leboga *Mr Speaker*, ke a leboga Tona le fa gongwe o ne o e araba ka Sekgoa. Ke ne ke eleditse gore o ka bo o e arabile ka Setswana, legale e siame o arabile. Ke a leboga *Mr Speaker*.

PONTOONS AT MOHEMBO FERRY CROSSING POINT

**MR K. K. KAPINGA (OKAVANGO):** asked the Minister of Transport and Communications:

- (i) to update this Honourable House on what his plans are for the pontoons currently serving at the Mohembo ferry crossing point once the bridge becomes operational;

- (ii) what is going to happen to the contractors' camp post completion of the bridge;
- (iii) what Corporate Social Responsibility (CSR) legacy will the Itinera/Cimolai Joint Venture be leaving behind for the people of Mohembo once the bridge is completed.

**MINISTER OF TRANSPORT AND COMMUNICATIONS (MR SEGOKGO):** *Ke a leboga Mr Speaker, ke re dumilani Mbidzi.*

- (i) Mr Speaker, my ministry's plans for the pontoons currently serving at Mohembo ferry crossing point are to transfer the ferries over to Botswana Tourism Organisation (BTO) who intend to use for our tourism purposes once the bridge becomes operational.
- (ii) The contractor's campsite will revert to my ministry for use as offices and accommodation for my staff and in particular, we had earmarked it for Department of Department of Road Transport and Safety (DRTS) and Roads Department.
- (iii) Mr Speaker, the contractor, the Itinera/Cimolai Joint Venture has pledged as Corporate Social Responsibility (CSR), to the communities of Shakawe and Mohembo, which I will list out as follows;

Beneficiary Organisation	Donations
Mohembo Primary School	-Adoption of School (2018) -Stationery (P10,000)
Shakawe Senior School	Prize Giving Gifts (P15,000)
Mohembo VDC	Wi-Fi Park- Fence (P20,000)
Mohembo/Shakawe	Maintenance of internal roads (P25,000)

Mr Speaker, not only the did the contractor pledge and donate CSR, but the consulting engineers and sub-consultants also did likewise as follows;



Donating Organisation	Beneficiary Organisation	Donations
CPP Botswana (Project Lead Consultant)	Samochima Primary School	200 Chairs (P15,000)
	Mohembo Primary School	Stationery (P10,000)
	Mohembo Village Development Committee	P5000.00 for Wi-Fi
Herbco Technical Services (Project Environmental Sub-Consultant)	Popagano Junior Secondary School	P10 000.00
	Gudigwa Primary School	Public Address System, siren, internet connection P25,000

I thank you Mr Speaker, I can share the answer with the Honourable Member so that he can have the whole tabulation.

**MR KAPINGA:** *Supplementary.* Ke a leboga *Honourable Minister for your answer.* Ke ne ke re wena fela fa o lebile rraetsho mo dithusong tse di duleng kwa go yone kompone ya Itinera/Cimolai, a o bona ba dirile sengwe se e leng gore e tlaa re ba sena go tsamaya se sale se eme se bonwa ke mang le mang sebaka se se rileng gore mme kompone e e kileng ya dira *project* ya P1.2 billion mo kgaolong ya rona, e tlogetse sengwe se se bonalang sa boleng jo bo bonalang go nale *donations* tsa *price giving* tsa maP10, 000?

**MR SEGOKGO:** Ke a leboga motlotlegi. Ga ke dumele gore e ka re ke araba ke bo ke re nnyaa se ba se tlogetseng se a bonala, ke se supa gore ke se, ntleng ga borogo jo ba bo agang. Ga ke batle go feleletsa karabo ya me foo ka gore tota fela gongwe golo gongwe e tsena mo go reng dithuso tsa dikompone tse di di ntshang *under* CSR di nne ka seemo le selebego se se kana ka eng. Ke a amogela le nna gore *project* e e madi mantsi thata fa o lebile, mme kana *project* fa e dirwa, ba ba e dirang ba kgona gore e re ba e dira ba bo ba feletsa ba le mo ditatlhegelong, ba sa dira a *profit* ka mabaka le maemo a ka fa *project* e tsamaileng ka teng. Se ke batlang go se supa ke gore lemme le ba le ntshitseng le ke le supang, gone ke ne ke sa eletse re le galala, le nna tota keletso ke gore gantsi e bo e le selo se jaaka o se supa o re se se tona sa supiwa sa bonala. Ke a leboga *Mr Speaker*.

**MR SPEAKER (MR SKELEMANI):** The last supplementary, Honourable Mmolotsi.

**MR MMOLOTSI:** *Supplementary.* Thank you very much Mr Speaker. Tona, kana Goromente o na le gore ka dinako tse dintsi a latlhelele dilo. Ke ne ke re ke botse gore mme le ipaakantse go le kae gore kampa yone e le reng Goromente o tlaa e tsaya, gore e re fa ba fetsa le tseye dilo tse le di dirise ka nako ka fa e leng gore di senyegile di ntse makgasa go bo go felela go sena mosola? Le ipaakantse go le kae gore fa ba fetsa le bo le ka di tsaya tsa tsena mo tirisong ka bofefo di ise di senyega?

**MR SEGOKGO:** Ke a leboga *Honourable* Mmolotsi. Tota ke ne ke a atolosa karabo ya gore re ipaakantse go le kae mme ke ne ke sa tla ke e ipaakanyeditse. Jaaka ke supa, re ne re setse re lebile e bile re kaile maphata a re bonang gore a tlaa dirisa kampa e. Seo ke sone sesupo sa gore re setse re ipaakanyetsa gore e re *project* e wela, maphata a a nang le letlhoko le re le itseng la diofisi le *accommodation*, ba bo ba di dirisa. Ke ka tsela e e ntseng jalo ke reng ke ne ke ntse ke na le tsholofelo thata ya gore ga re ka ke ra di tlogela tsa senyega. Ke tse di yang go re thusa thata mo lephateng la me. Ke tse di yang go re thusang thata mo lephateng la me, ke itse gore go na le dikopo tse di neng tsa tsenngwa ke Mopalamente Rre Kapinga gone ka dikago tse. Le tsone re tlaa nna re di sekaseka go tlhomamisa gore fa go kgonagalang teng, re ka tsibogela dikopo tse. Ke a leboga.

#### KGOMOKHUMO PROGRAMME

**MR L. LESEDI (SEROWE SOUTH):** asked the Minister of Defence, Justice and Security to update this Honourable House on when and why the “Kgomokhumo” Programme was suspended and when it will resume.



**ACTING MINISTER OF DEFENCE, JUSTICE AND SECURITY (DR KWAPE):** Ke a leboga *Mr Speaker*. Thulaganyo e ya Kgomokhumo e dirilwe labofelo kwa Ghanzi ka kgwedi ya Motsheganeng go fitlhelela ka ya Sedimonthole mo ngwageng wa 2019. E ne e dirwa gape le mo mafelong a Sekoma, Lephephe le Shakwe. Jaanong e ne e tshwanetse gore e atoloselediwe kwa mafelong a mangwe a a neng a amilwe thata ke kgang e ya bogodu jwa leruo mme ka maswabi bolwetse jwa COVID-19 jwa itsa gore seo se diragale.

Ke tshwanetse go bua se Motsamaisa Dipuisanyo tsa Palamente, kgang e ya Kgomokhumo e na le maduo a a siameng, bogolo jang mo mafelong a e kileng ya dirwa mo go one. Keletso ke gore e re mo ngwageng ono wa madi e simolodisiwe, e atoloselediwe kwa mafelong a mangwe. Le fa go ntse jalo *Mr Speaker*, re tshwanetse go tlhologanya gore mo tsamaisong ya sepodise, thulaganyo ya Kgomokhumo e ga e ka ke ya bewa e le seemanosi fela, e tshwanetse go tsennngwa mo dithulaganyong tsa letsatsi le letsatsi tsa sepodise.

Fela ke batla go netefaletsa Ntlo eno gore ba sepodise ba tsaya ka tlhoafalo kgang ya bogodu jwa leruo. Ka jalo ba e dirile e le lekalana la sennela ruri mo tsamaisong ya bone ya sepodise le go lwantsha borukutlhi. Totatota e ne e le gore e dirwe jalo gore e tsewelele, e se ka ya ne e dirwa jaaka ke e bega jaana ke re e ne ya dirwa go simolola ka Motsheganeng go fitlhelela Sedimonthole. Ka jalo le fa ba sepodise ba tshwere jalo, setšhaba, baruakgomo le barui ba rotloedwa gore bogodu jo jwa leruo ba bo begele ba sepodise. Le gore ba tsewelele ba bereke mmogo ka dikomiti tsa bone tsa barui le balemi go thusanya le mapodise mo go lwantsheng segajaja se sa bogodu jwa leruo. Ke a leboga *Mr Speaker*.

**MR LESEDI:** Mma ke leboge *Mr Speaker*. Ke leboge le Tona mo karabong e a e fileng. Ke ne ke re ke dire *supplementary* fa gore a mme jaaka fa o bua ka gore ba ka nna lekalana le le ka se kang la ikemela le le nosi, a ga o leba go ne go se botoka gore go sekasekwe *Unit ya Stock Theft*, gongwe bogolo go bonwe gore Kgomohumo e ka tsennngwa ka fa tlase ga bone, kana ya bolaya Lekalana la *Stock Theft and take over?* Ke tsaya gore gongwe maduo a yone a ne a nna botoka go gaisa jaaka fa re na le *stock theft* gompieno. Ke a leboga *Mr Speaker*.

**DR KWAPE:** Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke a go utlwa motlotlegi. Jaaka ke ne ke bua mo karabong ya me, ke kakanyo eo gore lekalana le, kgotsa le ka bidiwa ka leina le sele. Keletso ke gore e

nne lekalana la sennela ruri gore re se ka ra ne re re ya go dira *operation* ka nako e e rileng, e re dinako tsotlhe a bo thulaganyo e e bo e tsewetse e le teng. Ke go utlwile gore a le ka emela le lengwe, a go ka kgonagala, ke dikgang tse re tlaa di tsayang, re bo re di sekaseka.

**MR SPEAKER:** Last supplementary Honourable Motsamai.

**MR MOTSAMAI:** *Supplementary. Mr Speaker*, re a leboga. Re a leboga Tona, bogolo jang go leboga rona ba re arametseng mogote wa go utswiwa ga leruo. Potso ke gore, a ga le bone gore bana ba ba sepodise ka gore e bile kwa kgaolong ya me kwa Kalfontein, bo Chobokwane, morafe o setse o dirile Dikomiti tsa bo Ntebela ke go Lebele kana Bogodu ga se Khuma, ba e bitsa jalo. A ga le bone go le botlhokwa gore bogolo fa sepodise se tlhaelelwa, le fa se tlhaelelwa ke ditsompelo, *choppers* tsa sepodise di thibebele thata kwa mafelong ao ka gore fa gongwe mapodise fa ba lomiwa tsebe, fa ba ya go tsena kwa ba tsenang teng, go nna thata gore ba tsenetsene go bona dilalome gore di fa kae? Fa ba le fa godimo, ba kgona go fofa fa godimo ga masaka, ba upolola bape ba ba siang. Ke a leboga.

**DR KWAPE:** Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke leboge motlotlegi gore bogolo jang kwa kgaolong ya gagwe ba leka ka bojotlhe ka go ithulaganya ka tsone dikomiti tseo. Le yone kgakololo ya gagwe gore a go ka se ke go dirisiwe ba ditlhootlomo ka gore di bofefo? Ke keletso e ntle, le kwa sepodiseng go elediwa jalo. Sebe sa phiri fela ke tlhalelo. Fa go kgonagalang teng, e tlaa ne e re fa dipego di begilwe di ntse jalo, go lekwa gore go tsibogiwe ka bofefo. Le tsone difofane tsa tlhootlomo fa di le teng rra, di kgona go fefosa gore go tshwarwe magodu a ise a tsamaele kgakala. Ke a leboga *Mr Speaker*.

**MR SPEAKER:** Honourable Regoeng, Member for Molepolole North.

...Silence...

**MR SPEAKER:** Honourable Regoeng. Kana ga a yo?

#### JOBS LOST DURING COVID-19

**MR T. MANGWEGAPE-HEALY (GABORONE CENTRAL):** asked the Minister of Employment, Labour Productivity and Skills Development to state:

- (i) the number of Batswana who lost their jobs since the outbreak of COVID-19; and



- (ii) measures that are being undertaken to reduce economic hardships exacerbated by the COVID-19 after effects.

**MINISTER OF EMPLOYMENT, LABOUR PRODUCTIVITY AND SKILLS DEVELOPMENT (MR SHAMUKUNI):** Ke a leboga *Mr Speaker*. Ke a go dumedisa mo tshokologong eno.

- (i) *Mr Speaker*, go simolola ka kgwedi ya April 2020 go ya go tsena mo kgwedding ya February 2022, babereki ba le 344 ba ne ba latlhegelwa ke ditiro *through retrenchment* mme mo go ama dikompone di le 43. Ke lebise Ntlo e gore mo nakong ya gompiono re amogetse *notifications from* dikompone di le 457 *as per Section 25* ya Employment Act e e ba tlamang gore fa ba eleditse *to retrench*, ba re itsise re le lephata. Ba le 457 ba supile gore ba na le keletso ya *to retrench* mabaka e le gore *because of* COVID-19, ba ne ba latlhegelwa ke kgwebo, ka jalo ba tlamega *to retrench*.
- (ii) Ga re nne fela Modulasetilo, *we engage these companies* go lebisana mabaka a gore kana re tshwanelwa ke gore rotlhe re sireletse le seemo sa babereki, le gone *to mitigate impacts* jaaka motlotlegi a supa, tse di ka tswang di ama babereki mo go sa nnang sentle.

Le tlaa gakologelwa *Honourable Speaker*, gore e rile fa re tla re simolodisa State of Emergency (SoE) re le Goromente, *we introduced a moratorium on dismissal* ya *retrenchment due to* COVID-19. Mo re ne re direla gone go leka go sireletsa babereki gore ba se ka ba latlhegelwa ke ditiro ka bokete.

Sa bobedi jaaka ke supile, *we engage* dikompone ka go farologana ga tsone fa ba re file *notification*, re lebisana mabaka. Re ba thusa le ka megopolo ya gore ba bone metlhala e mengwe e ba ka sireletsang babereki ka yone. Go na le dikompone tse e leng gore mo go itebaganyeng le bone, mabaka one ao, ba bangwe ba feletse ba boela kwa morago *to retrench*. Ba bangwe *Mr Speaker*, ba ba neng ba amogedisa babereki *salaries during* COVID-19 ba setse ba tsene mo thulaganyong ya go leka go busetsa babereki madi ao, ba ba neng ba ba bereka *at half salaries*. Goromente le ene *generally* fela jaaka re itse ka maphata a a farologanyeng, o ne a tsenya letsogo thata mo go lekeng go sireletsa babereki le go fokotsa manokonoko a COVID-19 ka *schemes* tse di farologaneng jaaka re itse sa *industry support fund and*

*the wage subsidy scheme, Mr Speaker, COVID-19 Relief Fund* le *the UNDP Funded Informal Sector Recovery Plan* le *Pandemic Recovery Plan* e e leng gore re ne re thusa *the private sector*.

*In the long term*, re solofetse gore *the* Economic Recovery and Transformation Plan (ERTP) jaaka re e diragatsa, *we implement* ka gone fela go leka go tsosolosa itsholelo, le go e nonotsha gore e tle e hetlhe mebereko e e ka tlang ya sireletsa seemo sa babereki.

Sa bofelo *Mr Speaker, we are implementing the decent work country programme* e e leng gore bontlha bongwe jwa yone ke gone *to operationalise the Employment Policy* e Palamente e e fetisitseng ka 2021, e e leng gore maikaelelo a yone ke gone *to promote a productive, gainful descent employment* gore babereki ba tle ba bone ditiro tse di siameng, le gore fela fa ba berekelang teng, e nne tiro tse e leng gore tota *they are productive and gainful* mo go bone. *We are in the logistics of implementing that policy, even structurally in the ministry* re lebile le go simolodisa maphata a a maleba gone go tla go thusa *to coordinate implementation* ya *that policy*. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.

**MR MANGWEGAPE-HEALY:** *Supplementary. Thank you very much Speaker, ke a lebogela karabo Motlotlegi Minister. Minister, motho o ka batla go itse gore according to* tebelopele ya lona, le bona go tlaa re tsaya lebaka le le kae gore re tswe mo manokonokong a tsone *retrenchments*, go latlhegelwa ke tiro ga babereki? Ke raya gore *forecast* fa le lebile jaaka o bua gore le setse le itsesitwe ke dikompone di le 400 *and something, are you anticipating this number* gore e ye kwa godimo, kana o tsaya gore seemo se kokobetse?

Ya bofelo, *are there any financial incentives*, ke a itse gore nako ya *lockdowns* jalo, le ne le thusa ka bone bo Industry Support Fund. Jaanong motho o ka batla go itse gore jaanong ka re dule mo nakong eo, le tsone dithulaganyo tseo di fedile, *are there any other financial incentives that are going to be put in place* go leka *to support businesses as they try and recover? Thank you very much.*

**MR SHAMUKUNI:** Ke a leboga *Mr Speaker. The financial incentives* ke tsaya gore mo nakong ya gompiono motho o ka palelwa ke gore a e arabe re lebeletse le sone seemo sa itsholelo ka gore le yone itsholelo fela *generally*, re le lefatshe, jaaka o itse *Honourable Member of Parliament, revenues* tsa ga Goromente le tsone jaaka di ntse le kwa tlase jaana, ga





ke dumele gore *incentives* gongwe di ka tla tsa bonwa mo nakong e gautshwanyane. *We are just hopeful* gore gongwe fa *economy* e tokafala ka gore o ne o re re tlhole *certainty* ya gore go ka tla ga tokafala leng, *we are just hoping that economy* e tlaa re fa e ntse e tokafala, gongwe seemo le dipalo di fokotsege tsa ba e leng gore ba eleditse gore ba kgaole babereki ka gore *retrenchment mainly is based* fela mo go reng *they are losing business because of COVID-19*. Jaaka re tswa mo COVID-19 le itsholelo gongwe e ka tla ya tokafala, re na le tsholofelo ya gore dipalo di ka tla tsa ya kwa tlase. Ke a leboga *Mr Speaker*.

#### RENOVATION OF AGRICULTURAL DEMONSTRATOR'S HOUSE

**MR M. G. J. MOTSAMAI (GHANZI SOUTH):** asked the Minister of Agricultural Development and Food Security to state:

- (i) the causes for the delay in rehabilitating the Agricultural Demonstrator's house in Ghanzi South Constituency that was gutted by fire over ten (10 years ago; and
- (ii) timelines for the renovation of the house.

**ASSISTANT MINISTER OF AGRICULTURAL DEVELOPMENT AND FOOD SECURITY (MR MOLEBATSI):** Ke a go dumedisa *Mr Speaker*, ke dumedisa le bakaulengwe.

- (i) *Mr Speaker*, go boammaaruri gore go na le ntlo ya molemise e e neng ya sha kwa Kalkfontein ka ngwaga wa 1987, mme ntlo ya teng ya se ka ya baakannwa. Se se neng sa diragala *Mr Speaker*, ke gore gona le gore lephata le baakanye ntlo eo e e neng e shwele ka 1987 *more than 10 years ago*, re ne ra thusiwa ke ba Village Development Committee (VDC) gone mo Kalkfontein ba re agela ntlo, kana ba agela molemise ntlo ka madi a Ipelegeng. Se se ne sa dira gore re se ka ra bona go le botlhokwa gore re ka baakanya ntlo ele ka gore molemise o ne a nna le boroko ka go agelwa ke VDC. Ke a leboga *Mr Speaker*.

**MR MOTSAMAI:** *Supplementary. Mr Speaker*, ke ne ke re *Minister* gongwe a tlhalose go tseenelela kwa teng. Kana VDC e agile ka *drought*, jaanong ba tswa go aga kwa setsheng se sele, ba agela motho yoo. Mo setsheng se ke buang ka sone jaana, lebota le eme ka dinao, le teng gone foo, ke lefelo la borukutlhi, la sengwe le sengwe. Fa go ka nna gore bana ba tshamekele mo teng, le ba wele, ba bo ba gobale, a o mo seemong Tona sa gore o ye go phimola batsadi dikededi?

Ya bobedi ke gore, a mme Tona o raya gore go tswa ka 1987 go tla go tswa gompiano, le lebile lebotana la ntlo ya ga Goromente e e sheleng fela kwa diseneng, go eme fela jalo, ga go reye sepe fela ka gore VDC e le agetse kwa jarateng e sele? Kwa bofelong, a mme le bona go raya gore tshwetso e le e tsereng, a le somarela lefatshe le dithoto tsa ga Goromente ka go sa tsibogela go dirisa lefatshe le le emeng *more than 10 years*? Ke a leboga. Nkaraba.

**MR MOLEBATSI:** Ga ke utlwe potso gore ke eng gone fa, mme fela ke tlaa leka *Mr Speaker*.

*Mr Speaker*, boammaaruri ke gore, re lebile *the resources* tsa lefatshe, fa go na le lekalana lengwe la Puso le e ka reng gongwe re shwetswe ke ntlo, mme la re thusa, fa re ne re ka aga ntlo, a e ne e se gore re tlaabo re boeletsana kana re dirisa *the resources* mme re thusitswe ke ba bangwe? Kana se ke neng ke neng ke se bua ke gore, re thusitswe ke Ipelegeng gore re agele molemise ntlo. Jaanong se se dirile gore re se ka ra baakanya ele e e neng e shele. Go boammaaruri gone ee go na le letlotla gone foo, mme fa *resources* di le teng di letla, letlotla la teng re ka le baakanya gore re kgone gore le dirisiwe. Ke a leboga *Mr Speaker*.

**MR MOTSAMAI:** Further supplementary.

**MR SPEAKER:** Honourable Motsamai, the last one.

**MR MOTSAMAI:** *Mr Speaker*, Tona, itlhalose o bo o papamale, o tsepame mo kgannyeng e o e buang, a lebotana lele fa le ka wela bana ba Kalkfontein, a o mo seemong sa go ya go duela o ntse o laola fela gore nako nngwe fa re ka bona madi? Wa reng ka lebota le ke go bolelelang ka lone, *more than 10* le bona go ntse fela jalo le lebile fela?

Papamala.

**MR MOLEBATSI:** Se ke se buang Motlotlegi Motsamai wa tsala ya me, ke gore, ka re ne re thusiwa ke bangwe, re bone gore re name re dirisa ntlo e re e agetsweng ke VDC, mme gone ke a go utlwa gore lebotana le ka nna borai mo baneng ba Kalkfontein. Se ke tlaa se tsaya e le mofago gore re bone gore ka go supa go le borai, re bone gore ka tsela nngwe re ka baakanya lebotana leo la teng ka go supa gore le ka nna borai mo baneng.

Gongwe fa o ne o bua gore go na le matlotla, mme ga go na boroko jwa badirelapuso gone koo, gongwe ke gone mo go kabong go re gwetlha le gone go gaisa gore re e



age ka bonako. Jaanong matshwenyego a gago ke gore lebotana le tlaa wela bana, go siame mongwame, ke tlaa bua le bagarona gore re bone gore lekotswana le re le dire jang gore le se ka la nna borai jo o bo buang jo. Ke a leboga.

**MR SPEAKER:** Honourable Dr Matsheka, Member for Lobatse.

**HONOURABLE MEMBER:** He is away on medical grounds Honourable Speaker, I forgot to mention to your good self, sorry sir.

