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*PROCEEDINGS OF THE NATIONAL ASSEMBLY*

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The House met at 14:03.

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

**SUSPENSION OF RULES 139(1) AND 139(6)**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Speaker, I move the following motion as printed on the Order Paper:

That the House -

- (1) suspends the following Rules for the purpose of scheduling a second question session for the Deputy President on Thursday, 9 March 2017:

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- (a) Rule 139(1) which provides that Questions to the Deputy President must be scheduled by the Programme Committee for a question day once per month during session time; and
- (b) Rule 139(6) which provides that Questions to the Deputy President must be submitted to the Speaker at least 16 calendar days before the question day on which they are to be answered.

Agreed to.

**CONSIDERATION OF FINANCIAL INTELLIGENCE CENTRE AMENDMENT**

**BILL, REPORT OF THE STANDING COMMITTEE ON FINANCE**

**THEREON, AND THE PRESIDENT'S RESERVATIONS ON**

**CONSTITUTIONALITY OF BILL AS SUBMITTED TO HIM**

Mr Y I CARRIM: Madam Speaker, comrades and friends, the committee's report on the matter is in the 23 February ATC. I will focus mainly on the key issues in the report. To get the full understanding, you are referred to the report itself.

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Basically, the Financial Intelligence Centre Act, Act 38 of 2001, seeks to tackle money laundering and terrorism financing and was passed in 2001. In October 2015, Minister Nhlanhla Nene introduced the Fica Amendment Bill to update the Fica and respond to a Constitutional Court decision that the inspector's power to conduct searches without warrants be restricted to certain circumstances. The Bill was passed in both Houses in May last year.

In November 2016, the President referred the Bill back to Parliament. Basically, he believed that the scope for warrantless searches, the new section 45B(1C) in clause 32 of the Bill as it now reads, which authorises warrantless searches under certain conditions, is still too wide and it is not constitutional.

In terms of section 79(1) of the Constitution and Joint Rules of Parliament, 203 in particular, the committee had to confine itself to considering the constitutionality of warrantless searches in the Bill. The committee does not have the power to review any other clauses on the grounds that they may also be unconstitutional, or because there

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is a need for any change of policy. Therefore, there is no policy issue at stake.

The committee simply had to decide whether the revision of warrantless searches is constitutional or not. The committee was not obliged to have public hearings on the President's concerns about the constitutionality of warrantless searches. In fact, on all previous occasions that the President returned a Bill to Parliament on the grounds that one or more clauses may be unconstitutional, the relevant parliamentary committee did not have public hearings.

Committees have had hearings in cases where a Bill had been returned by the President on the grounds of inadequate public participation and not unconstitutionality. The committee had about 10 hours of public hearings and deliberated on the Fica Bill for over 40 hours between November 2015 and May 2016, allowing for submissions from the public until very shortly before we voted on the Bill. Therefore, the President did not have any concerns about public participation related to the Bill.

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The Standing Committee on Finance, consistent with its approach to encouraging maximum public participation, decided to have public hearings on the President's constitutional concerns. At the public hearings independent legal experts also confirmed that the committee had to restrict its deliberations to the constitutionality of warrantless searches in the Fica Bill.

However, the committee decided not to stifle stakeholders who made submissions to the hearings, and allowed them to raise concerns about aspects of the Fica Bill other than the constitutional issues related to warrantless searches. The majority in the committee felt that the hearing should not be overdominated by Senior Counsel and technical experts, and stakeholders should speak their minds.

However, the committee was clear that it will only process issues relevant to the constitutionality of warrantless searches in the Fica Bill. All other issues had to be put in a separate report that will be considered as part of public hearings on the

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transformation including the deracialisation of the financial sector that begin on 14 March.

Parliament sought legal opinion from Adv Ishmael Semanya and National Treasury from Adv Jeremy Gauntlett. Both Senior Counsel concluded that the warrantless searches provision will pass constitutional muster and the committee could return the Bill as it is to the President. However, both suggested that the committee could also decide to make some minor amendments to clarify the authority of the inspector performing warrantless inspections.

Adv Gauntlett also suggested that the committee considers providing further measures to prevent the arbitrary exercise of this power. Another four legal opinions concurred with the view that the warrantless searches provision will pass the constitutional muster.