**MR SPEAKER:** Okay, thank you.

#### THE EMPLOYMENT BUREAU OF AFRICA (TEBA) PLOT

**MR O. REGOENG (MOLEPOLOLE NORTH):** asked the Minister of Land Management, Water and Sanitation Services:

- (i) if he is aware that a piece of land/property in Molepolole that was used by the then Native Recruitment Company (NRC) – (later known as The Employment Bureau of Africa (TEBA) as a centre for recruitment of migrant labour has been lying idle for many years;
- (ii) who the title holder of the property is; and
- (iii) if there any plans to put that property into productive use anytime soon.

**MINISTER OF LAND MANAGEMENT, WATER AND SANITATION SERVICES (MR MZWINILA):** Good afternoon Mr Speaker.

- (i) Mr Speaker, the property in question being Lot 122 Molepolole measuring 2.08 hectares has been lying idle for many years largely due to Kweneng Land Board's futile attempt to repossess it on the pretext that the memorandum of lease agreement that conferred right of use of the plot by The Employment Bureau of Africa (TEBA) had expired.

The Land Board had on the 18<sup>th</sup> August 1994 issued a notice of termination of Notarial lease 122, which was objected to by the lessee. Consequent to that, a case was lodged by the Kweneng Land Board with the High Court. It was however established that, contrary to the Board's assumption, The Employment Bureau of Africa entered into a memorandum of lease agreement in 1989, which at the time of the case mentioned above was still in force.

The Kweneng Land Board then proposed a settlement agreement to cancel the notice of termination of Notarial lease 122 and re-instate the lease agreement that was entered into by and between Kweneng Land Board and TEBA on the 6<sup>th</sup> February 1989. After several back and forth interactions between the parties, a settlement was agreed and it was proposed and was confirmed as an order by the High Court of Lobatse on the 8<sup>th</sup> May 2019 without variations.

The Employment Bureau of Africa then submitted an application for transfer of land right to a citizen wholly owned company called Monday Magnet (Propriety) Limited on the 6<sup>th</sup> November, 2019. The application was considered and approved by the land board during its meeting on the 17<sup>th</sup> February, 2022. The agreement of grant of lease was collected on the 16<sup>th</sup> March, 2022.

- (ii) The title holder of the property is Monday Magnet (Pty) Ltd, and it is a 100 per cent citizen owned company.
- (iii) The title holder Monday Magnet (Pty) Ltd has expressed desire to develop the land although they are dissatisfied that the remaining lease time, which is 18 years, pointing out that the company would not attract financial assistance to develop the land. The title holder has been advised to consider request for extension of the lease period. I thank you Mr Speaker.

**MR REGOENG:** *Supplementary.* Nnyaa, mme ke a leboga Tona ka gore lefatshe le le tshwentse Bakwena thata, ga ba itse mong wa lone. Ke ne ke re ke go kope gore le fa e le gore ba santse ba le mo kgannyeng ya go kopa *extension*, lephata la gago le ikaeletse gore le ka dira ka bofefo go le kana ka eng ka gore golo kwa go setse jaanong go ntse matlotla, dirukutlhi di iphitlha teng? Le ka fefosa go le kae gore jaanong le tle le ntshe Bakwena mo poifong ya gore lefatshe leo le se ka la nna boiphithelo jwa dirukutlhi?

**MR MZWINILA:** Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke a leboga Motlotlegi Regoeng. Ke tseela gore jaaka ke buile, re gakolotse ene wa Monday Magnet gore a kope kokeletso ya nako ka gore gompiano go setse 18 *years*. Re mo gakolotse, mme ke tseela gore go tlaa tswa mo go ene gore o tlaa kopa (*apply*) leng, a bo a tlisa leng kwa go rona. Ke tseela gore fa a tlisa kwa go rona, re tlaa fefosa kopo ya gagwe go leka go mo thusa ka bofefo gore a tllabolole lefelo la teng. Ke a leboga.



### LOANS DEFAULTERS SINCE THE COVID-19 PANDEMIC

**MR D. L. KEORAPETSE (SELEBI PHIKWE WEST):** asked the Minister of Finance and Economic Development to update this Honourable House on the extent of defaulting on general loans, housing/mortgage loans, vehicle loans, personal loans etcetera from commercial and state owned banks since the COVID-19 Pandemic; the Minister should explicitly state (within this period):

- (i) the amount of money owed by Batswana to banks and the amount in arrears;
- (ii) the number of loan defaulters and amounts;
- (iii) the number of defaulters blacklisted and/or taken to credit bureaus; and
- (iv) the number of people whose houses, vehicles or properties have been sold for defaulting.

**Later Date.**

### COMPANIES ASSISTED BY GOVERNMENT DURING COVID-19

**MR W. B. MMOLOTSI (FRANCISTOWN SOUTH):** asked the Minister of Investment, Trade and Industry to state citizen and non-citizen owned companies that were assisted by Government to stay afloat during COVID-19.

**Later Date.**

### AMBULANCES IN NKANGE CONSTITUENCY

**DR N. TSHABANG (NKANGE):** asked the Minister of Health and Wellness:

- (i) when he intends to replace the ambulances at Goshwe, Matobo and Changate Clinics;
- (ii) to update this Honourable House on the state of ambulances (age and maintenance) in Nkange Constituency Clinics; and
- (iii) how many of these ambulances are shared between villages in the constituency.

**ASSISTANT MINISTER OF HEALTH AND WELLNESS (MR LELATISITSEWE):** Thank you so much Mr Speaker.

- (i) *Mr Speaker*, ke supe jaana gore lephata le na le lenaneo la go reka *ambulances annually*, go leka go buseletsa *either those which were boarded* kana

tse di senyegileng ka mabaka a a rileng, kana go rekela ba *facilities* tse disha mo gotweng *newly opened facilities*. *Mr Speaker*, this is a continuous exercise which is informed by hard hit District Health Management Teams (DHMTs) kwa go nang le mathata a matona teng a letlhoko la dikoloi. *Mr Speaker*, ke supe jalo gore Goshwe, Matobo le Changate le yone ke metse e re e lebeletseng jaaka re ntse re reka dikoloi jaana.

Le fa ke buile jalo *Mr Speaker*, ke supe jalo gore Tutume DHMT e e tsenyang metse e meraro e, e ne ya re ka ngwaga wa 2020 le 2021, ba fiwa dikoloi tse di latelang;

- *Four quantum panel van ambulances*, e nngwefela ya felela mo Tutume Sepatela, e nngwe ya ya kwa Gweta, e nngwe ya ya Marapong Clinic, e nngwe ya ya Nata. Kana *this distribution* e dirwa ke boeteledipele jwa ...*(Inaudible)*... to cover the whole of Nkange Constituency.
- *VW crafter 23 seater ambulance*, e e neng ya felela mo sepateleng sa Tutume, e dirisiwa gone foo.
- Land cruiser double cab,
- Hilux GD6,
- Land cruiser single cab,

- (ii) *Mr Speaker*, there are six ambulances for Nkange Constituency of which three of them are off road. Four ambulances have been on the road between 10 and 14 years, ke gore di na le dingwaga tse di kalo di ntse di le mo tseleng, while two ambulances are less than 10 years on the road. Se ke sesupo *Mr Speaker*, sa gore re setse re na le dikoloi tse di kgologolo thata, tse di leng teng mo ditseleng tsa rona. *The oldest ambulance for Maitengwe has been recommended for boarding*, ke sone se e leng gore jaaka ngwaga le ngwaga re ntse re reka, e tlaa re fa e sena go tswa, re e *replace* ka e ntšha.

*Two of the three ambulances off road are waiting for spare parts, while the third one is waiting for Central Transport Organisation (CTO) for panel beating* ka gore e ne ya nna le kotsi.

- (iii) *The six ambulances are shared between health facilities with two to three facilities sharing an ambulance*. *Ambulances* tse di dirisiwa ke *clinics* tse pedi, tse tharo go lebeletse letlhoko le le leng ka koo. Ke tsaya gore ke ka ema foo, unless go na le a supplementary. Thank you so much.



**DR TSHABANG:** *Thank you Mr Speaker. Ke tsaya gore motlotlegi ga a araba question 11 (i), o e dikologile fela. Ga a bua gore are they replacing those ambulances, o buile fela gore ba isitse ambulances tse four kwa DHMT. But potso e batla Goshwe, Matobo le Changate clinics, gore a tsone di tlaa bona specific ambulances tsa tsone? Ga ke a utlwa a e araba, o e dikologile.*

E nngwe ke gore, o supa gore tota ga gona ambulances, tse dingwe di sule. A ga a bone gore seemo se se tlhokana le gore ba se potlakele, ba tlise ambulances in order to relieve these clinics? Especially that he confirms gore each ambulance is shared between two and three clinics. Ga a bone gore seemo se se gateletse seemo sa botsogo, ga go kgonege, batho ba nna mo clinics ba se referred, ambulances ga di kgone go tla because ga di yo? Emergencies di felela e nna problem. Ga a bone gore seemo se se supa gore bone e ba le ba lephata, ba tshwanetse gore ba se tsibogele ka gore kgaolo ke e e latlheletswe, ga e na ambulances? Thank you Mr Speaker.

**MR LELATISITSWE:** *Thank you so much Mr Speaker. Ke supe gore go na le ambulance e le nngwefela which is stationed kwa Maitengwe, covering Dakwi. Go bo go nna le ambulances tse pedi, tse e leng tsa Nkange, Changate, Senete, mme di le stationed at Nkange. Go bo go nna le ambulance e nngwefela which covers Goshwe le Matobo, e e stationed kwa Goshwe. Nswazwi e na le one ambulance e e stationed at Nswazwi which covers Nswazwi le Makuta. Ke ne ke bua gore Mr Speaker, ambulances tse di di kgologolo, ga ke a ganela ka seemo se se ntseng jalo.*

Ke supe jaana Mr Speaker gore, jaaka ke bua ke re fa re ntse re reka ambulances, re di isa kwa DHMTs, ka koo ba lebelela kwa go gateletsweng mo go tona, ba tswelile jalo ba nne ba fapaanye dikoloi tseo. Fa go nang le mathata teng a matonatona, sepatela se re bapileng le sone e bong sa Tutume, se dikoloi ka bontsinyana di le teng, ba a lelediwa go tla go thusa. Ke a amogela Mr Speaker gore, mo isagong fa re batla go tlhabolola botsogo jwa batho thata, go botlhokwa thata gore ambulances di bo di le gongwe le gongwe mo lefatsheng la rona. Ke a leboga.

#### STATUS OF ENTREPRENEURSHIP AND BUSINESS IN BOTSWANA

**MR T. LETSHOLO (KANYE NORTH):** asked the Minister of Investment, Trade and Industry to apprise this Honourable House on the status of entrepreneurship and business in Botswana; in particular:

- (i) what are Botswana's top 10 big-hitting companies, in terms of both reputation and revenue;
- (ii) what are the top 10 indigenous Botswana companies by value; and
- (iii) why is Botswana struggling to become an economic powerhouse.

...Silence...

**MINISTER OF FINANCE AND ECONOMIC DEVELOPMENT (MS SERAME):** Honourable Speaker, Minister of Investment o kwa meeting o mongwe sir. Ga a yo.

**MR SPEAKER:** Motho wa gaMaila, kang ke eo. Gatwe Tona ga a yo, o tshwerwe ke tse dingwe. Let us go back then to question 10 for Honourable Kekgonegile.

Later Date.

#### LATE PAYMENTS FOR NORTH WEST DISTRICT EDUCATION WORKERS

**MR G. KEKGONEGILE (MAUN EAST):** asked the Minister of Basic Education if he is aware of the challenges besieging North West Education workers and educators regarding late payments of wages and leave concession; and further clarify:

- (i) the date on which temporary teachers and Maun Senior Secondary non-teaching staff are supposed to be paid;
- (ii) if indeed they are paid on those said dates, if not, why not and what remedial actions will be undertaken where necessary;
- (iii) how many officers are owed leave concessions in North West District;
- (iv) when they will be paid and why they are owed; and
- (v) what remedial actions will be put in place to address this.

**ASSISTANT MINISTER OF BASIC EDUCATION (MS MAKWINJA):** Thank you Mr Speaker. Thank you motlotlegi.

Mr Speaker, I am aware of the challenges besieging some North-West education workers and educators regarding late payments of wages and Leave Travel Concession.



- (i) Mr Speaker, Government has scheduled pay days for all staff members across the Public Service. My ministry's non-teaching staff are paid under Group 1 as per the schedule for Group 1 Staff Pay Days for which the dates vary slightly from month to month. On the other hand, temporary employees are paid on the last day of each month, given the terms of their employment.

In Maun Senior Secondary School, Temporary Teachers are paid on the last day of each month. The Support Staff are employed by the mission and they are paid on the 25<sup>th</sup> of each month.

- (ii) Mr Speaker, in general the North West Region has been processing the payment of wages for its employees on time, but there have been cases of Temporary Teachers being paid late due to non-availability of banking details or inaccurate bank details reflected in their submissions. Delays also emanate from the creation of new staff in the payment system when they join the service. This is particularly apparent at the beginning of the school year, and when the Form 4s reported in March. For January, 85 per cent of Temporary staff were paid on time and 15 per cent late. In February, per cent were paid on time and 16 per cent paid late. This is because as you know Mr Speaker, the beginning of the year there are a lots of movements, hence these delays.
- (iii) Mr Speaker, with regards to Leave Travel Concession for 2021-2022 Financial Year a budget of P1.6 Million has been secured for payment of staff in the North-West Region. The North-West Region has received a total of 778 requests by staff for such payment, of which 734 have been paid as of the 24<sup>th</sup> March 2022. North-West Region is currently processing the remaining 44 payments which will be effected with these April salaries.
- (iv) Mr Speaker, it is important that accurate data is shared by schools to the region in order for payments to be made on time. My ministry will continue to mentor staff in this regard, and look at the process which we will follow with a view to critique it and possibly re-engineer it in order to ensure the dues owed to staff are paid on time. I thank you Mr Speaker.

**MR SALESHANDO:** Thank you Mr Speaker. *O rile supplementary o e neitse* Hikuama.

**MR SPEAKER:** Ehe.

**MR MOTAOSANE:** Supplementary. Thank you sir. Honourable Minister, *ke utlwile karabo ya gago*, but *golo mo go a tshwenya*, it is not only in the North West Region. In all the regions, what are the measures in place *go leka go itsa gore barutabana bogolo jang ba temporary, ba duelwe morago ga nako? Go tshwana le ya leave concessions, fa ke fa sekai kwa Mogoditshane-Thamaga Region*, almost all the teachers at the schools *tse di mo* that area, they are owed these leave concessions. *Le dira go le kae the whole region kana ministry gore le bone gore batho ba ba duelwa ka nako mo go tshwanetseng?*

*Ya bofelo*, a temporary teacher, *ke tsaya gore o ka nna a tlhoka go duelwa ka nako* the first time, but *fa motho a filwe contract ya two years*, why are they not put in the payroll system until that time *ya contract ya gagwe e fela*, so that they could be paid on time like any other teacher? Thank you Honourable Minister.

**MS MAKWINJA:** Thank you Honourable Motaosane. This is a perennial problem *motlotlegi*, and like you say, you are right, it is not just *kwa* North West, it is all over. We are dealing with it, we are seized with this matter almost month after month. We are trying as much as possible to rectify this, but it continues.

That is why we are saying that, we are now looking at our processes with a view to reengineer them. Not only that, to capacitate the officers because as you know, people doing this should actually have proper qualifications *tsa* accounting and stuff, and sometimes these things do contribute to the delays.

People who are employed on fixed term contracts should not experience this. Like you say, they should be in the system and automatically get their payments if they are on a fixed term contract. It should not happen only for temporary employees. We are seeing this happening very frequently. Thank you very much.

**MR HIKUAMA:** *Supplementary.* Ke a leboga Honourable Speaker. Ke a leboga Tona. Tona, a mme o dumela mo mafokong a o a balang ao gore ke boammaaruri, bogolo jang a gore batho ba diiwa ke gore ba a bo ba sena *bank accounts*, e bile ba ntshitse *information late?* O dumela mo karabong eo ya gago? Ke tsaya gore *part of it*, Rre Motaosane o e beile sentle.

Se sengwe se ke batlang go se botsa ke ya *leave concession*. Ga ke a go utlwa sentle gore o ne o re *leave concessions* ke eng di sa fiwe? Gongwe ga ke a



go reetsa sentle *because it is a long time* di sa fiwe, go lebakanyana, e kete ke ngwaga gone kwa North West. *You also said you are dealing with the situation. You are failing to tell us how you are dealing with it. What is it that is wrong that you are trying to fix? It has to come out clear* gore the problem is here and we are fixing it. Fa o bua ka *the process, you are doing reengineering and we do not get exactly what is delaying this payment?* A ko o tlhalose sentle go utlwale. Mongwe le mongwe a go utlwe gore wa reng? Ke a leboga.

**MS MAKWINJA:** Ke a leboga Motlotlegi Hikuama. Fa o re a ke a dumela mo go se ke se buang, kana o raya gore ga ke bue boammaaruri. Ga ke itse gore a ke ka se ke ke bolelele Ntlo e boammaaruri jo bo diragalang. O tlaa fitlhela e le gore *some of these people* ga ba na *bank accounts*. Go a diragala gore fa batho ba ya go bula *accounts*, fa o re kwala *three* o kwala *one*, fa o re o kwala *three* o kwala *eight*. Dilo tse *are very common*. *They are common mistakes when data is captured and not only what is captured, but what is being provided. So, it is back and forth between the bank and the officers to try and get the right information. So, yes, these things do happen.*

Se sengwe se se diragalang ke gore, o a itse gore batho *should be created in the system*. O a itse gore *our internet broadband* gantsi o tlaa fitlhela bo tlaela. Go bo go raya gore *these delays* di dirwa gape ke gore, dilo di tlaabo di nna foo go santse go lowa le gore batho ba tsenngwe mo *system*. Ke dilo tse ke reng di lebeletswe, di a baakannwa jaaka re solofetse thata mo SmartBots gore *broadband* e tlaa okediwa. Mathata a mangwe tota a tlaa feta.

*Leave concessions*; go clear, ke boletse gore mo go 788 ba duetswe ba le 24 go setse ba le 44. Ba ba 44 ba ga ba a duelwa ka gore *their payments requests* di tlile morago. Ke sone se re reng di tlaa duelwa ka *April* fa a fela jaana. Gore *concession* ga di duelwe, ee, re nna le mathata a madi kgapetsakgapetsa. Se sengwe ke gore, re palelwa ke *to budget for them*, go bo go raya gore re kopa madi kwa le kwa *to budget for concessions* tse. O a bo o sa itse gore ba ba tlaabong ba le *due* ke bafe jalojalo *in the regions*, go na le *information*, go bo go dirwa *budget* sentle. *Part of the problem* ke madi, gape ga ba nke ba itse sentlentle gore ba ba tlaa ikopelang *leave concession* ba kae, go dirwe *budget* gore madi a tswe nako e sale teng. *We assist with these matters* motlotlegi, re a leka go di baakanya. Ke a leboga.

#### First Readings

## PRESENTATION OF GOVERNMENT BILLS

The following Bills were presented and read a first time.

### CIVIL AVIATION (AMENDMENT) BILL, 2021 (NO. 30 OF 2021)

(Minister of Transport and Communications)

Second Reading – **Later Date.**

### MAGISTRATES' COURTS (AMENDMENT) BILL, 2021 (NO. 32 OF 2021)

(Minister of Defence, Justice and Security)

Second Reading-**Forthwith.**

## BILL

### MAGISTRATES' COURTS (AMENDMENT) BILL, 2021 (NO. 32 OF 2021)

#### Second Reading

**MINISTER OF DEFENCE, JUSTICE AND SECURITY (MR MMUSI):** Thank you Mr Speaker. Mr Speaker, the objective of the Bill is to increase the jurisdiction of Magistrates and thereby empower them to award enhanced penalties for serious crimes. This Bill will also facilitate the speedy disposal of cases by preventing the accumulation of cases on account of lack of jurisdiction by certain grades of Magistrate.

The Bill has three Clauses which are explained as follows:

Clause I of the Bill is the short title which sets out the title of the Bill and state that the law will come into operation on the date prescribed by the Minister.

Clause II amends Section 17 of the Magistrate Court Act which sets out the authority of Magistrates to adjudicate over disputes and all matters that are not crimes. A new Section 17 has been set which increases the powers of Magistrates we follows:

- (a) Regional and Chief Magistrates - from P40 000 to P100 000;
- (b) Principle Magistrates - from P30 000 to P80 000;
- (c) Senior Magistrates - from 20 000 to P70 000;



- (d) Magistrate Grade 1 - from P15 000 to P60 000;
- (e) Magistrate Grade 2 - from P10 000 to P50 000
- (f) Grade 3 from P10, 000 to P40, 000.

Clause 3 amends Section 61 which deals with the powers of Magistrates in criminal cases and updates the authority as follows; Reginal and Chief Magistrate, sentencing powers have been increased from 15 years to 20 years imprisonment. The fine is increased from P40, 000 to a P100, 000 or both. Principal Magistrate, sentencing powers have been increased from 12 years to 15 years imprisonment. The fine is increased from P30, 000 to P80, 000. Senior Magistrate sentencing powers have been increased from 10 years to 12 years imprisonment. The fine is increased from P20, 000 to P70, 000 or both. Magistrate Grade 1, sentencing powers have been increased from seven years to 10 years imprisonment, and the fine is increased from P15, 000 to P60, 000. Magistrate Grade 2, sentencing powers have been increased from five years to seven years imprisonment. The fine is increased from P10, 000 to P50, 000. Magistrate Grade 3, the fine is increased from P10, 000 to P40 000 or both.

The effect of Clause 2 and Clause 3 is that the Magistrates have been given substantially increased authority to deal with both criminal and civil cases. As a result, there will improvement in the disposal rate of cases. Litigants will also be able to bring most of the civil claims to Magistrate Courts which are more widespread throughout the country. Magistrates will also be able to impose more severe sentences where necessary without having to refer cases to the High Court which contribute to delays in completing cases. I thank you Mr Speaker.

**MR KEORAPETSE (SELEBI PHIKWE WEST):**

Ke a leboga *Mr Speaker*. *Mr Speaker*, ga ke ganane le se se kopiwang ke Tona mabapi le gore *Magistrates* ba okeletswe *jurisdiction to deal with the cases*, bogolo jang jaaka a buile gore di dintsi kwa Kgatleng Kgolo ya Ditsheko.

Tona, go oketsa gore *Magistrates* ba kgone *to deal* le dikgang ka fa o tlhalositseng ka teng, ba athole ka fa ba ntseng ba athola ka teng go ya ka *their categories*, ba *place fines* go feta ka fa ba ntseng ba dira ka teng, gone mo kana go raya gore ba ya go tsaya ditsheko tse di ntseng di le kwa *High Court*. Ditsheko tse dingwe tse ba ntseng ba sena *jurisdiction* ya tsone tse di ntseng di le kwa *High Court*, go raya gore di tla mo go *Magistrates*.

Jaanong se se go raya se re o tshwanetse gore jaanong o hire *Magistrates* go feta ka fa o ntseng o ba hirile ka teng.

Sa bobedi ke gore jaanong o hire *more qualified Magistrates* le go oketsa *courtrooms* ka gore tota fa re bua boammaaruri, *Magistrates are overwhelmed* ka dikgetsi *as we speak*. Tota o tlaabo jaanong o ba okeletsa mokgweleo, mme fa o ka o oketsa o sa hire *Magistrates* ba ba *more qualified because...* kana *more jurisdiction* e raya *more responsibility*. Ke *point* ya me ya ntlha.

Go kile ga nna le *complaints, including by Law Society of Botswana* gore *Magistrates*, bogolo jang ba ba *junior*, o kare *when it comes to civil cases*, ba na le *challenges* tse dintsi. *I will not use* kgang ya gore ba *clueless but that has been the language used by some Attorneys, especially Senior Attorneys who appear before these Magistrates* ka dikgang tsa *civil cases*. Jaanong ke *imagine* gore fa o ba okeletsa *jurisdiction*, go ya go nna ka tsela e e ntseng jang? Molemo o o neng o ka o dira ke gore jaanong o oketse *training* ya *Magistrates*. A ko o *encourage development* ya *Magistrates*. University of Botswana (UB) *offers programmes* tsa bo Master of Laws (LLM). University of London tse e leng gore ga di tlhoke gore motho a ye koo le *universities* tse di tshwanang le bo University of South Africa (UNISA), di na le *courses* tse *Magistrates* ba ka di tsenelelang gore ba ithutuntshe. Le yone *training* e o ntseng o na le yone ya bo *Magistrate*, dira gore jaanong o *intensify training* e ka gore fa e ka se ke e nne teng mme o ba okeleditse mokgweleo, nnyaa, go ya go nna le mathata a a tseneletseng. Fa e le gore bangwe ba tsaya gore *Magistrates* ba ba *junior* ba retelelwa ke go dira tiro, *especially in civil cases*, jaanong e bo e le gore o oketsa *jurisdiction* ya bone, go raya gore go tlaabo go na le mathata.

*Let us go to issues* tse dingwe tse di tshwenyang tsa *Magistrates* jaaka *welfare* ya bone. *Magistrates* ga ba na bo *housing allowances*, ba pateletswa gore ba nne *in low to medium cost houses* tse bontsi jwa tsone o fitlhelang di na le *safety concerns*. Kana *an average house* fela e e *low to medium cost*, bogolo jang fa o ka fitlhela e le ya Botswana Housing Corporation (BHC), o fitlhela e le tse di ageletsweng ka terata. *Yes*, gantsinyana o fitlhela ba na le *security guard* mme kana e a bo e le *security* gongwe a le mongwefela foo. *I am sure you know story* sa ga Lot Moroka se e leng gore o kile a re a le *Magistrate* a rata go bolawa ke batho mo tseleng ya Serowe. Selo se nna se ne se nthaya se re *Magistrates* ba santse ba sa sireletsega, o ele *safety* ya bone tlhoko.



Kgang ya *housing* o kare fa o lebeletse, go *concerned* thata ka *Judges* thata go gaisa *Magistrates* mo *Administration of Justice*. Ga ba na *utility allowances* jaaka *Judges*. Fa o re o a lebelela, tiro ya bone ke e e tlhokang *research* e bile *most of the time* ba felela ba tsaya tiro ba ya kwa lelwapeng ka yone. Jaanong go tsaya tiro ba ya lelwapeng ka yone ba ya go kwala *judgements*, ba *research*, go ne go tlhokana le gore gongwe ba bo ba na le *utility allowances*.

Fa o lebelela le dituelo tsa bone, ke dumela gore *Magistrates* ba Botswana dituelo tsa bone di santse di le kwa tlase. *They are underpaid* mme e bile fa o re o a lebelela, *progression* ya bone *is very low*. Fa e nna *very low*, go raya gore jaanong kana fa o oketsa *jurisdiction*, kana wa re ba ye go seka ditsheko e bile e le tsa madi a a kwa godimo. Gone mo go nna le mathata *because it leads Magistrates prone and vulnerable to corrupt lawyers and accused persons*. Ke raya gore fa o ba tlogetse mo *category* yone e, e le gore pharologanyo ya *Judge* le *Magistrate* ke e e didimosang mmele, go tlaa nna le mathata. E bile ke tlhalose gore *Magistrates* ba setse ba kile ba tsena *into embarrassing financial situations*. *It happens a lot because of* kgang ya gore dituelo tsa bone di kwa tlase le *progression* ya bone *is very low*.

A ko o nne *clear*, molao o tshwanetse gore tota o itlhalose *because* o kare ga go na *clarification* ya gore ya gore fa o lebeletse *Magistrate* sentle, ba *fall* fa kae? *Yes, they are guided by Act* ya *Magistrates* mme gape fa gongwe *they are treated* jaaka *civil servants who fall under* Directorate of Public Service Management (DPSM). Fa o ntse go buiwa ka *role* gape ya *Attorney General*. *I think it must be very clear* gore tota *Magistrates* ra re ba *fall* fa kae? Ke dumalana le gore Motsamaisa Dipuisanyo tsa Palamente, *Magistrates* ba dira tiro e tona thata. Fa re lebeletse Kgatlakgolo ya Ditsheko, gompiano fa re lebelela, e kwa Lobatse kwa e tlhologileng e le teng, Gaborone, Francistown le Maun. Ga e a anama le lefatshe ka bophara mme fa o lebelela Dikgotla tsa *Magistrates*, di aname go feta tsa *High Court*. *Court of Appeal* yone e nngwefela gone mo toropokgolo ya Gaborone. Jaanong ke ne ke re ka mabaka one a, go raya gore dikgetsi di le dintsi tse di seng kwa Makgotleng a Setswana di felela di le kwa Makgotleng a *Magistrates*. Jaanong a re *make sure* gore *for us to have a world class Judiciary, we must be willing and committed to Magistrates* gore re ba duele sentle, re baakanye mabaka a bone a pereko, re ba *train*.

*Training* ga e reye fela gore e re motho a hirwa, a bo a nna mo *induction* a rutuntshitswa gore jaanong kana o ya go nna Mmakaseterata. E raya gore *as I say, encourage self-development* ya bone boMmakaseterata gore go tle go lebagane le kgang ya *progression* ya bone.

Fa ke buile jalo Motsamaisa Dipuisanyo tsa Palamente, ke dumela gore *jurisdiction* e ka oketswa. Fa e le gore e ka oketswa, go bo go sa baakanngwe tse ke neng ke di bua tse tsa bo gore re ba baakanyetse gore mo dikgannyeng tse di tshwanang le *civil cases*, e bo e le gore jaanong *they are well prepared*, re tlile go tswelela re nna le mathata.

Kgang e nngwe ke yone e ke neng ke e bua gore a re se ka ra bona *gap* e tonatona. BoMmakaseterata ke batho ba ba tlotlegang thata mo *society* mme golo mo go tshwanetse *to reflect* le fa ba nngang teng, ba duelwang ka teng, le mo go sone *security* sa bone. *Security* sa bone se e leng gore jaaka ke ne ke bua Motsamaisa Dipuisanyo, go se ka ga beiwa fela a *security officer* a le mongwefela foo. *I think* dikgang tsone tse tsa bo *alarm* kwa matlong a bone, go netefatswe gore go na le bo *screen wall* le *cameras* *because* bo *accused* ba bangwe, *they are very dangerous and can be very vindictive* mo go bo Mmakaseterata. Ga ke itse gore a o kile wa bona *clip* e ya *you will mention yourself*, e o neng o bona gore motho *is charging* mo go Mmakaseterata. Le gone mo *courts* tsa bone, go tshwanetse gore le fa e le gore go nna go na le lepodise, mme re ele tlhoko *security* sa teng gore ke se e leng gore Mmakaseterata o tlaa se ke a nne a le mo letshogong *when delivering justice*.

Ka mafoko one a Motsamaisa Dipuisanyo tsa Palamente, ke ne ke re ke latlhele go le kalo ka bo Mmakaseterata. Ke go eme nokeng Tona mme ke go ema nokeng *for as long as* o kare fa o oketsa *jurisdiction*, e bo e le gore mo godimo ga moo o baakanya tsone tse ke setseng ke di buile. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.

**MR MAJAGA (NATA-GWETA):** Ke a go leboga *Honourable Speaker and good afternoon Honourable Members*. Le nna *Mr Speaker*, mma ke supe fa ke ema Tona nokeng mo kopong ya gagwe. Tota *as time goes on amendments of these laws, sections, whatever* fela mo molaong, di tshwanetse go nna di ntse di lejwa. Tona o dirile sone se se go tshwanelang o le Tona wa *Defence* gore o bo o lebeletse tse e leng gore mo nakong eno di a tshwenya, segolo jang re lebeletse boMmakaseterata ba lefatshe la Botswana.





Jaaka Motlotlegi Keorapetse a ne a bua tse dingwe, o di lebe mme *for now*, ke bona o dirile *a start* se e leng gore tse dingwe le tsone fa di batla gore *in the future again*, *whether* ke *session* ya *July or December* fa go na le se sengwe se e leng gore *it is a burning issue* jaaka gongwe a ne a feta ka tse dingwe, *you can gazette them* o bo o lebelela. Kana tota *that is our work as Honourable Members* gore dipe tse e leng gore ke tsa molao tse di batlang gore di baakangwe di tsamaye le dinako, di tshwanetse gore di dirwe jalo.

*Mr Speaker*, fa o lebelela *all these sections* fela ka fa di tlhomaganeng ka teng, bo 17, 61 ka fa di builweng ka teng, tota fela ke monka go godisa tiro le tsotlhe tse e leng gore *like sentencing and all this*. Eo *Mr Speaker* *is very true*, go a diragala mo go boMmakaseterata botlhe ba lefatshe la Botswana. *Cases were pending Mr Speaker*, di dirwa ke mabaka a, ba sena *those sentencing powers* tse di tsamaelanang le maemo a bone. *By so doing, cases* tsotlhe tse di tletseng kwa *High Court* le tsone *like Honourable* Keorapetse a ne a re *for now* di kwa teng, fa ba setse ba na le *those powers, these cases they would not now see the light of going to High Court*. *They will be disposed* ke bone boMmakaseterata, *of which it will be good* ka gore bo Mmakaseterata bone ba aname le lefatshe le; Shakawe, Tutume, Nata, Masunga *just to name the few*. Jaanong fa ba setse ba filwe *these powers, then the work will be done*.

Nngwe ya dikgang tse di ntseng di ntshwenya, *a lot of these cases* le fa o bona tse dingwe di le kwa *High Court, a lot of people's Constitutional rights have been compromised for the past years because* go ne go na le ditsheko tse di neng di kgona go tsaya bo *20 years* le *10 years*. Fa e le tse di amanang le mapolotiki, fa go nna ditlhopho di a tsoga fela o kare molelo o o sa feleng. Jaanong o bo o bona gore dilo tse di tshwanetse gore di nne le gore go bo go dirilwe tse di ntseng jaana fa e le gore *they are being disposed of*, di nne jalo, di se ka tsa nna di tsoga o kare sengwe se se sa itsiweng, noga ya ditlhogo tse pedi.

*Honourable Minister*, re ema nokeng tiro e ntle e o tllileng ka yone go leka go fokotsa mesuke e le ditsheko dingwe di neng di latlhega. Kana tse dingwe di latlhegile *on rolls* ka mabaka a bokete jo. *Budget Mr Speaker*, a re bone lephata le *budgeting* gore *in the coming budget*, a bo dingwe tse tsotlhe re feta ka tsone re go gakolola re le Mapalamente o bo o ya go di dira, tse di tshwanang le tsa bo *welfare, those administrative issues* tse e leng gore *you can as well* jaaka o ba godisa jaana, o itse gore ba ya go tlhoka matlo, ba ya go tlhoka eng,

tsone tse o ntseng o di itse, tse dingwe tse di ntseng di feta ka mokaulengwe. O tshwanetse *to budget for them so that* bo *next year* fa o bula *some legal years*, o bo o itse gore le tsone *you will take note of them in your budget* ya 2023/2024, *whatever*. Jaanong ke dilo tse di tshwanetseng gore o di dire *so that* tiro e ntle e e re e ya go wela, *whether supporting staff* mo *Magistrates Court*, le bone *you have to budget for them and for letlhoko* la *some allowances*. Di ka diragala fela fa o ka tsaya *notes with what we are contributing* gore go tle go diragale.

Gape *Mr Speaker*, tse di ka go thusang thata go dira *cases* gore di nne *disposed* ka dinako ke boMmakaseterata. O tshwanetse gore metse e mengwe e e leng gore e megolo jaaka bo Gweta, Nata le e mengwe e e leng gore mo dikgaolong tse dingwe fa gongwe o ya go fitlhela e le metona, fa go tlhokafala a go dirwe *courts* tse tsa boMmakaseterata, *especially* kwa bo Gweta *so that* batho ba se ka ba tsamaya 200 km ba ya Nata le Masunga. *By so saying*, ke dingwe tse o tshwanetseng go di lebelela.

Kana tsone tseo di tsamaelana le *security* se se neng Motlotlegi Keorapetse a se bua gore le bone ba tshwanetse gore ba nne le sone. Malatsinyana a re bona borukutlhi jo bo diragalang jwa mafatshefatshe, jo re bo bonang gore ke jwa madiadia, jo bo batlang gore le bone batho ba ba leng mo *cases* tse, ba bo ba itse gore *security* sa bone ga se *compromised*. Botoka go sale sa boloi fela, kana sone ga seo mo Molaomotheong. ...*(Inaudible)*... se se lebanyeng se re itseng gore se tshwanetse go nna teng ka fa molaong, se se ka sa nna *compromised*. O se *provide* Tona, go sale se fela, se e leng gore se sengwe ga re itse modi wa sone, gongwe ke Modimo kana Saatane mme se sa gago, se dire rraetsho.

Ke buisiwa se ke gore jaaka re bona borukutlhi jo bo le *cross borders*, go na le manweenwee jaaka o ntse o leka jaana, fa o ka dira *security* go ya go nna botoka. Ga re batle seemo se re se bonang se se tshwanang le mo Gaborone kwa Village, kwa go bewang dikoloi tsa *auction sale*, ga gona *security* mme Goromente o tsweletse ka go se duelela. Dikoloi tsotlhe di somolwa *gearboxes* mme masecurity a le gone fale. Ke fa sekai fela. *Those are human resource* ba o ba tlhokang gore ba fiwe tiro yone ya *litigations and all the like*. Moo o tshwanetse *to provide*. Ke re ke fete ka ya *security* ka gore go gantsi re bona le mo *court* tota, *that is why* ke re *support staff* le sone *when budgeting, budget for it too*. *By so saying, I stand to support you. I thank you Mr Speaker*.



**MR LEUWE (TAKATOKWANE):** *Thank you Mr Speaker. Good afternoon Mr Speaker and good afternoon Honourable House.* Le nna ke ema Tona nokeng ka dikokeletso. Ka mabaka a mangwe, re ka re go ne go tsholediswa *court warrants* tsa bone, go ba fa dithata tse dikgolwane thata gore dikgang tse dingwe di se ka tsa fetela kwa *High Court*, di felele kwa go bone.

Fela jaaka bakaulengwe ba sa tswa go tlhalosa, lesokolela le le tonatona thata ke tiego ya dikgang kwa go bo Mmakaseterata, mme e se maikaelelo le maikemisetso a bone Tona, gongwe *office* e nne e sekaseke dikgang tsa go atolosa diofisi tsa bo Mmakaseterata. Gompieno fela fa o ka tsamaya mo *police stations* tsa rona tsotlhe fela, dikgomo di moo, di tsetse, tse dingwe di tsetse ga ba ga tsala le bana ba tsone, e le gore *cases* ga di kgone gore di sekwe, mme kana jaanong masupi a a ntseng jaana, ga a welane sentle, go bo go tsisa boitlhobogo jo bontsi thata mo Batswaneng gore fa o ka utlwa fela gotwe kgang ya gago kgomo e ile kwa ga Mmakaseterata, o bo o itse gore go ile fela jalo. Gongwe re oketse dipalo tsa bone, le mafelo a ba leng kwa go one gore gongwe jaanong re tle re leke go lwa thata le kgang ya tiego. Batswana ba tshwenyegile thata ka tiego ya *cases*, e e tlaa fokotsang, mme e e ba tshwenyang thata ke yone eo.

Kgang e nngwe e e tshwenyang Batswana thata ke tshireletsego ya bo Mmakaseterata, bogolo jang kwa dikgaolong tsa selegae. O fitlhela go itsanwe thata, e bile go itsewe le gore yo ke Mmakaseterata, o nna fa boketeketse, *but* tshireletsego ya bone o fitlhela o kare ga se yone sentle. Le kwa metseng ya magae, ga go nke go nna le dijarata fela tse di siameng. Gongwe re leke go gagamatsa *security* sa bone gone koo, e tle e re jaanong fa ba le mo *court* a akanya go tsaya tshwetso, a e tseye a itse gore o sireletsegile. E seng jaanong mo e leng gore o tlaa nna le letshogonyana la gore kana e ka nna ya re ke re ke a tshaisa maitseboa, ke bo ke ya go fitlhela motho yo ke mo tseelang dikgato yo, a nkemetse kwa lwapeng.

Letshwenyego le lengwe le ke eletsang gore o le ele tlhoko thata, le Batswana ba lelang ka lone Tona, ke kgang ya *bails*, di dira gore *exhibits* tsa dikgomo tse di disiwang tse, di feleletsa di nyeletse, o a ne o utlwa gotwe ba di utswile ba tswa go di bolaya, ba tswa go di tshuba. Gongwe e re fa o ntse o sekaseka melao e, e re mo nakong e e tlang, o sekaseke fela jaaka Motlotlegi Majaga a sa tswa go bua gore o nne o lebelele *clauses* tse dingwe gore a dikgang tse di amanang le tse di tshwanang le tsa dikgomo, a *bails* tsa tsone di tshwanetse go nna kgapetsakgapetsa, motho a ntshiwa, kamoso e bile o utswile tse dingwe dikgomo, kamoso

o mo *bail* kamoso a bo a utswa tse dingwe, kgantele go nyelela dikgomo tsele tsotlhe tsa masupi. Fa masupi a nyeletse, ga go na sepe se *court* e ka se dirang. Ke tsone dintlha tse Batswana ba ngongoregang ka tsone thata mo tsamaisong ya semolao ka fa letlhakoreng la bo Mmakaseterata gore go na le *bails* tse di ntsi thata.

*Bill* e Tona a e tsisitseng, ke e ema nokeng ka tumelo ya gore e tlaa fokotsa dikgang kwa *High Court* e di isa kwa *Subordinate Court*. Ke a leboga Modulasetilo.

**MR RAMOGAPI (PALAPYE):** Ke a leboga *Mr Chairperson*. Ke simolole fela ka go ema nokeng Tona Rraetsho Mmusi ka Molao-kakanyetso o a re o beileng pele, o tlaa thusa fela thata dikgang gore di kgone go fefoga fa di le kwa Makgotla-tshekelong. E ntse e re fa motho e le gore nnyaa o ka atlholwa dingwaga di le bo 20 kana bo 15, go bo gotwe nnyaa, mme ga se ya ga Mmakaseterata, e tshwanelwa ke gore e ye kwa *High Court*. Le gone kwa *High Court* koo, o fitlhela e le gore dikgang di kgweleane.

Sa bobedi ke tsaya gore Molao-kakanyetso o, o tlaa thusa go fokoletsa Batswana ba ba amegang, ditshenyegelo. Kana kgang e e fa pele ga rona e, dikgang di pedi, go raya gore go na le *jurisdiction* ya dikgang tsa borukutlhi, go bo go nna le ya dikgang tsa *civil*. Jaanong go raya gore tsa *Civil* tse batho ba kgonang go seka kgang fela e nyennyane, go bo gotwe nnyaa mme kana jaanong madi a fetile ke P80 000, Mmakaseterata sekai, o ema ka P40, 000, go ne go raya gore jaanong fa ba le mo Palapye, ba rwale ditlhako ba ye kwa Francistown kwa *High Court*, mme gone mo go ne go kokonela Batswana. Rraetsho, o tsile ka mogopolo o montle thata, o tlaa thusa Batswana.

Ka lame fela fa ke lebelela, ke ne ke batla gore o akanye, o bo o sekaseke, o bo o tsenye ntlha e nngwe gape ya gore ke eng o sa neele bo *Regional Magistrate* le bo *Chief Magistrate* gore ba kgone go sekisa ba bo ba atlholela dikgang tsa polao? Dikgang tsa polao fa gongwe re a tle re bone baatlhodi ba kwa *High Court* e le gore nnyaa ba ba atlholetse bo 15 *years*, bo 10 *years*, mme kana gone fa wa re nnyaa, *maximum* e kgone gore e nne bo 20 *years*. Ke re ntlha eo e sekaseke ka gore dikgang tsa polao le tsone dikgweleanye mo e bileng di tsenya Batswana mo e leng gore kamoso Batswana ba tlaa tsoga jaanong ba bolaana e le bone. Sekai, gompieno gone mo Palapye mo, batho ba ntse ba bolaya batho, mme kamoso gatwe nnyaa ba filwe *bail*, mme batho bale ga ba ise ba fole. Jaanong ba bangwe ba nna le mogopolo wa gore ba ipusolotsetse. Re tshwaragane le bothata re le Mapalamente, re raya Batswana re re



nnyaa, se ipusolosetseng, pusoloso ke ya Modimo, ya ga Goromente, a re se itseele molao mo diatleng. Rraetsho, sekaseka kgang e, ya *death sentence* kana ya *murder*. Bo Mmakaseterata ba bagolwane, ba bo *Regional Magistrate*, kana ke bone gantsi ba tlhatlosiwang ba nna *judges*. Bo *Chief Magistrate* ke bone ba o kgonang go lebaleba mo go bone, o ba tlhatlosa e nna di *judge*, ba na le bokgoni jwa go nna *judges*. Kgang fela ke gore, ga ba ka ke ba nna *judges* botlhe. Jaanong ke ne ke akanya gore o ka ba neela tsone dithata tseo *Honourable Minister*.

Tota go botlhokwa gore re go bolelele rraetsho gore kana boikarabelo bo tla ka dikatso, motho wa Modimo, ga re tswe mo tseleng, ga re re reng, boikarabelo bo tla ka dikatso. Fa o oketsa boikarabelo jwa bo Mmakaseterata jaana, rraetsho, re a go kopa, re a go rapela, latlhela dikatso tsa bone di oketsege. Ga re ka ke ra okeletsa motho tiro fela re bo re re nnyaa madi one a a tshwana. Nnyaa, *that will be totally unfair*. Re tshwanetswe re sekaseke dikatso tsa bone.

Rraetsho, e nngwe e e tlhomolang pelo, gone kana jaaka re sa tswa go bua jaanong, fa e le gore ba ya go atholwa dikgang tsa *robberies* tse di bokete jaana, nnyaa, ka potlako, akanya ka kgang ya *security* fa ba robalang teng. Ba robale mo mantlong a a nang le *screen wall*. Mo Palapye rra ba robala mo mantlong a BHC, jaanong re go kopa gore a ba direlwe *screen walls* ba nne le *guards*. Golo mo Tona go tseye e le kgakololo ya potlako e e leng gore fela fa o tswa gone fa, o tlaare Mapalamente ke le utlwile...(inaudible)... nako, re batla gore le bone re ba direle ka tsela e ntseng jalo. Fa re ka palelwa ke go dira jalo, re tlaabo re tsentseng bo...(inaudible)...

**MR SPEAKER:** O etla o nyelela.

**MR RAMOGAPI:** ...mo diphatseng tse di tonatona tse di gakgamatsang. Ga re kgang e re e dire ka potlako e e gakgamatsang *Honourable Minister*.