The committee finally decided to make minor amendments to the Bill to clarify the authority of the inspector performing warrantless inspections and to prevent the arbitrary exercise of this power. The amendments were

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based primarily on the proposals presented by both advocates. The committee's report on the Bill provides a full explanation but very briefly, it is now clear that a warrantless inspection is not permitted in respect of criminal offences.

The requirements for consent to inspect without a warrant defer in the case of a private residence and unlicensed business premises. An inspector needs internal authorisation before an inspection without a warrant. There are further requirements on the need for inspectors to conduct their inspections with due regard to people's constitutional rights including the right to privacy.

I thank everybody who co-operated on the processing of this Bill. Thank you, Speaker. [Applause.]

The SPEAKER: Hon members, if there are any requests or desires for declarations, we'll use the terms of Rule 108 because we do not have a speaker's list. There are, of course, agreed times allocated to various parties. The ANC's allocation is seven minutes; DA's is five minutes; EFF's is four minutes; and all other parties will get

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three minutes. Therefore, I am happy to take any hands of people who want to make declarations. Hon Maynier, how can I not see you? You are now welcome to the podium.

*Declaration of vote:*

Mr D J MAYNIER: Speaker, the Financial Intelligence Centre Amendment Bill is one of the most important legislative weapons in the fight against corruption in South Africa. At the heart of the Bill is the Gupta clause which ensures that domestic prominent influential persons, family members and known close associates of domestic prominent influential persons will be subject to enhanced scrutiny by financial institutions in South Africa. This includes obtaining senior management approval for establishing business relationships; taking reasonable measures to establish the source of wealth and funds of clients; and conducting enhanced ongoing monitoring of business relationships.

That is why Jimmy Manyi and his merry band of banker bashers emerge from under a rock to so strongly oppose the Financial Intelligence Centre Amendment Bill.

Whatever the case may be, we now all know that President



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Jacob Zuma refused to use his presidential call to sign the Financial Intelligence Centre Amendment Bill. Instead, he used section 79(1) of the Constitution to refer it back to Parliament.

We were told that the President recognised that the purpose of the Bill was important and pressing but nevertheless, thought that the provision dealing with warrantless searches, in particular section 45B(1C), was likely to be unconstitutional. We took advice from Senior Counsel who advised that President Jacob Zuma was wrong.

The Bill was constitutional but there would be no harm in tightening up provisions dealing with warrantless searches, which of course fuels speculation that the Bill had been referred back with an ulterior motive, and in this case, to defang the Financial Intelligence Centre. Whatever the case may be, we have now considered the President's reservations and on advice of Senior Counsel, have proposed amendments to the Bill dealing with warrantless searches.

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We have made explicit what was implicit and believe that the President will now have no choice but to sign the Financial Intelligence Centre Amendment Bill into Law and to enfang the Financial Intelligence Centre. This, of course, brings me back to Jimmy Manyi and his band of banker bashers who are so strongly opposed to the Financial Intelligence Centre Amendment Bill and have threatened to take it on review to the Constitutional Court.

If anybody has any reservations that we are taking the right direction, consider that the person who led the charge against this Bill was none other than Dr Danisa Baloyi who was reportedly fired as a Director of the Absa Group. And she was reportedly involved in one of the biggest and most cruel rip-offs of the poor in this country, namely the scandal involving Fidentia Asset Management and the Living Hands Umbrella Trust. It is she who opposed this Bill.

We need to see Jimmy Manyi and his band of banker bashers for what they really are, arsonists dressed as fire-fighters lighting fires rather than fighting fires in

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South Africa. [Applause.] Whatever the case may be, we still have a long way to go because even if we have the legislative weapons in place, we do not have the institutional weapons in place to fight corruption in South Africa.

The Financial Intelligence Centre is a small institution comprising of about 213 employees, forced to operate on a small budget of about R289 million, and compelled to rely on other institutions such as the Hawks and the National Prosecuting Authority to bring cases to court in South Africa. What this means is that despite all the good work done by the Financial Intelligence Centre, it is a peashooter being used in a much bigger gunfight in South Africa. This means that as soon as we have the legislative weapons in place, we need to focus on getting the institutional weapons in place to fight corruption in South Africa. I thank you. [Applause.]