Jaaka re sa tswa go bua, kgang e nngwe e e tona e re tshwanelwang ke gore re e sekaseke, ke e re buang ka *promotions*, le ka *welfare* ka kakaretso. Bagaetsho, dilo tse di a tsamaelana, lefatshe jaaka re bua jaana le fetogile. Mo bogaufing fela jaana go ise go ye kae, *Magistrate Court* ya Mahalapye, e kile ya tuka, ba e fesitse, jaanong ga re dilo tse e re fa re ntse re bua jaana, re bo re ntse e le gore re a akofa re leka gore re di baakanye, di se ka tsa tloga tsa salela kwa morago ruri *Honourable Minister*, re a go rapela.

E bile gape *Honourable Minister*; ke batla gore ke go fe mofago mo dikgannyeng tse dingwe tse o ka reng di salela kwa morago. Tlhe rra re a go rapela, a ko e se ka ya re kgang e, *value* ya madi ke golo mo ka pelapela e tlaabong e le gore 100 000 ga se sepe. Ga re golo mo o go akanye jaaka re fetisa molao o jaana, e se ka ya ba ya re kamoso e bo e le gore jaanong e nnetse ruri fela gone fa. A e re kamoso o bo o ntse o lebelela gore nnyaa, molao o o tlaa tswelala o ntse o o baakanya jang gore *value* ya 100,000 e se ka ya salela kwa morago. Bona gore re sale re ema mo go bo 40 000 le 60 000 leng, bogologolo, mme gompiano ke gone re reng re a baakanya. A ntlha eo re e ele tlhoko fela thata gore melao e baakanngwe kgapetsakgapetsa.

Ka o le Tona ya *Attorney General* le Mmamelao, mma ke go fe mofago wa gore go na le dikgang tse dingwe tse *Court of Appeal* e saleng e buile gore nnyaa, tlhe bathong baakanyang, mme le gompiano ga re baakanye. Sekai, go na le kgang e Rraetsho Murray Dipate o ne a isa Rraetsho Mmusi kwa *High Court*, e le ya ditlhopho, mme *court* e bo e bua gore nnyaa, e ke kgang ya Palamente gore e baakanye molao gore tota re kgone gore go iwe kwa *Court of Appeal*. Dilo tsotlhe di a baakanngwa, fa e le gore kgang ya ditlhopho yone e ka isiwa kwa *Court of Appeal*, ga o e tlise kwano. Ke kopa gore dikgang tsotlhe tse di farologaneng *Honourable Minister*, tota o di tseye, o bo o di ise kwa di tshwanetseng teng ka gore dikgang tse di tshwanetseng go baakanngwa di mmalwanyana. Ke ipotsa gore jaanong fa re di tlogela, re bo re nna re tlopola fale le fale, a mme re direla Batswana sentle. Le yone e tota jaaka o utlwa re bua *Honourable Minister*; di tseye tsotlhe ka kakaretso, mme o thuse Batswana ka tsela e e ntseng jalo.

Rraetsho, jaaka ke buile, ke ema fano ke go eme nokeng gore molao o a o fete ka gore le bone bo Mmakaseterata, ba kgona go dira tiro fa gongwe botoka go gaisa le *High Court Judges*. Go supagetse go le gantsinyana kwa o tlaa fitlhelang *Court of Appeal Judge* a felela a dumalana le Mmakaseterata, gore nnyaa, nako ele Mmakaseterata o ne a athlotse sentle, mme lona kwa *High Court* la felela le fosa. Jaanong se ke se buang ke gore ga ke na pelaelo ya gore bo Mmakaseterata ba tlaa dira tiro ka botswapelo ka gore ba ntse ba e dira ka botswapelo. *I therefore support the Bill. Thank you Mr Speaker.*

**MINISTER OF BASIC EDUCATION (MR MOLAO):** Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke ema Tona nokeng mo Tshutisong e a e re beileng pele.



Ke supe fela jaana gore kana re tswa kgakala re ntse re fetola melao, mo gongwe re oketsa dikatlholo. Ke solofela gore mo Palamenteng e re leng mo yone e, re setse re okeditse dikatlholo di le mmalwa tse jaanong di neng di oketsa gore dikgang dingwe di se ka tsa kgonagala gone kwa go bo Mmakaseterata. Go botlhokwa gore fa seemo se nna jaaka se ntse, e bo e le gore Tona o tla ka Tshutiso e jaanong e tlaa kgontshang bo Mmakaseterata ba ba gasameng le lefatshe le lotlhe gore ba kgone go seka ditsheko tse, ba bo ba athole ka fa e leng gore Palamente e ntse e oketsa dikatlholo ka teng, batho ba tle ba kgone go bona tshiamelo ya bone ka nako. Kana selo se se tona se se dirang gore tšhaba kgantele e latlhegelwe ke tshepo mo go tsa bosekisi le boatlhodi, ke go diega ga ditsheko. Fa e le gore tsheko e fa pele ga ga Mmakaseterata kgotsa ope fela yo e leng Moatlhodi, e bo e le gore e ka tsaya ngwaga go wela, dingwaga tse pedi, tse tharo kgotsa tse tlhano e sa wele, batho ba felela ba latlhegelwa ke tshepo mo go tsa bosekisi le boatlhodi. Batho ba felela ba latlhegelwa ke tshepo le mo batlhotlhomising tota. Gangwe le gape re a tle re nne re utlwe batho ba felela ba kgala le mapodise gore nnyaa, mapodise a ja le dirukutlhi, ga ba dire tiro ya bone, mme e le gore tota mapodise ba dira tiro ya bone, ba tshwara dirukutlhi kgotsa babelaelwa ba ba isa fa pele ga dikgotla tsa bo Mmakaseterata, e bo e le gore ditsheko di a kgweleana, ga di kgone go sekwa ka nako, batho jaanong ba bo ba latlhegelwa ke tshepo mo sepodiseng le mo thulaganyong ya bosekisi le molao kante le tshiamelo ya batho gore ba tlotle molao jaaka o beilwe. Ke tsaya gore se Tona a tlang ka sone fa, ke legato lengwe le le tlaa thusang *to try and restore confidence in the judicial system* ya rona fa bo Mmakaseterata jaanong ba ka nna le tshiamelo ya gore ditsheko ka bontsi ba di seke, ba di tlose fa pele ga bone di sa tsamaya di ya go nna mo moleng o moleele wa *High Court*. Ke sengwe se se botlhokwa.

Ke a itse Tona gore o na le ditshekatsheko tse o di dirang ka dikgang tsa *bail* gore o tle o boele fa Palamenteng, go tla go lebelela dikgang tsa *bail* gore go ka dirwa jang gore *bail* e tle tota fela e se ka ya nna ka fa e ntseng ka teng gompiano. Letshwenyego la batho le le tonatona le kwa kgaolong e ke tswang kwa go yone, ke bogolo jang bogodu jwa leruo, jo letsatsi le letsatsi, batho ba tshwarwang ka leruo ba le tshubile ditshipi tse dintsi, mo gongwe ba pegile le ka dikoloi ba ya go rekisa, e bo e le gore ba ya go fiwa *bail*. Morago ga beke, *the same people*, ba boa ba tshwarwa gape, ba boela kwa ga Mmakaseterata ba ya go fiwa *bail*. Fa o bona Batswana ba tlhakaladitse ka kgang ya *bail*, ba re a *bail*

e emisiwe, e re ntsa re itse gore mo Molaamotheong, motho ga a molato go fitlhelela a atholwa ke lekgotla, tota konokono ga se gore ke *bail*, jaanong ga ba batle *bail* ka gore ba dumela gore e letlelela dirukutlhi go boa ba ya go dira melato gape. Gone moo go dirwa ke tiego ya gore bo Mmakaseterata kgotsa basekisi ga ba tsamaise dikgang ka bofefo jo bo tlhokafalang. Ke sone se gantsi batho fa ba lela ba re emisa *bail* mo dikgannyeng tsa petelelo le ditsheko tsa leruo, fetolang molao, ditsheko tsa leruo di sekwe fela kwa Dikgotleng tsa Setswana, tota konokono ke *bail* e babelaelwa ba e fiwang kgapetsakgapetsa, ba bo ba boa ba ya go senya gape ba ntse ba emetse ditsheko. Fa o oketsa jaana gore dikgang tse di nang le dikatlholo tse di kwa godimo tsa madi gammogo le toronko jaana, di kgone go sekwa, tsa fetisiwa ke bo Mmakaseterata, go tlaa thusa go fefosa ditsheko.

Fela jaaka bakaulengwe ba sa tswa go bua, *training and capacity building* ya basekisi, bo Mmakaseterata e botlhokwa. *Welfare* ya bone le yone e botlhokwa, mme ga ke batle go bua ke re go bo gongwe ba amogela dikamogelo tse ba di amogelang, *it can compromise them*, ke tsaya gore fa ba leng teng, e a bo e le batho ba ba rutilweng. *They have taken an oath of office and they will always respect the oath of office* gore ba se ka ba felela ba rekwa ka madi, ka gore tota madi ga a ke a lekana le fa o ka amogela bokae. Fa e le gore wena ka bowena ga o a agega go tlhaloganya tshiamo le go tlhoka tshiamo le fa o ka amogela bokae, o ntse o ka rekwa ke ba o ba sekisang gore o tsamaise kgang ka nngwe tsela. Kgang e tonatona fela ke gore batho ba itshekatsheke, ba itse boikarabelo jwa bone ka gore madi ga a ke a lekana motho, le fa go ka dirwa jang. Fela jaaka ke bua, *capacity building, training and general welfare* le *security* tsa bo Mmakaseterata di botlhokwa.

Ke ne ke batla go gatelela eo *Minister* ya gore jaaka re itse gore o sekaseka dikgang tsa *bail*, gongwe e tlaa re fa di tla fa, tota fela di thuse. Fa e ne e bile golo mo go tla gongwe go patagane le yone tshenkatsheko ya *bail*, re e dire gangwe fela, re e fetise, go ne go ka nna molemo go gaisa. Ke na le tshepo ya gore le ya go sekaseka *bails* e tlaa tla ka gore re tshwentswe thata ke borukutlhi jwa go thuba matlo, borukutlhi jwa dipetelelo tsa bomme bogolo jang.

Borukutlhi jwa leruo bo setse bo humanegisitse Batswana fela thata. Kgaolo ya me Tona e a lela, ke sengwe se e bile mo bogautshwaneng ke tlaa eletsang gore re tsamaye le wena re ye go buisana le barui, ba jaanong ba humanegileng ntageng ya *bails* tse di diragalang



kwa kgaolong ya me mo mafelong a a tshwanang le a Mathangwane, Makobo le Marapong. Le lesaka la gago le le kwa Marapong la dikgomo tse di felelang di swa di tlogela bosupi, mme kana fa ditsheko di diega, borukutlhi jo bo ntseng jalo, bosupi bo a latlhega fa dikgomo tseo di swa, kgotsa yo o tseetsweng dikgomo di bo di ya go nna koo di emetse tshoko e e tsayang lebaka gore e tlosiwe fa pele ga basekisi. Jaanong motho wa Modimo o nna mohumanegi le go gaisa, ka gore ga a na tshiamelo ya gore o ka di tsaya a rekisa, a ithusa mo botshelong. Ke sengwe se se re tshwenyang thata ka kakaretso kwa Kgaolong ya Shashe West, gammogo le lefatshe la Botswana fela ka bophara.

Selo se setona Tona, re go lebogetse gore o bo o okeditse jaana gore ba tle ba kgone go seka *cases* tse di lopang dingwaga tsa bo 20 le 15. Re a itse gore dingwaga tsa 20 le 15, re ne re di dira maloba mo molaong wa *stock theft*, re oketsa dingwaga re di isa teng fa. Melao e mengwe e re neng re ntse re oketsa dikatholo re di isa fa ke tsa dipetelelo le tse dingwe, ke dingwe tse di supang gore re tsibogela se se diragalang mo lefatseng la rona. Ga go ise go lekane, *we need to do more* go dira tshireletsego.

Jaaka ke sa tswa go bua, ke wetsa ke gatelele ke gore, *a slow disposal of cases* e dira gore kgabagare batho e bo jaanong ba lathegelwa ke tshopho mo bosekising le batlholthomisi. Fa re ka dira gore re thuse gore dikgang di tlhlotlhomisiwe, batho ba tshwarwe, ba seke, ba atlholwe, ba ye toronkong kgotsa ba atlholwe ka tsela epe fela e e tsewang ka bofefo. Golo moo *will restore the confidence in the Judicial system and on our security agencies, especially the police* ba kwa dikgaolong, thatathata kwa go nang le borukutlhi jo bo tseletseng jo bo supafalang jwa leruo le dipetelelo tsa bomme. *All this domestic violence* e e diragalang, e ka dira gore jaanong batho ba tsibogele dikgang tse ka bofefo ba bo ba thusege, *and they can gain confidence on our processes as Government*. Ke a leboga.

**HIS HONOUR THE VICE PRESIDENT (MR TSOGWANE):** *Thank you Mr Speaker.* Ke tseye sebaka se ke go dumedise Motsamaisa Dipuisanyo tsa Palamente, go bo o kgonne go tsamaya o ya go emela Palamente e kwa o neng o ile teng, wa ba wa boa. Ke tseye sebaka se ke dumalane le Molao-kakanyetso o, diphetogo tse di dirwang mo molaong o, e le diphetogo tse di bonolo, tse di lelang go tokafatsa tsamaiso. Ke se ka ka nna moleele mo go tsone, ka gore tota ke dumalana le tsone tsotlhe ka fa di ntseng ka teng. Le mabaka a o a beileng Tona, ke mabaka a a utlwalang, a a supang gore golo fa o ntse o beile leitlho melao ya gago

e e farologaneng. O ntse o beile leitlho ditsamaiso tsa makgotla a bo Mmakaseterata. Go bo o tsile ka bofefo ka molao o mo nakong e khutshwane, ke selo se se botlhokwa thata.

Ke supe gore jaaka bangwe ba ntse ba bua, golo fa o itebagantse le mathata a matona, mme jaaka bakaulengwe ba bua, mathata a o itebagantseng le one, ke one a gore a mangwe o tlaa nna o ntse o tsewelela o itebaganya le one. Ke na le tumelo thata gore o tlaa tsewelela o itebaganya le a mangwe, a a saletseng kwa morago. Mathata a tshwana le a gore kana bo Mmakaseterata ba tlhokana le gore ba okediwe, jaaka bangwe ba bua. E bile ba neelwe dithata kana ka go rutuntshiwa ka *workshops* mo tironong, go botlhokwa thata. Gore Mmakaseterata a ye go leba tshoko, go tlaa tswa mo goreng o na le bokgoni jo bo kae, o tsaya lebaka le le kae, mme gongwe fa o ba baya ga ba ka ke ba lekana ka sekale. Mongwe o tlaa leba katlholo a bo a e dira ka bofefo, yo mongwe a bo a tsaya lebaka gore a e ithute, a e tseenelele, a utlwisisse sentle. Jaanong go nna ba ntse ba okeletswa dikitso, go botlhokwa, *to capacitate* bo Mmakaseterata *is a very important and critical element* mo *delivery of justice*.

Gape o lebe le mafelo a ba a akaretsang, a a bokgakalagkakala. Re ntse re bua ka ba bangwe ka fa ba nnang teng; boroko, mme re lebala gore ba bangwe ba ya kwa mafelong ba tswa fa ba ntseng teng, ba lata ditsheko kwa kgakala. Lefelo le tshwana le Rakops kwa Boteti West, le ditsheko dintsi, di tlhokana le gore re bo re na le *Magistrate Court* ka kwa, e e ka dirang gore e fokoletse Letlhakane dikgang tse dintsi tse Mmakaseterata a le mongwefela a lebaganeng le tsone. Ke sengwe se se botlhokwa *Mr Speaker*.

*Mr Speaker*, ke supe gore mabaka a tiro... ke amogele ka gore ke a itse bothata jo re tshwaraganeng le jone. Bodirelapuso jotlehe bo lebile Goromente a le mongwefela, gore a bone gore mabaka a tiro a a tokafadiwa, mme ga re batle go raya ope re re go na le ba mabaka a bone a tiro a siameng, a lekane, ga a ka ke a lekwalejwa, *including* bo Mmakaseterata. Le bodiredi jo bongwe bo tshwana barutabana le bodiredi jo bo farologaneng jwa Puso, bo mmaboipelego jalojalo. Ke tsaya gore ke dikgang tse o di tsayang, re tlaabo re ntse re di lebile fa o di tlisa kwa Khuduthamageng, re tshwantshanya le ba bangwe ba bodiredi jwa Puso, ka gore re tshwantshanya mabaka a tiro le dituelo le mo *region* e re leng mo go yone, *the Southern Region*. Re bo re leba gape le mabaka a mafatshe a itsholelo e e lekanang le rona, re bona gore a mme tota gone re



ka dira ka tsela e e ntseng jang, re laolwa ke se re se tshotseng. Ke dilo tse o ka di reetsang wa di bona, wa bona gore o di dira ka tsela e e ntseng jang.

Se ke se lebogelang segolobogolo ke gore, o bo o bone gore go saletse kwa morago, ka gore go bo go dirilwe *minimum sentence* mo go *Judges*, go bo go raya gore jaanong go nna le *gap* gone foo. Jaanong o tswala *gap* eo, gore go sena gope mo go tlaa salelang kwa morago, gore le bone ba kgone gore ditsheko tseo, *sentences* tsa bone di tsamaelane le nako ya gompiano, go nne *seamless from Magistrate sentencing* go ya kwa *the minimum* ya *the High Court* kana ya dikgotla tsa *the Judges*. Ke selo se se botlhokwa thata gore o bo o lemogile gore *gap* e, e ka tloga ya kgweleanya ditsheko kwa makgotlatshekelong a Baatlhodi ba batona.

Jaaka ke boletse, bo Mmakaseterata jaaka bangwe ba ntse ba bua, ba a tlogela ka bontsi ba bangwe ba batla mafulo a matalana, ba ya kwa *private practice*. Ke dilo dingwe tse o nneng o di leba. Le bone ba ba ba thusang go sekisa, ka gore bone ba lebelela tsheko gore e tsamaile jang, mme yo o dirang *ruling*, yo o sekisang, yo o tlileng go tla go tliša tsheko gone ka kwa, yo o e tsamaisang, o botlhokwa thata le ene gore a bo a le mo seemong se se rileng sa dikitso tse di tsamaelanang le tse Mmakaseterata a nang le tsone. *So that* le ene a kgone gore a fefose, go utlwale fa a sekisa gore mabaka a gagwe o a rola ka tsela e e ntseng jang. Fa e le gore ke ba sepodise, e bo le bone ba na le *capacity* eo le dikitso tse di rileng, ba kgone gore tsheko e se ka ya nna madiadia.

Tse dingwe Tona re tlaa di bua mo nakong ya tsone. Ba di buile tse Batswana ba lelang ka tsone tsa *bailout* le *bail*. Di builwe, o tlaa nna o ntse o bona gore o dira ka tsela e e ntseng jang. Ke go lebogetse Tona. Tota e ne e le go go akgola mo tirong e o e dirileng ka bofefo jo bo kalo. Ke a lebogetse.

#### “EXCHANGE OF SPEAKERSHIP”

**MR SPEAKER (MR MOATLHODI):** Thank you Your Honour, *rraaron*. Good afternoon Honourable Members. We shall now hand the baton to Honourable Member for Mahalapye West.

**MR TSHERE (MAHALAPYE WEST):** *Thank you very much Deputy Speaker. I thank the Honourable Speaker* yo o neng a ntshupile pele a tsamaya. *Welcome back from Indonesia.* Ke a bona gore o santse a na le *jetlag*.

Bagaetsho, le nna ke emela gore ke eme nokeng mogopolo o o tlang ka *Honourable* Mmusi o o oketsang dikatllholo gore *Magistrates* ba tle ba atholele fa godimonyana. Maloba fa ke bua seo le *Honourable* Boko, o ne a supa gore se ya go ntsha *cases* tse dintsi thata kwa *High Court* di boela kwa ga *Magistrate*. Ka jalo, ke selo se se ntle. Ke tlhologanya gore ke selo se se ntle thata, re oketse dithata tsa bone. Ba tle ba ntshe *cases*, di fele ka bonako kwa lekgotleng le le tona la *High Court*. Jaaka Tona a buile, Dikgotla tsa *Magistrates* di gongwe le gongwe mo Botswana *in the districts*. O fitlhela e le gore *case disposal rates* tsa bone di a nametsa. Ka jalo, *cases* tse re di isang kwa go bone, di tlaa lebelelwa ka nako e e nametsang jaaka Batswana ba solofela.

Bakaulengwe ba setse ba buile mathata ka bontsi. Ke batla go akgela mo go ya *accommodation*. Mo Mahalapye re na le bothata jwa *accommodation not only for Magistrates but also for Magistrate staff, the Court Clerk* le ba a dirisanang le bone. Go botlhokwa gore ba tlhokomelesege botlhe. Maloba ke kile ka botsa potso mo Palamenteng ke e boletswa ke *Honourable* Motsamai, nako ya teng ke ne ke seo, ke botsa ka boroko jwa *the Court Clerk* mo motseng wa Mahalapye. Gompiano jaana ke tseye tshono ke atolose kgang e, gore boroko jo ke bothata. *Clerks of the Magistrate Court* o fitlhela ba sena boroko. Ba felela ba kopa boroko mo babelaelweng. Se re se bone mo nakong e e fetileng, se sa re siamela.

Ke tsaya gore Tona o tlaa gakologelwa, *Magistrate Court* ya Mahalapye e nna fela ka go sha ngwaga le ngwaga. E sha jaana go tshubiwa dibuka tsa ga *Magistrate* kwa ofising ya *Magistrate* bosigo, gone mo motseng wa Mahalapye. Ke selo se se tswang kgakala. Fa re ntse re dira ditlhotlhomiso, re bo re lemoga gore go dirwa ke gore *the Court Clerks* le ba bangwe ba nna kwa babelaelweng. Fa ba nna jaana kwa babelaelweng, go na le kgonagalo ya gore ba akanye go senya bosupi ka tsela e e ntseng jang. Sone se, se bo se kgotlela tsamaiso ya ga *Magistrate* e e tshwanetseng e ka bo e le phepa. Ke gone mo ke gatelelang mafoko a a builweng ke bakaulengwe gore a re lebelelang botsogo jwa *Magistrate* le ba ba berekang le bone gore thulaganyo ya bone e nne phepa. O se ka wa sekisa motho motshegare, maitseboa e bo e le ene *landlord* ya gago. Seo se tshabisa ditlhomiso thata. Ke seemo se re se fitlhelang mo motseng wa Mahalapye. *As a result*, Kgotla ya Mahalapye e tshubiwa makgetho a le mantsi thata a a tshwenyang.

E nngwe e ke batlang go e gatelela, ke e e neng e buiwa ke *Honourable* Kapinga maloba ya *the Customary Court system*. O ne a e gatelela thata *Honourable* Kapinga gore



re se ka ra lebala *the Customary Courts*, re itse gore ke yone e e re tlisitseng fa re leng teng fa. E bile e se ka ya re re bona tsa Makgoa, e bo re latlha tsa rona tsa tlhologo. Go tshereganya, go agisanya mmogo mo motseng, ga go tlhoke gore re bo re ya kwa ga *Magistrate* re ya go tikana ka noga e tshela. Fa gongwe re tlhoka go agisannwa ke Kgosana kana Kgosi mo motseng fa re nnang teng. Katlholo e le kwa tlase jaaka re tlwaetse gore e nna P100, P300 kana gotwe o mo duele koko ya gagwe. Golo moo go tliša kagiso le ledula le le ntle *in resolving issues and disputes among communities*. Obviously here re bua ka tsa madi a mantsintsi le dingwaga tse dintintsi tsa kgolegelo, ga re koo, re bua ka tse di kwa tlase tse re agisanyang batho mo malwapeng. Dikgotla tsa rona di tshwanetse di nonotshiwe le tsone. Ke kopa thata gore fa o leba *Magistrates* o oketsa dithata tsa bone, o se ka wa lebala *our Customary Courts* gore le tsone o oketse dithata.

Ke a itse gore gangwe le gape re tlaabo re re Dikgotla tsa rona tsa Setswana di dire dikgang tse di amanang le dikgomo jalojalo. Dikgomo jaaka re tlhola re utlwa mo Palamenteng, dikatlholo tsa teng di kwa godimo, di tsamaya kwa go 10 to 15 years. Fa go sekwa dikgang tsa mofuta oo, go tshwanetse go tsenngwe leitlho thata. Ke sone se go ka tlhokang motho wa boitsaanape jaaka *Magistrate* kana *Judge*. Motho yo o yang go bonwa molato, o ya go tsamaya lebaka le le leele tota mo kgolegelong. Fa e le gore go na le lebaka le le leele jalo, go tlamega gore go ye kwa go *Magistrate* le ba bangwe ba ba tlaa e sekasekang go ya kwa tengteng gore re se ka ra gataka mmelaelwa ka dinao ka gore molao o a mo ama le ene mongongoregi. Re ba tshware botlhe.

**MR LEUWE:** *On a point of clarification. Thank you Honourable Speaker. Motlotlegi Tshere, o mphitise fa, Batswana ba na le tumelo le tsholofelo ya gore ditsheko tsa dikgomo fa di ya kwa go Magistrate Courts, o fitlhela o kare ga ba itse matshwao le tsamaiso ya dikgomo. Ke sone se ba kopang gore di boele kwa. Go utlwala e kare ga o di batle koo ka gore di na le dikatlholo tse dintsi. Eo yone o e leba jang Motlotlegi Tshere? Ke a leboga.*

**MR TSHERE:** Ke a leboga Motsamaisa Dipuisanyo tsa Palamente. Ke a leboga Motlotlegi Leuwe. Ke a ngongorega le nna gore o kare ga ba itse mebala jalojalo. Re ka oketsa dikitso tseo. O a bona gore re oketsa dikatlholo, re isa dingwaga kwa pele, re isa madi kwa godimo. Fa o bua ka *Customary Court*, ga ba bue ka dingwaga tse le madi a. Dikatlholo tsa kgomo ke rona re le Palamente re di tsereng ra di dira o kare o bolaile motho, bo 10 or 15 years. Ka tsela e e ntseng jalo, fa

e le gore o ya go atlholela motho 10 or 15, years, go tlamega gore go tsamaisiwe ka tsela e e faphegileng ya molao gore boo babedi; mongongoregi le mmelaelwa ba tle ba nne le a *fair trial*. Ke gone fa ke buang teng. Fa re ka fokotsa dikatlholo tsa dikgomo to five or two years, gongwe re ne re ka boela kwa tlase ra di busetsa kwa *Customary Court*. Ke ne ke bua fela e le mogopolo, ga ke reye gore ke tsaya e le tshwetso. Ke e lebelela *from the point of view* ya gore dikatlholo tsa teng di kwa godimo di fetile le tsone *Customary Courts* jaaka re di itse.

Sa bofelo se ke batlang go wela ka sone Tona, re na le bothata, batho ba Mahalapye ba a tshwenyega, ba mpoletse mo diphutheng tsa Kgotla gantsi ka kgang e. Go na le molato o gotweng *burglary*, ke a bona ke go thuba ntlo bosigo, go bo go nna le molato o gotweng *housebreaking and theft* wa go thuba ntlo motshegare. Go lebega e le gore dikatlholo tse di pedi ga di tshwane ntswa e le go thuba le go utswa dithoto. Ke a itse gore fa gongwe la re bosigo go ka nna diphatso ka gore legodu le tlaa fitlhela o robetse, mme le borai le motshegare ka gore le ka nna la fitlhela o itheeditse, mme la nna borai mo go wena. Ka jalo, ba akanya gore dikatlholo tsa *housebreaking and theft* ya motshegare, di tshwanetse di tshwane le tsa *burglary*.

*I will tell you why*, ba re fa o lebelela *burglary*, dipalo di supa gore ka *October, November and December* mo Mahalapye fela, dikgetsi di ne di le 15 and then fa o lebelela *the same period, housebreaking and theft, it is 52*. O ka bona gore badiramolato ba dule kwa molatong wa *burglary* o o kareng o na le dikatlholo tse di gagametseng le toronko mo teng, jaanong ba sietse kwa go thubeng matlo motshegare. Jaanong ba kopa gore melato e e tshwaraganngwe e lekane gore re tle re kgone go busetsa molato o wa go thuba ntlo. Batho ba Mahalapye ba lela selelo sa ga Ragele ka gore ba tlaabo ba theogetse jaaka re theogetse jaana, e bo e re maitseboa o bo o fitlhela ntlo ya gago e thubilwe Motsamaisa Dipuisanyo tsa Palamente. Ka jalo, ba kopa gore re ele tlhoko selo se. Gongwe Tona fa o setse o araba, o arabe letshwenyego le la batho ba Mahalapye. Fa e le gore ga o batle go oketsa dikatlholo tse gore di lekane, o ne o akanya gore go ka dirwa jang go busetsa dipalo tsa *housebreaking* kwa tlase mo motseng wa Mahalapye ka gore di a re tshwenya, di apesitse batho ba Mahalapye kobo ka letshoba? O a reka, dilo di a tsamaya, ga gona *trace* ya gore di ka bonala kae, o a reka kamoso tse dingwe di a tsamaya. Selo se se a tshwenya. A ko o lebelele e re fa o ntse o *review* dikatlholo le dithata, o



review molao o wa *Penal Code* so that go thuba fela o utswa go tshwane ka sengwe le sengwe, *whether* go motshegare kana go bosigo, ka gore re a bona gore *burglary* yone e wela kwa tlase. Oketsa mo go thubeng motshegare.

Ke a leboga thata Motsamaisa Dipuisanyo tsa Palamente *and your generosity of giving me time when it is time up. Thank you.*

**MR SPEAKER:** Thank you Honourable Tshere, I thought you did not notice that. I am very laxius when I come to you.

**MR REGOENG (MOLEPOLOLE NORTH):** Tanki Motsamaisa Dipuisanyo yo o tlotlegang gore o bo o mphile sebaka se le nna ke lathele a le mabedi mo paakanyong ya molao o wa *Magistrates*. Re leboga fela thata gore o bo o tlile ka Ditshutiso tse di ntseng jaana, di botlhokwa rraetsho. Tota go a supafala gore o lebile matshelo le tshiamelo ya batho ka gore lefatshe le la rona le tsamaisiwa ka molao. Batswana ba setse ba na le tumelo e e tletseng mo tsamaisong ya molao mo e leng gore dikgang fa di setse di tswa bo *High Court, Magistrates* le *courts* tse dingwe tse di farologanyeng, ba dumela gore di ne di sekasekwa ka boammaaruri. Fa o ntse o baakanya jaana, o dira sentle gore le yone tshopho eo e tle e nne e gole mo bathong, e nne e le teng ka gore ke sone se se ka tlisang tshiamelo mo go bone. Rraetsho, jaaka o atolosa boikarabelo jwa *Magistrates* jaana, ke selo se sentle. Kana bontsi jwa nako fa o bona batho o fitlhela ba tshwenyegile jaana, ke gore *judgements are delayed*. O fitlhela di nna *delayed* ka lebaka la gore di a kgobokana di nna mosuke kwa *High Court* le *Magistrates*. Di ne di ntse di kgobokane fa di leng teng mme mo nakong ya gompieno jaaka o di atolosa jaana, re tsaya gore go tlaa nna le phuthologo ya gore ditshwetso di tsewe, katlholo e nne teng, yo o bonweng molato a o bonwe, yo o seng molato le ene go bonwe gore ga a molato. Fa go diega jaana, ga go tshwenye fela yo o senyeditsweng, le ene mmelaelwa o a tshwenyega. Go nna ka letshogo la go itse gore a ke molato kana ga ke molato, ga se selo se se tshidisang motho sentle. Le ene yo o senyeditsweng fa a nna fela a sa itse gore kgang ya gagwe e tlaa tsena leng, ga e mo tshidise sentle. Rraetsho, ke dumela gore jaaka fa o setse o atolositse jaana, golo moo go tlaa re berekela go ya pele.

O dira jaana ke dumela gore o na le kitso e e tletseng ya gore o na le *shortage* ya *Magistrates* mo lefatsheng la Botswana jaaka o tlhola o bolela. Fa o bona o kare

ba dumela thata go bereka *in the private sector* e le *private attorneys*, ke lebaka la gore gongwe *welfare* ke yone e santseng e le kwa tlase. Fa o lebelela tshireletso ya *Magistrates*, kana o tsaya ditshwetso, ga a tshwane le yo e leng gore o tlaabo a emetse yo o belaelwang. O tsaya ditshwetso tsa gore go dirwe jang go se ka ga dirwa jang mme go bo go raya gore botshelo jwa gagwe gongwe mo go yo o bonweng molato, ga bo a sireletsega le gongwe le ba ba tlaabong ba tshidile le ene. Dituelo le tsone o fitlhela di le kwa tlase. Dikgang tse tsotlhe fa ba di soboka, ba bona gore go botoka ba ye go dira ba le kwa ntle ba lebile gore go tlaabo go le botoka. Fa ba le mo Pusong jaana jaaka ba tlaabo ba tsaya ditshwetso ba le kwa *High Court, courts*, le *Magistrates*, matshelo a bone ga a sireletsega. Jaaka fela bakaulengwe ba ntse ba bua, o ya go fitlhela motho e le *Magistrate* a nna *even in the neighborhood* e o bonang gore tota e ka boammaaruri ga a kgone gore le fa bosigo a batla go bala dikgetsi a bale go mo siametse. Ga go lemogiwe gore le fa a ka goroga bosigo a tswa tirong tota a o sireletsegile. Ke re dikgang tse a ko o di ele tlhoko, re a itse gore letlhoko la madi le re apesitse kobo ka letshoba rraetsho. Go ka nna botlhokwa jaaka o ba fa boikarabelo jo bo kanakana, le bone o bone gore a ba sireletsegile, ba ntse sentle. Le dituelo e se ka ya re fa ba tshwanetse go akanya gore ba ya go bona bokae, mewa ya bone e bo e etsaetsega gore ba ka taboga ba ya go dira se le se. Fa o ela tlhoko, dikatso tsa *Magistrates* gongwe o di tshwantshanya le tsa *Judges, the gap is just too wide*. Ga re gane ba na le boikarabelo jo bo farologanyeng mme *the gap is too wide*, tota le yone *welfare* fela yotlhe *in general*. Ke ne ke re dilo tse fa o ka di lebelela rraetsho, gongwe di ka ba kgontsha go dira tiro ya bone ka bopelonomi jo bo tseneletseng.

Ke eletsa gape go go kopa gore tlhomamisa gore re nna le *Magistrates* ba ba rutilweng ba lekanetse, *so that* ditiro tsa bone ba di dire ka matsetseleko rraetsho, ba se ka ba di dira e kete ba a mpampetsa.

Kgang e nngwe ke e e ntseng e buiwa ke bakaulengwe ya *bails*. Kana dikgang tse tsa *bail* fa gongwe o tlaa fitlhela di le di ntsi jaana, ke gore *Magistrate* o tlaabo a fa batho *bail* a lebile gore mo ofising ya gagwe ditsheko tse di fa morago tse di tlileng pele ga e di bontsi bo kana ka eng. Go isa kwa toronkong fa gongwe ga go bereke mme re re jaaka o di atolosa jaana, gongwe kgang e ya *bail* e tlaa leka go fokotsega. A ko le yone jaaka o santse o tlaa e sekaseka rraetsho, o bone gore o ka e baakanya ka tsela e e ntseng jang gore e tle e nne le tshiamelo.





Kgang e nngwe Motsamaisa Dipuisanyo e e tshwenyang mo dikgaolwaneng tse dingwe ke *appeal*. Re a itse gore motho ga a ka ke a ganelwa tshwanelo ya gago ya gore o ka ikuela ga nna ga kae. *Appeals* tse dingwe o kare di nna dintsi mo go feteletseng. O a itse gore kgang e ga e a mo ema sentle kana o tsere tshwetso e e siameng, mme ka mabaka a a nang nao a bo a ya go dira *appeal*. Selo ke re gongwe fa go na le tsela e o ka sekasekang ka yone, o leke go bona gore o ka e dira ka tsela e e ntseng jang. Dikgang tsa *appeal* di a tshwenya ka gore fa gongwe e tlaabo e nna telele mo go kalokalo, bosupi e le gore bo a nyelela. Bo nyelediwa ke gore kgang e tsere lebaka go tsena le gore dikgang di dintsi fa pele ga ga *Magistrate*. Ba ba tshwaneng go dirisiwa e le basupi e bo e le gore jaanong ba bangwe ba bone ga ba sa tlhole ba le teng mo botshelong. A re tseye gore jaaka o leka go atolosa *judgement*, e nne one maikaelelo mangwe e bile re bone go na le tema e e tswang ya dikgang tse di kanakana gore di fokotsege, *appeals* di fokotsege, *bails* le tsone di fokotsege le *judgments* di tswe ka bofefo jo bo ka kgonagalang.

Ke batla go wetsa ke boela mafoko a ke neng ke simolola ka one, *welfare* ya *Magistrates*, bogolo jang mo dikgaolong tse re tswang mo go tsone tsa selegae, nnyaa, ga ba a sireletsega batho ba ba Modimo, ba tla ba nna mo matlong a a sa tsamaelaneng le boikarabelo jwa bone. Re bone gore e re o ntse o kopa madi re bone gore o ka ba thusa ka tsela e e ntseng jang.

Ka mafoko ao Motsamaisa Dipuisanyo, ke ema paakanyo e ya molao nokeng. E diragatse rraetsho ka bofefo re tle re bone Batswana ba nna le tshiamelo e ba e solofetseng mo go bone *Magistrates* le bolaodi johlhe. Ke a leboga rraetsho.

**MR KAPINGA (OKAVANGO):** Ke a leboga *Mr Speaker* for this opportunity.

Ke re ke latlhele fela ka bokhutshwanyane *Mr Speaker*, gore re a leboga gore Tona a bo a ne a *respond* issue e sena go tsholediswa. Ke Modulasetilo wa Komite ya Palamente e e lebaganeng le kgang ya *justice*.

Nngwe ya dikgang tse re saleng re ntse re simolola re bua ka tsone fela le potso e e kileng ya tsena mo Palamenteng, e ne e le gone gore bo Mmakaseterata ba okelediwa dithata leng gore re kgone go fokoletsa Kgotlakgolo ya Botswana bokete jwa *cases* tse di tsenang kwa go yone, tse go sekiwang madi a a itlhalosang, mo gotweng "*cases sounding in money*."

*Mr Speaker*, Sekgoa sa re, "*Justice delayed is justice denied*." Ke gore fa motho a batla go itsheka a bo kgang ya gagwe e diega, e diiwa ke gone gore ga a kgone go e isa mo Kgotleng e e gaufi le ene. O tshwanetse gore a ye kwa Lekgotleng lengwe le le tshwanang le jaaka kwa Maun, Francistown, Gaborone kana Lobatse, selo seo e nna o kare o idiwa go bona tshiamelo e e mo tshwanetseng.

Se sengwe gape se setona *Mr Speaker*, fa re leba dikgang tsa boatlhodi ke gore *people should have access to justice*. Go se ka ga nna thata gore ba bone tshiamelo ka gore Dikgotla tse di gaufi le bone ga di a fiwa dithata tsa go seka madi a ba a batlang. *Mr Speaker*, malatsi a fa re bua ka P100, 000.00, ga re bue ka madi a mantsi. P100, 000.00 bogologolo o ne a reka BMW e nngwe e tona jaana, kwa Mahalapye e ne e tsamaya ka Rre Gaolese Koma, e le ene fela mo motseng. Malatsi a ga o ka ke wa reka BMW eo ka P100, 000.00. Gore a bo bo Mmakaseterata ba okeleditswe dithata jaana gore ... (*Inaudible*)... go thusa bone ba dikgwebo tse dipotlana gore ba kgone go itsheka mo Dikgotleng tse di tlaa se keng di ba batle madi a mantsi gore ditsheko tsa bone di kgone go tsamaya. Ke dumela gore se re se dirileng *Mr Speaker*, se tlaa tokafatsa *access to justice* eo.

Se ke batlang go se bua gompiano *Mr Speaker*, ke gore e re re ntse re tokafatsa *jurisdiction* ya bo Mmakaseterata jaana, le ya Dikgosi a e lebiwe. Go na le palo e ntsi ya Batswana ba e leng gore bone le *small businesses* ga ba na yone, ke ba ditafole *Mr Speaker*, ke ba ba ratholang bojalwa jwa Setswana, ba rekisa mabele le dipodi. Fa motho a sa mo duele podi ya gagwe kana sepe fela se a se rekisitseng, le ene a se ka a idiwa ke gore Lekgotla le le gaufi le ene, thata ya lone ya go seka kgang ya gagwe e kwa tlase. *Mr Speaker*, bo *Headmen of Records*, *Senior Chiefs* le bo *Senior Chiefs Representative*, jalojalo fela, le bone go botlhokwa gore ba okeletswe dithata tsa bone kgotsa mo nneng *Honourable* Leuwe a go bitsa *warrant*. Kwa *Tribal* go bidiwa *warrant*. *It is very important* gore le bone ba okeletswe *warrants* tsa bone ka gore ke lekalana le le botlhokwa mo lefatsheng la Botswana la *justice* *Mr Speaker*.

Sa bofelo *Mr Speaker*, ke gatelela puo e ke e buileng maloba gore jaaka re ba okeletsa dithata jaana gore ba sekise *up to* bo P100,000.00, ba tshwanetse gore ba thusiwe gape, kgotsa go tlhomamisiwe gore lephata leo *that enforces judgements*; bo *Deputy Sheriff*, *bailiff* le *court messengers* ba fiwe dithata le ditsompelo tse ba di tlhokang gore *judgements* di nne *enforced*. Ga gona sepe se se botlhoko go na le go ya go fenywa *case* kwa *court*,



o bo o felela fela ka pampiri ya *judgement* mo diatleng tsa gago, mme yo o fentseng *case* kgatlhanong le ene a gonka fela mo go sena ope yo o mo patikang gore a go duele ka fa Lekgotla le atlhotseng ka teng.

*Mr Speaker*, go na le mongwe yo o timang *video* ya me, ga ke itse gore a go raya gore ga ke utlwale fa *video* e le on.

**MR SPEAKER:** O a utlwala mme o tla o nna le mathata Motlotlegi Mopalamente wa Okavango. *From our side*, bongwanake ke batho ba ba diatla dintle thata, ga ba ka ke ba dira jalo. O leke *to connect* tsa gago sentle motlotlegi. *Good luck on your operation sir*.

**MR KAPINGA:** Ke ne ke feditse *Mr Speaker*. *My points* di tharo fela jalo gore *access to justice* e bothokwa thata gore batho ba kgone go goroga kwa Dikgotleng ka bofefo le motlhofo jo bo tlhokafalang. Le gone gore fa motho a fentse *case* ya gagwe, go tlhomamisiwe gore *judgement* eo *is being effected*, yo o tshwanetseng go duela o a duela, ga a dire bodipa fela go sena ope yo a ka mo tselang dikgato. Ga me go ne go le kalo fela *Mr Speaker*, ke a leboga.

**MR SPEAKER:** *Thank you Honourable Member for Okavango*. Re a leboga rraarona. Go tlaa bua Motlotlegi Mopalamente wa Lerala-Maunatlala, yo a bileng e le ene Motlotlegi Mothusa Tona wa *Local Government and Rural Development*. *Honourable* Modukanele.

**ASSISTANT MINISTER OF LOCAL GOVERNMENT AND RURAL DEVELOPMENT (MR MODUKANELE):** Ke a leboga *Mr Speaker*. Ke go leboge Rra Nkamo. Nte ke simolole jaana *Mr Speaker*, ke tsaya gore bakaulengwe ba a buile a mantsi. Ke batla go simolola ka go kopa Tona e bile ke supa gore ke go eme nokeng mo *amendment* e ya bo Mmakaseterata. Tona, selelo sa me se sengwefela; mo *Local Government* re bua ka *decentralisation*; re batla go go kopa Tona gore *you should decentralize justice to areas* tse di tshwanang le tsa rona. Go na le gore dikgang di kgweleane mo mafelong a tshwana le Palapye, dira gore dikgang tse bo Mmakaseterata ba nne ba tsamaya ba ya kwa bo Maunatala, Lerala, Ratholo, Seolwane, mafelo a a kanakana mo Tswapong, kwa go nang le dikgang tse dintintsintsi *Mr Speaker*. Ka tsela yone eo, *access to justice* e e neng mongwe a e bua, le gone gore *justice delayed is justice denied*, batho ba ba ntseng jalo ba tlaa bona tshiamelo ka bonako. Ke yone kopo e ke batlang go simolola ka yone *Honourable Minister*.

Kgang e nngwe e ke batlang go feta ka yone ka bonakonyana fela ke ya *bail*. Ke a itse gore e builwe mme maloba fa ke akgela *in your submission Honourable Minister*, ke buile gore eo yone ga ke na go tsamaya ke kgala mathe mo ganong go bua ka yone. Ke e buisiwa ke gore batho ba rona ba e leng gore ga ba na sepe se ba nang le sone kwa dikgaolong, ba ba ruileng podi e le nngwefela, dikgomo tse *five*, ba di tseelwa malatsi otlhe ke batho go tswa fa ba bo ba boa ba bapa le bone gone fa. Selo se *Mr Speaker*, ke mongwe wa ba ba reng nkabo gongwe e re re bua paakanyo molao o, o bo o tla le ka ya *bail Honourable Minister*. O ka bo o le *assured of my total support, which I do support* le gompieno gore o tle ka yone ka bonako, re tle re bone gore a ruri Batswana ba ka se ke ba simolole go nna le *that much needed confidence in our justice system*. Kana bone ga ba itse gore go na le golo mo gotweng *bail*. Ba re bogologolo e ne e re fa motho a tshwerwe a dirile molato o o tshwanang le o, ga re ke re ba re mmona gone fa go fitlhelela a seka. Jaanong re tsaya matsapa a a kalo re leka go tlhalosa *Honourable Minister*. Fa gongwe tota fa o re o bua le bone, ba sa tlhaloganye gore tota o bua ka ga eng, motho a dirile molato o o kalo. Fa gongwe a bentse, kana malatsi a ba benya le bana ba bo *five years*. Jaanong gone moo o fitlhela go le botlhokotlhoko jwa ntho mo botsading le mo setšhabeng *Honourable Minister*.

Ke batla go bua jalo ke re kgang e nngwe ke yone ya *welfare* e batho ba e buileng gore a e re boikarabelo le dithata tsa boMmakaseterata o di godisa jaana *Honourable Minister*, ke itse gore o motho yo o tsebe ntlha go utlwa Motshweneng, o tlaa tsiboga le yone, o bone gore o ka dira jang. Go thata re a itse ga go motlhofo, dira fela jaaka Motswana a tle a re “moseka phofu ya abo ga a nke a swa lentswe.” Nna o kokote fela e tlaa re letsatsi lengwe, gongwe re go bulele motho wa gaetsho gore o tokafatse seemo sa bone, *the conditions of service* fela *in general* tsa bo Mmakaseterata *so that* le bone ba se ka ba tlogela lephata le ba ya go batla mafulo a matalana. Fa ba tlogela gape, ga re o bo o batla ba basha ba o tlaabong o simolola o rutuntsha gape sesha, e bo nna dilo tse di tsayang lebaka *Mr Speaker*. Ke batla ka boripana fela ke supe gore ke go ema nokeng *Honourable Minister*, kgang e o e tsisang fa e botlhokwa.