*Declarations of vote (continued):*

Mr N F SHIVAMBU: Speaker, commander-in-chief, there are certain things which perhaps we have to deal with differently when we take over power here in South Africa.

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One of those things is how Cabinet relates to legislation. Now this is what happened that the National Treasury assured us throughout the deliberations on the Financial Intelligence Centre, FIC Bill that Cabinet has dealt with all the issues sufficiently in terms of the FIC Bill. And Cabinet is appointed by a President. They satisfied themselves that they can bring it as a Bill to Parliament for us to deliberate on that particular Bill.

It was brought here and then we passed it to give it back to the President to sign it into law into an Act of Parliament. And we did not change most of the issues; we just made sure that there is proper articulation of the critical issues that speak to how the FIC should assist in the war against financial crimes in South Africa. And in terms of the warrantless searches we did not change anything. A President who approved a Bill, brings it to Parliament, we take it to him, back as it was, in terms of those sections. And then he says it is unconstitutional. It is not compliant with the law but he dealt with it first. He is the one who gave it to us as Parliament and then he brought it back for the second time and what is the basis of him bringing it back? It is

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because the Guptas had said, that Bill must not be signed into law and opportunistically, when that Bill was brought back specifically to deal warrantless searches, then the Gupta groups were brought here to come and sing for their supper, led by Jimmy Manyi and unfortunately Sello Rasethaba as well because they have been co-opted into a Gupta band that seeks to protect family interests.

And what were their issues? There were two issues. They said in their submissions that bank accounts are being closed and that is the issue that relates to the Guptas. The second issue they said is that the ANC is going to be broke for the 2019 elections if we pass the FIC Bill into law as Parliament. What they are basically suggesting is that the ANC is financed by money that is laundered. It is financed by money that is utilised for terrorism purposes because this is what this Act seeks to combat. And then the ANC professional's forum led by a zombie of the Guptas called Jimmy Manyi. They come there and say that, we represent the ANC professionals and we can tell you that if you pass this Bill, the ANC is going to be broke for the 2019 elections and we are supposed to listen to such kind of nonsense? Pure nonsense that has

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happened, now we have expedited the process within the law and we know that all the legal advices, and including the legal advice of the Black Business Council by the way, was unanimous on the fact that we have to pass this law because there is nothing unconstitutional about it. There was just grandstanding that had been happening around it.

So now we must pass this legislation and take it back to the President but we must agree that there must be a timeframe within which legislation is signed when we take it to the President's desk to sign because in many instances it is deliberately delayed without focus in terms of when it must be made into law. Mineral and Petroleum Resources Development Act, MPRDA, spent more than 24 months on the desk of the President without being signed. It was ultimately brought back here in Parliament. It was signed very late. So when the FIC Bill goes back without going to the President's desk in light of the incoming developments, he must immediately sign it into law so that we can have a proper instrument to fight financial crimes, money-laundering and all these things that happen in the global money movements. It is an

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important legislation to pass into law but it is not the end of it. There is much other legislation that we must put into action to be able to fight financial crimes that define South Africa for a very long time. Thank you very much. [Applause.]

*IsiZulu:*

Mnu M HLENGWA: Mhlonishwa Somlomo ...

*English:*

... hon members, one must thank the chairperson of the standing committee for his flexibility. In fact this was just nothing but a waste of Parliament's time. It was really unnecessary for us go on this merry-go-round and this roundabout, literally doing a 360°. The Bill should have been signed a long time ago but of course because it is a People's Parliament, we must hear every view but I think we must not abuse the parliamentary process. We must not seek to circumvent due process for political expedience because in the final analysis, the duty of the standing committee was to deal with one aspect but you had people coming here waffling, going on and on about

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sweet nothing which really had nothing to do with the matter at hand.

Secondly, is that, as already articulated by previous hon members, is that really there was nothing unconstitutional about this.

*IsiZulu:*

Kodwa nje ...