Ke batla go supa gape gore *Minister*; dilo tsotlhe tse dintinsinyana tse o tlholang o tshematshema ka tsone rra, di botlhokwa thata, e bile rona re bua *where we are seated*, kana ke dikgang tse re di buileng *in our*



*manifesto*, fa re ya kwa Batswaneng ba 2019, gore re ya go leka bojotlhe go bona gore go na le thokgamo mo lefatsheng le, go bona gore ba ba foseditseng ba bangwe ba isiwa kwa Makgotlatshekelong. Se o se dirang se, ke gone fela jaaka o araba se Batswana ba neng ba re neela *mandate* gore re bo re le fano. *Honourable Minister*, e tlaa re fa maina a bidiwa, le la gago le bidiwe rra, go supa gore o ne wa tshematshema, wa dira ditiro tse e leng gore re ne re di solofeditse Batswana. Ga ke itse gore Tshere o ne a solofeditse Mahalapye eng, mme wena o ne o solofeditse Batswana tse di ntsi tse eleng gore o a di dira gompiano, re a di bona. Tshwara fela jalo, e bile *you have our total support*.

Ka one ao ke re *Mr Speaker*, nte ke se ka ka go jela nako, a mantsi re a buile, ke a leboga Motsamaisa Dipuisanyo tsa Palamente. *I thank you*.

**MR SPEAKER:** Thank you Honourable Assistant Minister, thank you sir, *re lebogile rraarona. Go tlaa bua Motlotlegi Mopalamente wa Mahalapye East*. Honourable Boko.

**MR BOKO (MAHALAPYE EAST):** *Thank you Mr Speaker*. mma ke go lebogetse nako e o e mphileng *Mr Speaker*, ke dumeditse Batlotlegi Mapalamente, le Batswana botlhe kwa ba ka tswang ba le teng, le ba kgaolo yame ya Mahalapye East.

*Mr Speaker*, ke nnile le nako ya go ka buisanya le se Tona a se re beileng pele mo nakong e e fetileng, mme ke ne ka tsaya nako go lebelela maikaelelo a *this Bill*. Ka leka go tsenya matlho thata mo go yone, mme ke lemoga e le gore *the objective is facilitating the speedy disposal of cases* go leka go fokotsa gore *cases* di kgobokane ka mabaka a gore gongwe Moatlhodi kana Mmakaseterata o a bo a sena mo ba go bitsang ba re ke *jurisdiction in certain grades* *Mr Speaker*.

*Mr Speaker*, ke batla go simolola *in principle, agreeing with the amendments* jaaka di tlhalositswe ke Motlotlegi Tona e bong Rre Mmusi, ke lebile a di bua *specifically* ka koketso ya madi a e leng gore bo Mmakaseterata ba ka lebelela dikgetsi tsa teng go simolola kwa go P100 000 go ya go P80 000 *Mr Speaker*; P70 000 gareng ga a mangwe. Ke ntse ke reeditse Batlotlegi Mapalamente jaaka ba ne ba ntse ba bua fa ba tsibogela Tshutiso yone e, mme bontsi ba bone ba lela ka *the conditions of service* tsa bo Mmakaseterata ka go farologana mo dikgaolong tsa bone, le lefatshela Botswana ka kakaretso. Ke utlwa ke akanya mokwadi mongwe mo bukeng nngwe e ke e badileng fa ke santse ke le kwa *junior school*, mme

ene o ne a bua a ka Modimo, fa a tlhalosa gore, *the God that gives a man a very big farmland, also gives him the strength and the power to ... (inaudible) ... and plough it*.

**MR SPEAKER:** Are you quoting from somewhere Honourable Boko?

**MR BOKO:** ...jaanong re a lemoga gore Modimo yo re nang le ene wa gompiano, ka re Modimo fela ka gore Modimo o mongwefela, e bong Thomas Mmusi...

**MR SPEAKER:** Honourable Boko...

**MR BOKO:** O file bo Mmakaseterata *a very big farm land*, mme o paletswe ke go ba neela *the power and the strength to tilt and plough the very same farm land* *Mr Speaker*. *These are the people who deal with bulk of cases especially criminal cases. There is no doubt about that* *Mr Speaker*. Jaanong re ba okeleditse go ba fa tse dingwe tse e leng gore di ne di ntse di lebelelwa ke baatlhodi ba kwa *High Court*, re fokoditse mokgweleo re o tlisitse kwa ga Mmakaseterata. Ga re na mathata le gore re bo re dirile jalo *Mr Speaker*, mathata a matona e bo e nna gore fa re ba belesetsa mokgweleo o kanakana, a mme re ba file ditsompelo le tsoitlhe tse ba di tlhokang go ka arabisanya kana go ka mekamekana le sone se re se ba neetseng. Karabo e e tswang kwa Mapalamenteng otlhe go tswa kwa go ba kganetso le bone ba ba busang ke gore, nnyaa, mme sebe sa phiri ke gore ga le a ba fa ditsompelo, ga le a ba tlamela go ka mekamekana le sone se le se ba beileng pele *Mr Speaker*. *So in a way, they are simply saying that we are doing things in the wrong way or in the wrong order*, kana jaaka makgoa ba etle ba tlhalose, *we have put the horse before the cart* *Mr Speaker*.

Ke ne ke kopa mo go Tona gore gongwe pele fa o ka imetsa bana ba batho mokgweleo o, go ne go ka nna jang pele fa o ne o ka lebelela ka fa *conditions of service*, wa lemoga pele gore a mme fa ba nnang teng; kana jaanong fa Mmakaseterata a dira le *case* ya P100 000, e ne e le *cases* tse di neng di le kwa *High Court* go le pele, kwa Moatlhodi wa *High Court* gongwe a nang le ma *security* a le mabedi a a tswang le ene a ya toropong, a boela mo ofising ,le fa a ya kwa ga gagwe tota, le go kgweediwa a kgweediwa. Jaanong o beile Mmakaseterata yo e leng gore o nna mo lwapeng le e leng gore fa gongwe le *fence* ga go na *fence* kana *the boundary wall*. *You have exposed this person because now* dirukutlhi di a itse gore jaanong motho yo kana ke yo o tshwereng *cases* tsame tsa madi a a kwa godimo. O se ka wa a nyatsa, o se ka wa nyatsa P100 000, ke Mma Semangmang, mme



ke itse gore gatwe Puso e mo hiriseditse kwa lwapeng la ga Mma Semangmang kwa Kgotleng ya Xhosa kana ya Tshikinyega. Ke ne ke re o tsibogele dikgang tse Tona pele ga o ka itumedisiwa ke gore nnyaa o okeditse dithata tsa bo Mmakaseterata. Ga re a tshwanelwa go kgatlhiwa ke gore *cases* di tlaa fefoga ka pele, re tshwanetse ra lebelela gape le *quality*, *we should not be concerned so much about the quantity* Tona.

Batlotlegi Mapalamente ba buile ka lebaka le le telelele ba leka go tlhalosa ka yone kgang ya *the conditions of service*. Ba re nnyaa ga ba go gane, le nna ga ke go gane, mme ke ne ke re o tlhomamise gore a mme bo Mmakaseterata ba nonofile, kana ba nonofisitswe ka fa ba tshwanetseng go nonotshiwa ka teng Tona. Letshwenyego lame le le tona ke gore, jaanong re a go ipona, e bile ke kgang e ke neng ke bua le *Honourable Tshere* ka yone mo malatsing a a fetileng gore *in as much cases* gongwe di tlaa fefoga ka pele, re tshwanetse *to guard against* go shankodisa ka puo e e etleng e buege, kana go direla fela maikaelelo e le gore nnyaa dikgetsi di tle di fele ka pele. Re ya go fitlhela gore jaanong re tlaabo re sa dira sepe, re tlaabo go ne go ntse go tswana fela re ne re ne re ntse re gelela emere e e dutlang ka mabaka a gore go raya gore *cases* tsone tse jaanong di simolola gae di ya kwa *High Court through appeal*. *So we need to ensure* gore (1), ba neelwa madi, kana ba duelwa dikatso tse di kwa godimo, tse e leng gore ba a di itumelela ka dinako tsotlhe go itsa kgang ya boitseme jo bo kalokalo jo e leng gore re a bo bona *in public service*, le go itsa gone gore go se ka ga nna mo gotweng *greasing of palms kana greasing of hands*, gore ope a se ka a pota ka fa a neela Mmakaseterata P20 000 gore *case* ya gagwe ya P100 000 e se ka ya felela kwa e tshwanetseng go felela teng.

Ga ke re, e bile ga ke batle go tlhologanngwa ke re go ka direga jalo, mme re go bone mo mafatsheng a mangwe. Re go bone *in other regions*, mme go dirwa ke gore gongwe jaanong mmereki o a bo a akanya gore nnyaa, mme tota madi a a duelwang, fa a re o a lekanya le tiro, le *the risk* e a tshelolang mo go yone, o kare ga di lekane ka fa di tshwanetseng go lekana ka teng. *So we need to take care of the issue* ya go ba duela le ya go bona gore fa ba thegelelang teng, go babalesegile. *I am speaking and I am saying this* jaaka ba a tle ba tlhalose *ex cathedra*. *As an attorney, I appear before these people all the time, I appeared before them this morning*, ke a itse gore go direga eng, ke a tle ke bone fa ba thegelelang teng *Mr Speaker*. Fa gongwe a theogela a na le lepodise le le lengwe fela, le lone le thulametse ka nako yone eo, mme a tshwere *cases* tsa bokete kana tsa madi a a kana a gongwe re ka tswang bangwe ba rona re a nyatsa.

*So in principle like I say, I agree with the amendments. I have looked at them, they would assist us in easing disposal of matters and ease the congestion at the High Court so that it can deal with matters which are a little bit weighty than those which are at the Magistrate Court.*

*Let us attend to the issues that other Members have alluded to and the issues that I have alluded to myself; the issues of the conditions of service of the Magistrates Mr Speaker. If that can be done, then I believe this Bill would be the best thing that has ever come from the hands of Thomas K. Mmusi. Ka tsela e e ntseng jalo Mr Speaker, mme nte ke eme gone foo, I never intended to speak longer than I did on this Bill. Ke a go leboga Mr Speaker.*

**MR SPEAKER:** Thank you Honourable Boko. You will realise that I deliberately relaxed Standing Order 15.2 so that you should enjoy whatever language you want against what the Standing Order says, and I gave you some grace to talk at the expiry of your time. Enjoy your afternoon Honourable Boko.

**MR BOKO:** Thank you Mr Speaker, let me thank you for showing the fatherly love.

**MR SPEAKER:** Thank you Honourable Boko.

**ASSISTANT MINISTER OF BASIC EDUCATION (MS MAKWINJA):** *Afternoon Mr Speaker, afternoon batlotlegi. Ke ema Tona nokeng mo molaong o a o re beileng pele. Ke kgato e e bothlokwatlhokwa fela thata Mr Speaker. Bengbame, bakaulengwe ba me ba setse ba di buile di le dintsi, mme ke ne ke batla go tshwaela fela mo go bomme le bana ba basetsana, mme gammogo le borre ba ba kgokgontshiwang ke bomme kana ke borre ba bangwe. Selo se se tlaa thusa thatathata ka gore kana Gender Based Violence (GBV) e re ntseng re bua ka yone e, jaanong *it has become a major public health problem*. Ditlhotlhomiso tsa 2018, di ne di supa mo lefatsheng lotlhe gore mo basading ba le bararo, a le mongwe fela mo go bone o kgokgontshitswe fela ka metlhale e e farologaneng. Re gopola gore nomore e jaaka re ntse re utlwa, re ntse re tswa *conferences* tse di tona jaana, le yone gape e godile. Mo go rayang gore Tona Mmusi le ba lephata la gagwe, ba tlaa thusa thata ka gore fa dikgetsi tsa GBV, tsa metlhale e e farologaneng di re tlhasetse jaana, re le lefatshe, *our justice system* kana ba bosekisi le bone ba tshwanetse gore ba bo ba eme malala-a-laotswe gore ba tle ba lwe le dikgetsi tse ka mmetela. Go bothoko *Mr Speaker*, ka gore gompiano dikgetsi tsa *bails* tse bakaulengwe ba ntseng ba bua ka*



tsone tse, re kope Tona gore ka tsweetswee, ka bofefo jo bo ka kgonegang, a tlise yone ya *bails* ka gore batho ba ba a tsena mo kgolegolong, fa gongwe ga ba tsene le go tsena, ba fiwa *bails* go tswa fa ba ya go bolaya kana ba golafatsa fela jalo. Jaanong kgato e e tserweng ke Tona, ke gopola gore le bomme ba lefatshe le la rona la Botswana ka kakaretso, ke sengwe se se tlaa re thusang gore fa re tlhasetswe, go bo go le gaufi gore re ka kgona go reediwa, mme dilalome tse tsa tseelwa kgato e e maleba.

*Mr Speaker*, ke re ka bokhutshwane gape bone basekisi, bo *Magistrates* ka tsweetswee jaaka bakaulengwe ba ntse ba bua, ba tshwanetse gore ba neelwe dikitso ka GBV kana ka kgokgontsho ya bomme le bana. Tota e tshwanetse go nna nngwe ya ditiro kana ya dikitso tse go patelesegang gore fa o le Mmakaseterata, o bo o itse matswakabele le mathata a dikgang tse kwano bontsi jwa teng, e santseng e le sephiri. Re bipa mpa ka mabele re le botsadi, re a itse gore go na le bana ba ba imang mo sekolong, ba ise ba tshware dingwaga tse 16, 17 or even 18 yo e leng gore ke makgaoganyane. Bana ba a ima, ga o ka ke wa itse gore batho ba ba imisitseng ba kae, ba tswa mo dikoleng, ga go na *follow-ups*, ga go na le gore tota gatwe mathata a tswa fa kae mo bosekiseng, mathata ke gore ga re bege (*report*) dilo tse.

Jaaka bosekisi jaanong bo tlaa atolosa letsogo mo dikgannyeng tse, re tshwanetse go ruta le one morafe ka yone kgang e ya gore tota lefatshe le na le bodiredi jo e reng fa o kgokgontshitswe, o tlaa tshwanelwa ke go bona thuso mo go ba bosekisi ka tsela e e matshwanedi. Ke sone se ke gatelelang kgang e ya thutuntsho ya go bona gore *we mainstream*, ka Sekgoa gatwe *to mainstream GBV in our training or skills development* sa bo Mmakaseterata le *Judges* fela jalojalo. O se ka wa fitlhela o ile kwa ga Mmakaseterata yo e leng gore ga a itse le fa e le sepe ka GBV, ke gone fela re ka kgonang kgang e.

Ke wela gape mo go ya *Customary Courts*; kana bontsi jwa batho ba ba kgokgontshiwang, go bipa mpa ka mabele mo, go dirwa thata mo dikgaolong tsa rona, tse re itseng gore mo dikgaolong tsa rona, re beile mo bogosing go re sekela dikgang tse. Le bone fela jalo, jaaka bakaulengwe ba setse ba buile, re tlaa tshwanelwa ke gore re ba nonotshe ka dikitso ba kgone go sekisa tse di rileng, ba kgone go athola gore melato e tle e fokotsege ka bokete jo bo nametsang.

*Mr Speaker*, ba buile bakaulengwe ba me, mme ke ne ke re ke ntse ke le mo go e gape ya GBV, jaaka re ba *capacitate* jaana, ditsompelo tse di tshwanang le *rape*

*kits*, eng le eng a le tsone re leke ka bojotlhe. Re a itse gore ga re na madi Tona Dr Dikoloti, a go reka *rape kits*, eng le eng, mme dilo tse di ka thusa fela thata gore tota fa motho a ya go ipega (*report*) kwa mapodiseng, gone foo e bo e le gore bosupi jotlhe bo a tsewa, go se ka ga nniwa lebaka e re kamoso go bo gotwe tsheko kana e tshologile ka gore ga go na bosupi.

Ke dilo tse re ntseng re di kopa mo *Ministry of Health and Wellness*, a re sekasekeng *because this is a major public health problem*, mme le kwa botsogong re tshwanetse go bona gore re e dika ka mo re ka e dikang ka teng.

*Mr Speaker*; go builwe, ke a leboga, ke ne ke re ke tshwaele fela jalo mabapi le bomme le bana ba basetsana, mme le bone borre fela ba ba amiwang ke Gender-Based Violence (GBV). Molao o wa ga Tona o tliile go thusa thata go lwantsha mmaba o o kanakana. Ke a leboga *Mr Speaker*.

**MR SPEAKER:** Le rona re a leboga mmarona. Re a leboga motsadi wa rona, Motlotlegi Mothusa Tona kwa Lephatheng la Thuto go tswa kwa Moding. Rragwe Kago, bua ba tle ba go utlwe kwa Mathako, Mokobeng le Bakgonami.

**DR GOBOTSWANG (SEFHARE-RAMOKGONAMI):** Ke a leboga *Mr Speaker* ...(*Inaudible*)... gore ke bo ke sena senepe.

**HONOURABLE MEMBER:** *Procedure Mr Speaker.* Ga o utlwale gotlhelele *sir*.

**DR GOBOTSWANG:** O a nkutlwa *Mr Speaker*?

**MR SPEAKER:** Ke go utlwela thateng *my dear Honourable Member. I think your system is not very good*, mme o a utlwala le fa o etla o kgaoga. Leka gape motlotlegi.

**DR GOBOTSWANG:** Mr Speaker!

**MR SPEAKER:** Yes *sir*.

**DR GOBOTSWANG:** Ga ke utlwale?

**MR SPEAKER:** Nnyaa, o a utlwala, ke gore o etla o kgaoga.

**DR GOBOTSWANG:** Eheh! Mma ke leke, o tlaa mpolelela fa go pala ...(*Inaudible*)...

**HONOURABLE MEMBER:** *Procedure Mr Speaker.*



**DR GOBOTSWANG:** *Mr Speaker*, le rona re gatelele fa bakaulengwe ...*(Inaudible)*...

**MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG):** *Procedure.* Nnyaa mongwame, ke ne ke re motlotlegi ga a utlwale sentle, tota o ka bo a re fa sebaka, go a bonala gore *machine* wa gagwe ga o dire sentle.

**MR SPEAKER:** Ga ke dumalane le wena Motlotlegi Rraetsho Tona, mma a leke pele. Ga ke dumalane le wena. Motlotlegi Mopalamente was Sefhare-Ramokgonami.

**DR GOBOTSWANG:** Ke a utlwala *Mr Speaker*?

**MR SPEAKER:** Yes, sir.

**DR GOBOTSWANG:** Ee, ke gatelele fa bakaulengwe ba neng ba le teng, re supe jaaka *Honourable* Kapinga a ne a bua, kgang ya *justice delayed is justice denied*, ke yone tota kganggolo mo dikgannyeng tsa go diragatsa molao. Ke yone e re tshwanetseng re e ele tlhoko ka gore, go a lebega gore ke gone fa bothata bo leng teng. Fa e leng gore dikgang di a diega, di a kgweleana mo dikgotleng. Fa re ka sekaseka sentle, re tlaa fitlhela e le gore gongwe ...*(Inaudible)*... re dumalana gore mo Botswana gongwe go katwe ga gona *justice*, ke gore ga gona tshiamelo, e a diega, go tsaya lebaka gore yo o go diretseng molato a o lebiswiwe.

Gompiano jaana go santse go na le dikgang tse gotweng ke tsa bo 2017. Go supa gore tota fela di thata. A molao o o tlang ka Tona, a o tlaa fedisa tiego ya dikgang kwa makgotlatshekelong? Ke a belaela, ke ...*(Inaudible)*... tse pedi, ka gore jaaka *Honourable* Boko a ne a bua, fa o ntsha dikgang kwa *High Court* o di isa kwa dikgotleng tsa ga Mmakaseterata, o bo o sa ntshe sepe kwa go Mmakaseterata go isa golo gongwe, gone foo go tlike go nna le bothata.

Jaanong ke ne ke ...*(Inaudible)*... gore *Honourable* Kapinga, ke batla go dumalana le ene gore ...*(Inaudible)*... tse di kwa go bo Mmakaseterata, tse jaanong di ka fologelang kwa makgotleng a Setswana, ka gore fa re ka se ka ra dira jalo, re tlaabo re sa dira sepe, dikgang di tlaa nna di kgweleana fela kwa makgotlatshekelo a bo Mmakaseterata le *High Court*. Go botoka gore o dire jalo.

Kgang ya bobedi ke gore, ga re ka ke ra kgona fa re ka se ke re oketse dikgotla tsa bo Mmakaseterata, di nna fela jaaka di ntse gompiano. A ko o tseye *region* e tshwana le

Tswapong, ke sa bue ka Sefhare-Ramokgonami e le nosi kana Lerala-Maunatlala e le nosi, Tswapong Region, e sena Mmakaseterata. *Honourable Minister*, seemo se tota se a re tshwenya. Ke gore ke ipotsa gore fela Tswapong gatwe molato wa rona ke eng o motona, fa re ka se ke re nne le ditlamelo tse di tshwanang le tse.

E rile ka 2008, re ne re solofeditse diofisi tsa ga Mmakaseterata kwa Machaneng, di ne di tshwanetse di ka bo di agilwe, ...*(Inaudible)*... itsholelo, re re nnyaa, fa go padile kana go nne teng. ...*(Inaudible)*... *offices* tseo tsa ga Mmakaseterata tse di neng di tshwanetse gore di agiwe kwa Machaneng ...*(Inaudible)*... *Honourable Minister*...*(Inaudible)*... kgang e e ...*(Inaudible)*...

**HONOURABLE MEMBER:** *Mr Speaker*, tota ga ke utlwe *Honourable* Gobotswang gore a reng.

**MR SPEAKER:** *Honourable Member* for Sefhare-Ramokgonami!

**DR GOBOTSWANG:** Rra!

**MR SPEAKER:** *Honourable Member*, ke ne ke re leka go ema sentle gore o tle o tlhatswege.

**DR GOBOTSWANG:** Ke wena fela o sa nkutlweng.

**HONOURABLE MEMBER:** Nnyaa, *Mr Speaker*, nako e a tsamaya.

**MR SPEAKER:** Nnyaa, iketleng pele. Ke tshwanetse ka mo neneketsa, *this is his slot*. Iketleng pele.

**HONOURABLE MEMBER:** Jaanong ke ya go *respond* ke reng *Mr Speaker*?

**DR GOBOTSWANG:** A wa nkutlwa?

**MR SPEAKER:** Ga ke go utlwe. O etla o sa utlwale.

**HONOURABLE MEMBER:** Ga o utlwale *honourable*.

**DR GOBOTSWANG:** A ke a utlwala *sir*?

**MR SPEAKER:** Ee rra.

**DR GOBOTSWANG:** Ke gore ga ke utlwiwe ke *Honourable* Morwaeng fela.

**HONOURABLE MEMBER:** Nnyaa, le nna ga ke go utlwe.

**MR SPEAKER:** Tlhokomologa Morwaeng, wena tswelela.

**DR GOBOTSWANG:** Ntlha ke a go utlwa *Mr Speaker*.



**MR SPEAKER:** Ee, ka re tlhokomologa *Minister* Morwaeng.

**DR GOBOTSWANG:** Ee, ke ne ke bua gore...

**HONOURABLE MEMBERS:** Procedure Mr Speaker.

**MR SPEAKER:** Ao! E a bo e tlaa re motho a sa utlwale sentle, o bo o mo tshwenya ka *procedure*.

**MR BOKO:** *Procedure. Mr Speaker, o tlaa nkgakolola, kana Motlotlegi Mopalamente o ntse a sa utlwale for about bo four/five minutes. Tota he is not speaking to himself, o buelela batho ba kgaolo ya gagwe. Le wena o ntse o sa mo utlwe, ga gona ope yo o neng a mo utlwa. Ke ne ke re le akanye go mo neela nako, go mo okeletsa nako mo go yone e re ntseng re sa mo utlwe mo teng, so that molaetsa o goroge kwa o tshwanetseng go goroga teng. Ke raya gore fa e le gore motho o tlaabo a tsena a bo a sa utlwale for a long time, rona re bo re lebeletse fela gore 10 minutes wa gagwe a tshaye a bo a feditse, that cannot be justice. O tla nkgakolola Mr Speaker.*

**MR SPEAKER:** *Ee, o etla a utlwala utlwala, ke gore o na le mathata. I think 65 per cent of his message has been received, he still has six minutes. I am not going to allow anybody to interrupt him. Honourable Member for Sefhare-Ramokgonami.*

**DR GOBOTSWANG:** O a nkutlwa *Mr Speaker*?

**MR SPEAKER:** Yes sir.

**DR GOBOTSWANG:** Ee, ke ne ke re e re *Minister* a araba, a tlhalose gore Tswapong Region a reng ka yone mabapi le diofisi tsa ga Mmakaseterata. Bogolo jang ka gore e rile ka 2008, re ne re solofetse diofisi tsa ga Mmakaseterata kwa Machaneng, tsa emisiwa ke kwelotlase ya itsholelo. Tsa beelwa fa thoko, ga dumalanwa gore di name di beetswe fa thoko. Jaanong a ko a tlhalose gore, a reng ka diofisi tseo, gore a Tswapong Region e ka nna yone fela *in all regions* e e senang diofisi tsa ga Mmakaseterata, re di latela 100 km kwa Palapye le Mahalapye. Ke yone kgang e ke batlang gore ke e gatelele eo.

Go tlaabo go sena *equity* fa e le gore ba bangwe ba tsamaya ka dinao kwa diofising tsa ga *Magistrate*, ba bangwe ba tsena mo ditshenyegelong tsa go latela *Magistrate* bokgakala jo bo kalo. O kare go na le bothata, ke tsaya gore ke dikgang tse ke neng ke re ka bokhutshwane, ke fete ka tsone *Mr Speaker*. Ke a leboga.

**MINISTER FOR PRESIDENTIAL AFFAIRS, GOVERNANCE AND PUBLIC ADMINISTRATION (MR MORWAENG):** Ke a go

leboga Motsamaisa Dipuisanyo tsa Palamente. Rraetsho, ke a go ikokobeletsa le boeteledipele jo bo leng fano. Ke ema nokeng Tshutiso ya ga Motlotlegi Tona Mmusi ya go baakanya molao. Ke e ema nokeng ka gore ke gone fa a leka gore bagarona ba bone dikgetsi tsa bone di rarabololwe ka bofefo. Ke gone fa a leka go bona gore mongwe le mongwe a bone tshiamelo ya tsa bosekisi ka bofefo jo bo kgonagalang. Jaaka bakaulengwe bangwe ba setse ba buile, go botlhokwa gore Rre Mmusi, le mororo ke dumalana le Ditshutiso tsotlhe tsa gago, e bile ke di eme nokeng, nngwe ya dintlha tse di tlaa thusang thata gore batho ba thusiwe ka dikgetsi tse di kwa makgotleng, ke gore mo metseng yotlhe ya rona le metsana, re bone makgotlana a ga *Magistrate* a eme ka dinao.

Re na le boagente Rre Mmusi, ba a tswa mo *university*, ba a dirwa, e bile ba a fetsa mo go yone. Bana ba ba fetsang mo UB, ke boagente fela ba ba nonofileng, ba ba *qualified*. Ke le esi, ga ke ba nyatse gope. *University* ya rona e ntsha bana ba ba rutegileng mo molaong. Kopo ya me Rre Mmusi fa go kgonega, a re hire bana ba bantsi ba. Ba tokafadiwe mo dikgannyeng tsa bosekisi, re ba anamise le lefatshe leno lotlhe. Re se ka ra re re batla gore *court* e bo e agilwe e le ya seemo se se rileng se se kwa godimodimo gore dikgetsi tse dintsi re tle re di ntshe mo makgotleng.

Jaaka mongwe a setse a buile, fa dikgang di lala, di koama, di nna dintsi, di sa rarabololwe ka bofefo, go tsala gore go nne le mathata a go tlhoka ledula mo motseng. E le gore kgang e e ka bong e sa bolo go rarabololwa, ga e rarabololwe. Rre Mmusi, o ka tla ka kopu e nngwe mo nakong e e sa fediseng pelo ya gore o hire *Magistrates* ba le bantsi ka re na le bone. Bana ba rona ba bantsi ba tlhoka mmereko wa go thusa tshaba ya rona. Rre Mmusi, o e akanye ntlha e ya go atolosa bosekisi ka go oketsa Dikgotla motse le motsana. Bana ba rona ba thuse ka gore dikgetsi tse dingwe o tlaa fitlhela e le gore motse o tshwana le Molepolole, Kgotla ya ga *Magistrate* e teng mme metse e teng e e dikologileng Molepolole. Motse wa Molepolole o le motona o ntse jaana, o tlhoka Kgotla eo jaaka e le teng. Fa re ne re na le Dikgotla tse dingwe go feta bongwe teng mo motseng, metse e e bapileng e ka thusega fa *Magistrates* ba le teng. Ke a itse letlhoko la madi le kalo Rre Mmusi mme a re e akanye mongwame, gore *Magistrates* re ba oketse. Re oketse Dikgotla tse gore batho ba ungwelwe, dikgetsi tsa bone di rarabololwe ka bofefo.



Mabapi le *security* sa *Magistrates*, ke dumalana le ba ba reng re tshwanetse re se e le tlhoko. Ke a itse Rre Mmusi gore go na le kgwetlho ya madi le gore go ya go dirwa jang ka gore ba sepodise le ba *security* go na le dikgang tse di ba amang mme palo ya bone e kwa tlase. Rre Mmusi, o bone gore *Magistrates* ba rona, ba bereka ba sosologile kwa *courts* le kwa malwapeng a bone, ba babalesegile go le kae. *Judges* tsa rona bapalesego ya bone e a tlhokega. Ke gantsi re bona batho fa ba tswa kwa makgotleng, dikgetsi tsa bone di sa atlega, ba ngongola. Bangwe ba ngongola ba bua e le *people of influence*. Batho ba e leng gore fa ba bua, ba reediwa ke bangwe ba ba sa ba itseng sentle. Matshele a *Judges* tsa rona, *Magistrates* le botlhe ba ba dirang mo go tsa bosiamisi, Rre Mmusi, ntlha e re go rotloetse gore dira ka fa o ka kgonang ka teng rra. O bone gore re babalela bana ba ba rona jang ka gore *so far*, *Magistrates* ba rona lefatshe ka bophara le *Judges*, tiro ya bone ba ntse ba e dira ka botlalo. Ba leka ka fa ba lelang ka teng le mororo ba na le dikgwetlho tse ba nang le tsone. Selo se gore se kgone go tswela rra, a re tswela jalo re ba senkele *security* gore ba babalesege le ba malwapa a bone.

Ntlha e nngwe e ke neng ke re re e sale morago Rre Mmusi ke gore, *Magistrates* ba rona ka fa seemo sa bone se ntseng ka teng, se tlhologanyesega ka teng, o ya go ba fa dithata ka molao o. *Training* ya bone, e ke sa e belaeleng, ke dumalane le ba ba reng re e oketse ka tsela e e tlaareng ba ntse ba le mo tirong, e bo dikgetsi tse dintsi di tswa kwa makgotleng a matona jaaka *High Court*. Go se ka ga felela fa Rre Mmusi. *Magistrates* re tswela re ba fe dithata ka gore dikgetsi tse dingwe ga se tse di ka tlhokang go ya *High Court* Rre Mmusi, le akantse sentle. Puso e akantse sentle gore batho ba rona dikgang tsa bone di rarabololwe ka ponyo ya leitlho go le nako gore go tle go nne le kagiso mo metseng ya rona.

Rre Mmusi, ke go eme nokeng. Jaaka bangwe ba setse ba boletse, tšhaba e a lela ka kgang ya *bails* tse makgotla a di fang mme ba a bo ba lebile molao gore wa reng. Ke tsaya gore o a utlwa ka fa batho ba lelang ka teng. A molao re o sekaseke gore *bails* di tlaa fiwa nako e e rileng fa go rileng ka tsela e setšhaba se ka bolokesehang, se babalesega. *Bails* di a fiwa ka gore *Magistrates* le *Judges* ba a bo ba lebile molao. Ke dumalana le mogopolo wa gore a re fefoge go baakanya melao gore *Magistrates* le *Judges* go nne le dikgetsi tse e leng gore ga di fiwe *bail*. Ba molao ba tlaa re gakolola sentle ka gore fa re le mo motseng, le bo le nna le sekebekwa le serukutlhi se se itsiweng, le se bone se rukutlha, fa go tsenwa kwa *court*

ba sala molao morago. Fa o botsa gore ke eng le dirile jalo; “re setse molao morago.” A re dire molao rra, o sekaseke o o ka tlamang gore dikgetsi tse dingwe di se ka tsa bonelwa *bail*.

Ntlha ya bofelo e ke nngang fa fatshe ka yone Rre Mmusi, makgotla a rona otlhe mo Botswana ka fa a ntseng a dira ka teng, ga ke batle ope a ka akanya gore *Judges* le *Magistrates* ba rona ba ka neelwa sepe gore ba tsamaisa kgetsi ka tsela e e rileng. Dilo tsa bosiamisi mo lefatsheng la rona, *Magistrates* le *Judges* ka fa ke dumelang ka teng ka tsamaiso ya rona, *they have been doing their best* go dira dikgang tsotlhe ba sa sokamele gope, ba sa sekamele ka fa mosekisiweng ope kana yo o ikuetseng ka teng. Sone se, re tshwanetse re se rotloetse re bo re ba leboge *Magistrates* le *Judges* ba rona gore *they are doing their best* gore ba dire tiro ya bone ka botlalo.

E bile re ba rotloetse gore serodumo se re itsegeng ka sone mo go tsa bosiamise, re tswela re na le sone sa *independence of the Judiciary* mo lefatsheng la rona. Re bua ka *Judges* le *Magistrates* gore gone mo a e nne serodumo se e leng gore re le Botswana re ka se tshegetsa gore fa Motswana a *appear* kwa ga *Magistrate* a itse gore o tla kwa lekgotleng le e leng gore o ya go fiwa ditshwanelo tsotlhe tse di maleba, kgetsi ya gagwe e ya go lebiwa go sa sokamelwa gope. Ke se e leng gore *at least* re se kgonne re le lefatshe la Botswana mme e bile re tshwanetse go se rotloetsa, re tswela ka sone Motsamaisa Dipuisanyo tsa Palamente.

Ga ke batle go ya lololo, ke ema nokeng Tshutiso e ya gore tse Rre Mmusi a di kopang fa pele ga Palamente e, a di fiwe re kgone go tswela re baakanyetse Botswana. Ke a leboga Motsamaisa Dipuisanyo tsa Palamente.

**MR MOTSAMAI (GHANZI SOUTH):** Ke a go leboga *Mr Speaker*. Ke tsaya gore o tswa *weekend* o itekanetse, ke go eleletse go tswela o itekanela. *Mr Speaker*, ke buise pampiri e re e beilweng pele ke Tona Mmusi a bua gore *Magistrates* jaanong ba sekasekelwe gore go okediwe seka se se ba kganelang go atlhola go tswela kwa pele. Ke tsamaiso e e siameng *Mr Speaker*. E ka kgonagala go sa tliwe fela ka gore a ba okelediwe gore ba atlhole go tswa fa go ema fa. E ka kgonagala go tsenwe mo mabakeng a bakaulengwe bangwe ba ntseng ba a buisa mme go hatilwe thata mabaka a teng *Mr Speaker*.

*Mr Speaker*, ke go leboge gape Rraetsho Mmusi gore *Chief Justice* mo puong ya gagwe fa a buisa pulo ya ngwaga wa molao, o ne a supa gore o tsere tshwetso





gore go ye go agiwa *court* ya ga *Magistrate* kwa Charles Hill. Go supa gone mo, ke go tshepise gore re siane lebelo re batla setsha fa *court* e ka bewang teng. Re go solofetsa gore diphatlha di teng, re batla fela gore go ka nna gontle fa kae gore re ka beelwa *court* ya mofuta o o ntseng jang. Ke lebogele gore *Chief Justice* o lemogile gore go na le bogodu jo bontsi le tshenyo e ntsi e e dirwang mo baruakgomong mme o batla go ba ntsha mo bodibeng jwa matlhomola. Dikgomo tsa batho di a tsamaya ka gore go tsaya lebaka le le leele go seka ditsheko. Go seka fa gongwe go tsenela kgakala go tswa kwa Gantsi kana go tswa mo bo Charles Hill, bo Ncojane o ya Gantsi, bo 300 kilometres. Ke tsaya gore ke maakanya a a siameng a go baya *court* ya ga *Magistrate* kwa kgaolong ya Charles Hill.

Ke kope gore *in the meantime* fa Goromente a ise a bone madi, go akanngwe gore *mobile courts* di dirisiwe fela thata mo kgaolong e. Bosupi bo a nyelela jwa go tshwaya dikgomo, ditshipi di nna dikgologolo. Dikgomo tseo le tsone di bolalwa ke tlala, di e swa kana di tsamaya kana magodu a boa gape a ya go kgaola diterata tsa bobeele, dilo tseo di tsamaya. Ke selo se se tlhamaletseng.

*Mr Speaker*, se sengwe ga se gore re ka bua ka go oketsa go athola ga *Magistrates*. Re ka bua gape ka gore a bone batho ba ba atholang, a ba athola ba le mo seemong se se itekanetseng sa fa ba berekelang teng? A ba athola ba le mo seemong se se itekanetseng se se maleba? A motho a le mongwefela ga a dire dikgetsi tsotlhe di le dintsi a sena *leave* le *offs*. Gore a ye *leave*, go dirwa jang kana go tsaya nako e telele, mme kana le bone ke batho ba na le ditshwarego. Kgang e e fologela mo go reng go sekasekwe gore ba okediwe mo Dikgotla Tshekelong tsa *Magistrates*. Go se ka ga nna *Magistrate* a le mongwefela kwa bo Ghanzi a ntse lebaka le le leele motho wa Modimo, a babaletswe ke setilo go se ka ditsheko tsa mofuta o o ntseng jalo.

*Shortage ya Magistrates in rural areas compromises security* sa batho le go ba sireletsa mo ditsaboneng ka gore masupi a a nyelela jaaka gongwe ke buile kgantele.

*Mr Speaker*, gongwe re se ka ra bua fela ka gore re ba fe tshono ya go oketsa dikatllholo fa ba ntseng ba felela teng. Re tshwanetse re bona gore tse dingwe tse gongwe tse ba ntseng ba simolola mo go tsone di wele kwa tlase gongwe re di ise kwa Makgotleng a Setswana tse di ka kgonagalang. Ke gore *Magistrate* fa a tsere letsatsi lotlhe a seka kgomo e le nngwefela ya P3, 000, ke gore fa o akanya gore o ka bo a seka tsheko e e masisi ya go fisesa batho mo ntlong, e bo e le gore kang eo e a

tlolososiwa gatwe go seka tsheko ya kgomo, *logically* ke le Rre Motsamai, ga go ntsamae sentle. Ee, ke a itse gore kgomo o a bo o e bone ka bokete mme le bone beng ba dikgomo ba kopa gore ditsheko tsa dikgomo di boele kwa Makgotleng a Setswana ka gore Dikgosi ke bone ba ba itseng mebala, dikgomo le thuo jalojalo. *Magistrates* ba bangwe ba tsenye dithuto thata kwa mafatsheng a sele mo e leng gore fa o re o mo tlhalosetsa ka Setswana gore kgomo e e tubana kana e tshagana, ga a itse le gore o bua ka ga eng *Mr Speaker* mme mong wa kgomo a latlhelwe e se gore kgomo ga se ya gagwe.

So, le kwa Dikgotleng tsa Setswana kwa ke reng dikatllholo dingwe di isiwe teng, go batla le bone bo Kgosi go boa gape go ntshiwa dikatllholo dingwe mo go bone, gongwe di neelwa batshereganyi. Re tlhatlhibile batshereganyi lebaka le le leele go bona gore a ba ka thusa bo Kgosi mokgweleo. Mme go supagetse gore ga e sa tlhole e le a *pilot project*. Gompiano go a supa gore ba a thusa ba fokotsa dikgang tse di yang kwa go bo Kgosi. A ba neelwe thata jaanong le bone ya go sekisa ba bo ba athola, e seng go tshereganya *from January to December*. A batshereganyi ba neelwe ditsompelo tsa ditsheko tse dingwe, ba kgwathise batho, ba ba atholele melato *Mr Speaker*. Ke gone mo gape go ka fokotsang mosuke wa dikgang kwa go *Magistrates* le kwa Makgotleng a Setswana.

*Mr Speaker*, o ntebele nako ka gore ke batla go wetsa.

**MR SPEAKER:** You have two more minutes Honourable Member.

**MR MOTSAMAI:** *Mr Speaker*, kang e nngwe ke ya gore, kana fa o bona *Magistrates* gantsi ba sa ye dikgaolong, ke gore ga go tlhabololwe fa ba nnang teng le fa ba berekelang teng. Tlhabololang dikgaolo; tliang ditsela, *phones, networks* le ditsompelo kwa mafelong ao. Isang *security* se se rileng, *Magistrates* ba natefalelwe ke go berekela kwa dikgaolong. Fa o bona fa gongwe ba tlogela tiro jaana, *factors* dingwe ke tsone tseo. Tse dingwe ke *interference* ya babusi mo dikgannyeng tse di tshwerweng ke *Magistrates*. E bile mo seemong sa gompiano go a tshosa ka gore...

**MR MORWAENG:** *Procedure*. Ga go *procedural Mr Speaker* gore motlotlegi a bo a bua ka dikgang tsa bo *interference* tse a ka sekeng a di pake ka gore *it is not true*. Se a se buang ga se boammaaruri. Tota ga se gone, ke kopa gore o kgaleme Motsamaisa Dipuisanyo tsa Palamente.



**MR SPEAKER:** You have made your point, let us hear his view in order to be fair to him. Honourable Member for Ghanzi South, your colleague is not impressed about the way you talk.

**MR MOTSAMAI:** *He will never be impressed for the whole of his life* fa ke bua. Ke bua jaana *Mr Speaker*, ka gore ke na le *case* e e papametseng, e tlhamaletse ya *Magistrate* yo o neng a *resign* kwa Gantsi ka lebaka la *interference*. Ke ka se ke ke mo ntshe ka leina mme go diragetse jalo, o ne a *resign* a bona gore e kgang fa ke e tshwere jaanong go tsenelwa, ga se mo ke ka go dirang. *Mr Speaker, should I go deeper?*

**MR SPEAKER:** No, do not.

**MR MOTSAMAI:** Tla ke wele *Mr Speaker*.

**MR SPEAKER:** Honourable Motsamai, Standing Order 57.6 does not allow you to mention their names. Please do not.

**MR MOTSAMAI:** Ee rra.

**HONOURABLE MEMBER:** Go deeper man of God.

**MR SPEAKER:** No, do not.

**MR MOTSAMAI:** *Mr Speaker*, ga ke na go tsenela kwa teng.

Kgang ya me ya bofelo e nngwe ke ya *appointments* gore kana boMmakaseterata *are appointed* go nna *Judges*. Go tsewa mo *panel* ya bone ba ya go bewa *Judges*. Golo mo fa go se *fair* le gone, ga go ka ke ga dira gore boMmakaseterata ba ntshe *judgements* tse di siameng kana ba nne mafolofolo mo tirong ka gore ba tla ba kgobega marapo. Fa gongwe motho yo o kwa tlaselase, Mmakaseterata yo re ntseng re itse gore ke ene a *Senior Magistrate* e bile a na le itemogelo e e kwa godimo, a bo a tlotlwa go ya go tsewa yo mongwe ka lebaka le gongwe le ka tlhalosiwang ke yo o mo tsereng. Ke dingwe tse di dirang gore *justice* ya rona e nne *compromised*. Ke sone se e leng gore fa ke bua jaana, ke batla gore dintlha tse re di sekaseke, re di lebe gore re ba betlele tsela le *environment* e e *conducive* e ba ka berekelang mo go yone.

La bofelo; Dikgotla tsa boMmakaseterata *Mr Speaker*, ke kopa gore go lebelelwe *designs* fa di dirwa gore fa Mmakaseterata a seka, a o sireletsegile. Ke bone go diragala mo *court* *Mr Speaker*, mmelaelwa a tlola fela a ya go itaya tafole ya ga Mmakaseterata, a tsaya sekupu sa metsi a fosa batho ka sone. Dilo tse di supa fela

gore boMmakaseterata, fa gongwe fa ba sekelang teng le gone ga go a siama. A ba sirelediwe, ba sekele mo terankeng ba se mo mpepeneng e e leng gore motho fa a batla go ba itaya, o ka ba itaya fela motlhofo.

**HONOURABLE MEMBER:** Ga ba seke ba a sekisa *comrade*.

**MR MOTSAMAI:** Ba sekisetse mo terankeng rraetsho kana mo *security* se se *tight* *Mr Speaker*. Sone se se ka dira gore le bone ba rate tiro, ba bone gore ba sireletsegile.

Le go fiwa *staff* se se lekaneng kwa *Magistrate Courts* ke selo se se matshwanedi sa batho ba ba rutetsweng gore ba fiwe Mmakaseterata gore a kgone go dira tiro ya gagwe ka botlalo. Ke a leboga.

**MINISTER OF NATIONALITY, IMMIGRATION AND GENDER AFFAIRS (MS MOKGETHI):**

Thank you Mr Speaker, for giving me the opportunity to also make comments on Honourable Mmusi's amendment, the Magistrates' Courts (Amendment) Bill. Let me express that I fully support this Bill which the Minister of Defence, Justice and Security has brought before this Parliament. It is a good law.

Mr Speaker, our courts are inundated and overwhelmed by the sheer volume of cases that come before them. The Magistrate Court and High Court are overwhelmed by the volume of cases that come before them.

Let me just say that the entire trial process is very lengthy and laborious, and hence it takes days, weeks and even months for one Magistrate to deal with one case and dispose of. Hence Magistrates are under a lot of duress in terms of time, there is a lot of pressure on them in dealing with the volume of cases that come before them.

This amendment Mr Speaker, will enhance the confidence that the public has in the judicial system. This amendment has been necessitated in part by the recent laws that were passed before this Parliament increasing or enhancing the sentences in certain criminal cases, especially the sexual offences cases. There are also a number of offences in respect of which high minimum sentences are prescribed, hence I welcome this amendment because it also provides for Principal Magistrates and M-Senior Magistrates to impose maximum sentences of 20 years imprisonment, where as previously they did not have those power. And also Magistrates Grade 1, now have the power to impose sentences of 15 years imprisonment where



minimum sentences have been prescribed. So this helps to a great extent because then these cases do not have to be referred to the High Court for a High Court Judge to deal with them.