*English:*

... what is clear is that there are desperate attempts to ensure that certain interests are protected, in order for the people to continue abusing the finances of the country and ensuring that they line their pockets so that whenever there is a change of whatever will arise they are sorted. So, I just want to say that these sponsored views of Jimmy Manyi and Co, which he brought here to this Parliament are an indictment really on what we seek to achieve as a country. People want to protect this country but they want to use Parliament as a vehicle for us to abuse what needs to happen.



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This legislation seeks to ensure that we tighten the loopholes around corruption because ...

*IsiZulu:*

... ayikho into embi njengalobu ubugebengu bokudliwa kwezimali zabantu eNingizimu Afrika. Abantu bayahlupheka ekuseni, emini, ntambama nasebusuku kodwa kukhona iziqumama nje nongqesta abagwilika ngobusuku obubodwa nje ngenxa yobugebengu. Ngakho kufanele impela senze isiqinisekiso [make sure] ukuthi siyawuvala umnyango wezigebengu sivule umnyango wokuqinisekisa ukuthi izimali zabantu ziyaphepha ngoba umsebenzi wethu la eNdlini ukuqinisekisa ukuthi abantu abangaxhashazwa abantu abasemagunyeni okuphatha njengoba kwenzeka. Iyona ke lento oyibonile ngesikhathi iPhalamende selihlezi selixoxa ngalo Mthethosivivinyo ukuthi bekukhona abantu abekade bethunywe ukuthi abazovimba ngoba kufanele inkohlakalo eNingizimu Afrika iqhubeke.

*English:*

So with this legislation we are further laying the foundation to say this corruption ends here and goes no

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further, if we are serious about the fight against corruption.

*IsiZulu:*

Okokugcina, yikho lokho osekushiwo ukuthi cha impela abantu abake bayisebenzele ngendlela ethembekile imali abazokhankasa ngayo uma kuyinketho ngoba lokhu ukuthola izimali ngendlela eyisinxele bese kukhankaswa ngayo uthole ukuthi abantu bayawina kanti bakhankasa ngemali yobugebengu. Siyawuvala nalowo mnyango lowo.

*English:*

Let us even the playing fields to ensure that even the campaigning money that people are receiving they get it in good faith. Thank you so much hon Speaker.

Mr M L SHELEMBE: Hon Speaker, the NFP welcomes the report tabled here today by the Standing Committee on Finance. The amendments contained in the Bill are aimed to remedy section 45(b) of the Financial Intelligence Centre Act which the Constitutional Court declared unconstitutional. In formulating the amendments, elements of vagueness that could give rise to legal uncertainty, were correctly

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identified by the legal advisors to the President. The NFP believes the further amendments address in the report tabled here today will remove any such uncertainties and pave the way for the Bill to be enacted into law.

Warrantless searches must at all times be approached with caution. The Criminal Procedure Act set strict, clear and unambiguous guidelines for searches without a correctly obtained warrant and there is no reason why the same standard should not be set in other pieces of legislation. At the core of the issue of searches without a warrant lies the concern of abuse of power, supported by concern for the dignity of people. The NFP believes that the proposed amendments to the Bill and reported on adequately address these twin concerns of abuse of power and the dignity of people which we support. We also commend the decision by the Standing Committee on Finance to engage the public to participate in its deliberations on the concerns of the President, breaking with tradition and embracing innovation is a hallmark of growth in our view, contributes to growing a vibrant and proactive democracy although the nature of the present concerns

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related to a legal technical aspect of the figure and could have been dealt with behind closed doors.

The committee identified as imperative that public participation be encouraged. The NFP believes that that the direct voice of the people must be given an opportunity at all times to be heard and taken into consideration at every level of making of laws. The response of the committee to the President's referral is encouraging when we consider the widespread input that individuals and organisations made submissions. If such a positive trend can be adopted by all standing and portfolio committees in dealing with questions of constitutionality of legislation, then our democracy will be strengthened and will be of benefit to the country and all of our people as a whole. Thank you.

*Declaration(s) of vote:*

Mr N L S KWANKWA: Hon Speaker, the UDM supports the report of the Standing Committee on Finance on this matter. We think it is very important that we bring a bit of context into some of the comments we made in the committee in November. We said when we received the

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reservations of the President, let us hear him out and listen to what he has to say and then factor it into whatever amendments where possible.