Now I want to deal with the issue of resources and agree with some of the Honourable Members who were talking about them and I want to deal with resources in respect of criminal matters. It is a fact and true that the Administration of Justice (AoJ) does not have a sufficient budget, and hence can suffer. Magistrate Courts suffer in respect of cases where witnesses have to be paid, and this creates a big headache for the judicial officer who is presiding over this case over a certain case because there are insufficient funds to pay witnesses. Honourable Mmusi, I would respectfully ask that you look into this issue and ensure that there are sufficient funds to pay for witnesses.

I would also in respect of criminal cases, respectfully ask that you look into the issue of increasing the appointment of courtroom reporter because there is a burning issue in the legal fraternity relating to the transcription of records and transferring them to the High Court. If we have more number of court reporters being appointed, the quicker litigants will be able to access justice because it is prejudicial to people who want to appeal to the High Court after being sentenced by the Magistrates Court. It is an impediment to their access to justice on account of transcribed records not being availed to the High Court.

I now move to the aspect of the enhanced jurisdiction in civil matters, and just to say also that I support wholeheartedly the enhanced jurisdiction in civil matters. If I may say Mr Speaker, it was once stated that the law is an irritating discipline because it is not a pure sign, especially when it comes to civil procedure. I agree that we have all been trained in civil procedure during law school, but it requires years of experience and application to be acquainted with civil procedure matters. Mr Speaker, even an experienced lawyer can get confused when dealing with complex civil procedure, one wrong step in a civil case can cost the parties in monetary terms.

It can result in a total dismissal of a case on an account of a wrong step or a misstep having been taken. Now imagine, most our magistrates, do not have tactical experience because they have not practiced as private practitioners. Private practitioners generally are more exposed to civil practice; hence you can imagine how difficult it is for magistrates who no prior experience in civil procedure.

Now, if I may just also indicate with respect to the length of time that it takes to deal with matters, the ease of doing business Mr Speaker, for many countries are also assessed base on the length of time before the disposal of the case, and investors can be deterred from coming to invest in a country where the legal process is too long, and was for this, an investor can consider this as an impediment to investment if he thinks that he will be locked out of his money if in the event he gets involved in a civil dispute, he would be locked out of this money, the uncertain for a number of years before there is an outcome. So, we have to look into that Mr Speaker.

Mr Speaker, when you increase the jurisdiction of magistrates in civil cases, you are immediately directing a large volume of cases from the High Court to the Magistrates Court, and this means that magistrates' work load is exponentially increased, and this puts a lot of time and pressure on them when dealing with this additional case load. I want to agree with Honourable Morwaeng in his plea to the Minister, and making a similar plea to the Honourable Minister of Defence, Justice and Security, to look into the issue of employing more officers and judicial officers at Magistrates Court level countrywide, because as I have said earlier, it is very, very time consuming for a Magistrate to deal with one case. It is necessary that we have a whole large number of additional magistrates being employed in the judicial service to ensure that people's confidence in the judicial system can be enhanced and retained so that people do not lose confidence in the judicial systems.

Having said that, Mr Speaker, I will rest my submissions there, and once again say I wholeheartedly support this Amendment Bill. Thank you.

**MR BROOKS (KGALAGADI SOUTH):** *Thank you Mr Speaker, and good afternoon. Nnyaa, ka bokhutshwane fela Mr Speaker, ke ne ke re ke eme Tona nokeng mo Molao-kakanyetsong...(Silence)...*

**MR SPEAKER:** Honourable Member, please unmute yourself.

**MR BROOKS:** *Sorry sir, thank you sir. Ka tsela e ntseng jalo, ke ne ke re ke mo eme nokeng rraetsho Tona mo kgannyeng e ntle e o sa tswang go re e baya pele. Re tswa kgakala re ipotsa gore naare bo Mmakaseterata ba rona ba tlaa okelediwa leng dithata tsa go sekisa dikgang tse di rileng. Sone se o se dirileng Tona, ke nngwe ya dilo tse e leng gore re tshwanetse gore re go eme nokeng.*



Jaaka bakaulengwe ba sa tswa go bua, re mafoko mangwefela mo kgannyeng e, gore re tshwenngwa thata ke dikgang kana dikgetsi tse di diegang tse di sa sekiweng. Sengwe sa dilo tse ke ntseng ke itemogela fa o sena go bua le rona maloba kwa General Assembly, ke nna ke lebile Molao-kakanyetso o o re o beileng pele o, ka lemoga gore gongwe e ntse e le one madiadia a gore dikgang di tsene ka bofefe, mme re batla gore re go kope jaana rraetsho Thomas Mmusi gore, fela jaaka re ntse re okeletsa bo Mmakaseterata dithata jaana, re tshwanetse re tswelwele ka go atolosa go isa ditlamelo tsa ditsheko kana tsa kwa go sekelwang teng kwa bathong. Re tshwanetse jaaka *Honourable Motsamai* a bua, ke gatelele mafoko a gagwe a gore fa e le gore re santse re sena madi, segolo jang ka gompiano re ne re wetswe ke seru sa segajaja sa COVID-19, re tshwanetse re bone gore a mme *Mobile Courts* ga re di oketse. Fa godimo ga moo, a ga re oketse le bo Mmakaseterata? Re nale bana ba bantsi thata *roaming the streets*, ba e leng barutegi ba ba dirileng melao mo lefatsheng la Botswana le kwa ntle ga lefatshe la Botswana, *who qualify for the posts* tse di ntsi tsa go ka thusa go sekisa le go lwantsha borukutlhi mo lefatsheng le. Botswana ka kwa ntle ka koo ba tshwenngwa thata ke dikgang tse di sa sekiweng, le go nna le *bails* tse di kanakana, mme gone moo, o ka lemoga gore *the more* re e fa dirukutlhi *bail*, ka lebakeng la gore bo Mmakaseterata ba bo ba seyo, ba sa lekana, dithata tsa bo Mmakaseterata go sekisa dikgang tse di rileng le bone ba sa lekana *in that system*, ke sone se se dirang gore jaanong dirukutlhi di tseye tshono ya gore nnyaa, mme go raya gore fa ke kwa ga mmapereko, re tsile go tswelwele re kgokgontsha, re bo re rumola Botswana go rata le go bona ka gore e kete ba ba eteletseng pele ba maoto a tshupa go tsibogela dilo tse di ntseng jaana.

Ke batla gore ke kope jaana rraetsho, ke re le jone bosupi mo dikgannyeng tse di ntsi tsa leruo, tsa diphologolo, rraetsho kana dilo tse di senyegang, di bolawa ke letsatsi, ga go na *storage*, jalojalo. Jaanong fa dikgang di tsena gompiano, a e re kamoso di bo di sekwa rraetsho, o ka kgona jalo fela Tona fa o ka tsaya kgakololo e re e go neelang re le Mapalamente a lefatshe la Botswana mo letsatsing le, mo kopong ya gago ya go tla ka *Bill* e o tsileng ka yone, ya go okeletsa bo Mmakaseterata dithata gore se oketse dithata fela, le bone ka palo ba oketse rraetsho, ba kgone gore ba dire tiro ka bofefe. Fa o lebile kgaolo ya Kgalagadi, kwa go sekelwang teng, re bua kwa Tsabong, mme fa o lebile gore go tswa kwa Tsabong o fologa, o ya bo Struizendam, bo Bokspits, kwa e leng gore le gone dikgang tsa teng o

tlaa fitlhela di le dintsi, o palama o tsena mo Bray, Werda, o fitlhela dikgang tsa teng di le dintsi, mme tse tsothle di sekelwa kwa Tsabong. Go raya gore ba sepodise ba tshwanetse gore ba tseye batho ba, ba ba ise kwa go sekelwang teng, mme ga go na dikoloi. E felela e nna mathata, madiadia, le dilo tsothle tse o ka di akanyang rraetsho Tona. Re ne re re rraetsho, dilo tse go botlhokwa thata gore re di go lebise, re di gakolole gore go ya isagong ya lefatshe la Botswana, gore re bone gore borukutlhi ga re ka ke ra bo fetsa Tona, mme re ka bo fokotsa fela fa o ka leka gore o tseye dikgang tse re di go neelang re le bakaulengwe ba Palamente ya lefatshe la Botswana ya bolesome le bobedi rraetsho. Ga ke rate go ya lolololo rraetsho, bakaulengwe ba a buile, ke ne ke re ke g latlhele la mmoatlana fela ke go reye ke re ema ka dinao, Botswana ba tsamaya mo mebileng, ba batla ditiro, ba batla dikgang di fela, ba tshwenngwa ke dikgetsi tse di sa sekiweng. Ba tshwenngwa ke *bails* tse di kanakana tse Makgotla a bo Mmakaseterata a di neelang dirukutlhi. Ema ka dinao rraetsho, o bule matlho le ditsebe, o reetse dikgang tsa batho ba ba re beileng fa mme o di tseye tsia, o se ka wa reetsa fela Tona o sa di tseye tsia. *Go and act. As we are speaking now, start to think otherwise* gore gone mo o ka go hema ka tsela e e ntseng jang.

Motsamaisa Dipuisanyo tsa Palamente, ga ke a tla go diega mo kgannyeng e, bakaulengwe Mapalamente ka nna, re bua puo e le nngwefela, a Tona a bone gore o tlaabo a ya Tsabong *...(interruption)...* ga a itse Tsabong, ke lantlha a ya teng, a ya go bona gore Tsabong o bokgakala jo bo kae, re na le eng, *population* ya kgaolo ya Kgalagadi e tlhokana le *very serious Mobile Courts* tse di ka re thusang diemo tseo gore batho ba kgaolo yame ba tle ba itumele, dikgang tsa bone di sekwe ka bofefe, ba tle ba kgone gore ba tshephe Puso e. Kana selo se se golo ke tshireletso, go tlotla le go obamela molao, ke sone se o tlaa itseng gore batho ba o ba eteletseng pele ruriruri ba na le tshepho mo Pusong ya letsatsi, go sena gope fa e leng gore ba gatakwa ditshwanelo tsa bone ka dinao.

Re ka kgona fa o ka re reetsa rraetsho jaaka re ntse re go gakolola jaana. Mongwame Motsamaisa Dipuisanyo tsa Palamente, tla ke lebogele sebaka se o se mphileng, legonnyana, letlharapana, ga le ke le galalwa le ya Kgotleng, ke a leboga.

**MR SPEAKER:** Honourable Minister, please respond to the debate.



**MINISTER OF DEFENCE, JUSTICE AND SECURITY (MR MMUSI):** *Thank you Mr Speaker.* Nte ke go leboge rraetsho, ke bo ke leboge Mapalamente otlhe a a kgonngeng go akgela le ba ba sa kgonang, ka kemonokeng e ba e supileng mo molaong o ke o tsisitseng fa pele ga Palamente mo letsatsing la gompieno...

**MR SPEAKER:** *Honourable Minister,* fa o ka khutswafala, le *Committee Stage* re ka e fetsa.

**MR MMUSI:** Ee rra, ke leka jalo mongwame. Jaanong tota e ne e le gore ke tlhalose fela gore re tswelsetse re le lephata, go leka go tokafatsa fa bo Mmakaseterata ba nnang teng. Matlo a bone re lebeletse thata go bona gore re a tsenya mo gotweng ke lekoma le le dikologileng dijarata, *boundary wall*. Re eletsa gore re felele re a tsentsa *electric fences* otlhe le *alarms*. Gone jaanong re setse re tsere tshwetso gore *in the meantime*, fa tse dingwe tse di santse di dirwa, bo Mmakaseterata ba tsenyediwe *24-hour security guards* kwa malwapeng a bone. Ke tshwetso e re setseng re e tsere.

Ke batla go bolelela Ntlo e e tlotlegang e gore Judicial Service Commission (JSC) jaaka ke bua gompieno jaana, e tshwere, e lebeletse *working conditions* tsa bo Mmakaseterata fela botlhe. Ke dumela gore mo nakong e e sa fediseng pelo, kgang eo e tlaabo e setse e fedile, fa e le gore e tlhoka gore ke bo ke e isa kwa Khuduthamageng ya ga Tautona, ke bo ke e isa, fa e tlhokana le go tla Palamenteng le gone ke bo ke e tlisa. Gone gompieno jaana, mo lefatsheng la Botswana, re setse re na le bo Mmakaseterata ba le 73. Matlo a re setseng re simolotse go bereka mo go one, kana re leka *to increase security* a mo metseng ya Maun, Mahalapye, Bobonong, Letlhakane le Tsabong. Ke one a re theogetseng mo go one, re leka gore tota re a baakanye, a nne mo seemong se sentle, mo tshireletsegong e ntle bagaetsho.

Mma ke bue ka *training* e e neng ya buiwa. E rile ka *November 2021*, *all Magistrates were trained on Ethics and Judicial Conduct*, ke *course* e ba neng ba e tsena botlhe. Re tlaa tswelela, ka gore re tlhoka one madi, re ntse re leka go dira gore *courses* tse di diriwe kgapetsakgapetsa. *Several Magistrates* ba setse ba rutintshitswe mo *issues* tsa *human trafficking*, so ke selo se se tswelsetse. Gone gompieno jaana, *there are ongoing negotiations to train* bo Mmakaseterata ka *training programme* ya Commonwealth Judicial Educators Institute le ya Southern African Judicial Educators Institute. Ke dilo tse di tswelsetse go bona gore bo Mmakaseterata ba a rutuntshiwa.

Bakaulengwe ba ne ba bua gore kana batho ba kgona gore ba tshube *courts* gore ba leke go timetsa bosupi. Re lekile le rona go dira gore tota *courts* di nne le mo gotweng *online electronic recording system and the court records management system*, e e leng gore le fa go ka tshubiwa, gone ga re eletse gore *courts* di tshubiwe, ke gore re bone gore tota *we enhance security* kwa go tsone. *To protect data or cases, management system* e teng e re lelang go e dirisa.

Re leka thata gore kwa Palapye, tsala ya me, o ne a bua gore tota ke eng bo Mmakaseterata le bone ba sa dire *capital punishment* kante ba atholele go kaletsa, mme tota ka molao wa Criminal Procedure and Evidence Act, ke yone e supang gore *murder* le *treason*, di isiwe kwa *court*, so ke sone selo se se teng seo, se o bonang gompieno bo Mmakaseterata ba ise ba letlelelwe gore le bone ba ka tsaya *cases* tse di ntseng jalo.

Ke ne ke bua kgang ya *bails* e e teng, tota mme ke selelo se se tona, le rona re le mo *ministry*, re e tabogetse, e bile re eme ka dinao. Gompieno fa ke bua jaana go na le *legislation* e e leng gore e kwa *draft stage* kwa *Attorney General*. *Legislation* e ke dumela gore e tloga e tla mo Palamenteng. Mo nakong e e sa fediseng pelo, e tlaa tla, *it will be regulating bail applications* e bile e laola gore *granting of bails* di tlaa tsamaya jang. *The law will make clear all processes of bail and the conditions* di *stringent* mo go maswe. So tota kgang e ya *bail* ke raya gore batlotlegi, ke e le rona e re tshwentseng mo *ministry*, mme re e tsetse kwa godimo thata.

*Honourable* Makwinja o ne a bua thata ka Gender-Based Violence (GBV), mmaetsho GBV e re tshwentse. Kana re leka thata, *GBV reports have been established... (Inaudible)...* Mmakaseterata. *All GBV cases* le tsone *are treated very urgently*. Fa re gakologelwa, e rile ka *December 2020*, Chief Justice o ne a ntsha Directive No. 9 of 2020, a laola gore tota *GBV cases* di reediwe ka bofefo jo bo rileng. Le ba sepodise ba ne ba ikitaya ka thupa thata ba bula *child friendly police stations*. Ya ntlha e ne ya bulwa mo Gaborone, ya bobedi e butswa kwa Francistown, mme di tlaa nna di ntse di anama le lefatsho le.

*Courts in small villages*; bagaetsho re a leka. Re tlaa nna re ntse re tswelela thata go atolosa *courts* fa re ka kgonang teng. Ka ntata ya tlhalelo ya madi, ga re kgone go dira ka fa keletsong ya rona. Re a itse gore re ne ra reka *five mobile courts*, gompieno e nngwe e kwa Palapye, Francistown, Kanye, Extension 2-Gaborone le Maun, tse e neng e le gore keletso ya rona e ne e le gore



tota di tswele kwa ntle, di nne di tsene mo go reng *cases* di reediwe ka pele. Ke ne ke rialo ke re *mobile courts*, re tlaa nna re ntse re leka go di oketsa thata gore le tsone di kgone go thusa Batswana thata.

Ke itse gore go ne go na le kgang ya ga *Honourable* Tshere e o neng o bua ka *burglary* le *house breaking*. Kgang eo tota ka gore ke ne ke sena karabo sentle *Honourable* Tshere, ke kopa gore ke tle ke boele kwa go wena *officially* ka karabo ya teng rraetsho, *so* ke tlaa boela kwa go wena ka yone.

Tota tsotlhe ke lekile gore ke di arabe ke di sobokan ka gore bakaulengwe Mapalamente, ba ne ba di bua di ntse jalo, gore re hire bo Mmakaseterata re ba oketse. Bagaetsho, ke keletso ya rona, mme tota kana le rona re a laolelwa gore re ka hira batho ba le kae, re lebelele koketsego jaaka re itse gore go na le letshwenyego la madi mo lefatsheng la Botswana. Gone re tlaa nna re ntse re hira, re a itse gore bana ba Batswana ba teng, re tlaa tswelera re ntse re leka gore le bone re ba rutuntshe.

Kgang e nngwe ke ya *Customary Courts* e e neng ya buiwa. Bagaetsho, re tlaa nna re ntse re buisana le ba *Ministry* wa *Local Government* gore re bone gore kgang e ya *Customary Courts* re ka e tshwaraganela jang, ra kgona go e kopanela. Kana mathata ke gore nako e nngwe mosekisiwa ke ene a tlaa reng *no*, ke batla agente, jaanong go bo go raya gore *case* e a ntshiwa kwa *Customary Court* e isiwa kwa go bo Mmakaseterata ka gore e a bo e le mosekisiwa, mme moo ke dithata tsa gagwe e le Motswana jaaka Motswana mongwe le mongwe gore a fiwe tetla yone eo. *So* le rona *it is beyond us*, mme ke dilo tse re tlaa nnang re ntse re di buisana le ba *Ministry* wa *Local Government*.

Motsamaisa Dipuisanyo tsa Palamente, mma ke go leboge rraetsho, ke bo ke leboge Mapalamente otlhe gore tota re tlaa leka ka thata. Ke lebogela kemonokeng. Re tlaa nna re ntse re tliša melao e mengwe. Le ka *July*, re tlaa nna re ntse re e *tliša* go baakanyetsa bo Mmakaseterata. Ke a go leboga Motsamaisa Dipuisanyo tsa Palamente.

Question put and **agreed to.**

Committee - **Forthwith.**

#### ASSEMBLY IN COMMITTEE

(CHAIRPERSON in the Chair)

#### MAGISTRATES' COURTS (AMENDMENT) BILL, 2021 (NO. 32 OF 2021)

**MR CHAIRPERSON (MR MOATLHODI):** Order! Order! Honourable Members, please note that the Magistrates' Courts (Amendment) Bill, 2021 (No. 32 of 2021) has three Clauses. No amendments have been noticed. I shall therefore, call all the Clauses at once.

Clauses 1-3 **agreed to.**

#### MAGISTRATES' COURTS (AMENDMENT) BILL, 2021 (NO. 32 OF 2021)

Bill reported from Committee **without amendments.**

Third Reading - **Forthwith.**

#### Third Reading

#### MAGISTRATES' COURTS (AMENDMENT) BILL, 2021 (NO. 32 OF 2021)

(Minister of Defence, Justice and Security)

**MR SPEAKER (MR MOATLHODI):** Order! Order! Honourable Members, the question is that the Magistrates' Courts (Amendment) Bill, 2021 (No. 32 of 2021) be read a third time.

**MINISTER OF DEFENCE, JUSTICE AND SECURITY (MR MMUSI):** Thank you Mr Speaker. I beg to move that the Magistrates' Courts (Amendment) Bill, 2021 (No. 32 of 2021) be read a third time and do pass.



**MR SPEAKER:** Order! Order! Honourable Members, the question is that the Magistrates' Courts (Amendment) Bill, 2021 (No. 32 of 2021) be read a third time and do pass. Now, when we are at this stage, Standing Order 62.1 (c) demands of me to call a roll call, so that we can quickly vote.

Question put and **Division Ordered.**

**CLERK:**

MEMBER'S NAME	AYE	NO	ABSTAIN	ABSENT
His Excellency Dr Masisi				
Honourable Autlwtse	√			
Honourable Balopi	√			
Honourable Boko	√			
Honourable Brooks	√			
Honourable Billy				
Honourable Dr Dikoloti	√			
Honourable Dr Dow	√			
Honourable Gare	√			
Honourable Dr Gobotswang	√			
Honourable Greeff				
Honourable Hikuama	√			
Honourable Kablay	√			
Honourable Kapinga	√			
Honourable Kekgonegile				
Honourable Keorapetse	√			
Honourable Kereng	√			
Honourable Kgafela	√			
Honourable Khama				
Honourable Dr Kwape	√			
Honourable Lesedi				
Honourable Lelatisitswe	√			
Honourable Lesaso				
Honourable Dr Letsholathebe				
Honourable Letsholo	√			
Honourable Leuwe	√			
Honourable Lucas				

Honourable Majaga	√			
Honourable Makwinja	√			
Honourable Manake				
Honourable Mangwegape-Healy				
Honourable Mathoothe	√			
Honourable Dr Matsheka				
Honourable Mmolotsi	√			
Honourable Mmusi	√			
Honourable Moabi	√			
Honourable Moagi	√			
Honourable Modukanele	√			
Honourable Mokgethi	√			
Honourable Molale	√			
Honourable Molao	√			
Honourable Molebatsi	√			



Honourable Monnakgotla				
Honourable Morwaeng	√			
Honourable Moswaane				
Honourable Motaosane	√			
Honourable Motsamai	√			
Honourable Mthimkhulu	√			
Honourable Mzwinila	√			
Honourable Nkawana				
Honourable Pule				
Honourable Rakgare	√			
Honourable Ramogapi				
Honourable Reatile	√			
Honourable Regoeng				
Honourable Saleshando				
Honourable Segokgo				
Honourable Serame	√			
Honourable Shamukuni	√			
Honourable Thiite				
Honourable Dr Tshabang				
Honourable Tshere	√			
His Honour Tsogwane	√			

**HONOURABLE MEMBERS:** ... (Murmurs)...

**MR SPEAKER:** Let us have order please! Here are the results of your voting: absent; 21, abstain; zero, “noes”; zero, “ayes”; 42. That means the “ayes” have it.

Bill read a third time and **passed**.

**MR SPEAKER:** As that concludes the business on today’s Order Paper, I shall now call upon the Leader of the House, His Honour the Vice President, to move a Motion of adjournment.

**HONOURABLE MEMBER:** Go sutise nna.

**MR SPEAKER:** A ko o iketle Mmolotsi! A ko o iketle!

**HONOURABLE MEMBER:** Le fa e le khansele ga a ka ke a e sutisa ka Makhanselara a a *four*.

**MR SPEAKER:** Order! Order!

#### MOTION

#### ADJOURNMENT

**LEADER OF THE HOUSE (MR TSOGWANE):** Thank you Mr Speaker. Mr Speaker, as we have concluded today’s business, I now move that this House do now adjourn.

Question put and **agreed to**.

The Assembly accordingly adjourned at 6:00 p.m. until Tuesday 29<sup>th</sup> March, 2022 at 11:00 a.m.





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