It was not in anyway, trying to endorse what the President of the country is trying to do using legislations to undermine Parliament. The Bill was with the President because it was passed in May. It was only returned to Parliament in November and for such an important piece of legislation, this has a negative effect on the country.

He was probably busy trying to move all the money that he was alleged to have kept it in his bunker probably. The issue is clear that all the deliberations - even if you read the Report of the Standing Committee on Finance, you can see clearly that it was a complete waste of the committee's time. The matter was dealt with sufficiently right at the beginning when the Bill was first sent to him but he had to send it back to Parliament to delay it for political reasons. It is absolute nonsense. It is absolute nonsense even if it is done by the President. He

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needs to know that because he should be leading by example on these matters.

You see ...

*IsiXhosa:*

... sima apha siyi-UDM sibane sisithi lamasela baze abanye abantu bakhalaze belibele ukuba ngenene ...

*English:*

... this behaviour ...

*IsiXhosa:*

... ibonisa ubusela bokuba ...

*English:*

... people must facilitate a process of looting state resources. People, you have a leader that tries to facilitate the looting of state resources, who appropriates public funds for private use and we must say it is okay with that.

*IsiXhosa:*

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Niyamosha. Uyamosha. Uyamosha u-Butternut head msuseni.  
Enkosi kakhulu.

*English:*

Ms D CARTER: Hon Speaker, Cope fully supports the adoption of the Financial Intelligence Centre Amendment Bill. Cope notes that the Financial Action Task Force, Fataf, has given us three-month grace period to enact the Amendment Bill before we are declared noncompliant with anti-money laundering, tax evasion and antiterrorist financing standards which would place us in the same category as North Korea and Iran.

This Bill was initially adopted by this House in May 2016. It took the President a whole six months to refer this important Bill back to Parliament on what has been proven to be frivolous and unfounded grounds. Cope commends the comprehensive and expeditious manner in which the Portfolio Committee on Finance has attended to this matter. Cope calls upon the President to act in the best interests of the country and not to further delay the enactment of this important anticorruption and anticriminal Bill. Thank you.

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Mr S N SWART: Hon Speaker, the ACDP will support this very important Bill. It is time for the looters to be looted; the poachers poached; and the state capturers to be captured. We see that one of the important clauses in this Bill relates to domestic prominent influential persons who will be subject to enhanced scrutiny as set out in the Bill. We are just making the cut-off date that was given by the Financial Action Task Force which indicated that they were giving South Africa time until the end of this month to bring our regulatory framework into place. If we fail we could have severe consequences with foreign regulators and banks about our commitment to vigilant financial regulation. Now we have accepted this and we trust that the House, from all indications, will unanimously accept these amendments.

However, other speakers have referred to a very important aspect and maybe we, as Parliament, need to do an audit of Bills that we have passed which are lying on the President's desk and need to be signed. Yes, he is fully entitled to send matters back to Parliament where he is concerned about the constitutionality, but how many of you remember the Protection of the State Information



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Bill? That Bill was controversial. It was passed at the end of 2014, before the end of the last elections and it is still sitting. The President referred that Bill back to Parliament. We amended it and it is now sitting on his desk.

Whether you like that Bill or not, it should not be allowed that the President sits with the Bill once he has exercised his constitutional prerogative and then does not sign it into law because that undermines the separation of powers and Parliament. In that case, as in other cases, if he still has a concern he is fully entitled to refer it to the Constitutional Court. So, thank you Speaker. The ACDP will support this Bill.

Ms T V TOBIAS: Hon Speaker, let me say this up front. I prepared notes because I thought there was going to be substantive inputs that will be made to effect changes on the legislation. All that was there was huffing and puffing, so to speak. Nevertheless, let me respond to some of the huffing and puffing that has been there because the ANC has the right to reply.

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Section 45(b) of the Financial Intelligence Centre Amendment Bill relates to warrantless searches and is very clear on why there is a need for inspectors to do warrantless searches. It encourages an element of surprise. In all the institutions you have an element of surprise in the event that you suspect there has been wrongdoing. However, it does that within the prescripts of the law. That means, before inspectors do that, they will submit a request to a judge to do a search. In any event that the process is slower, they will inform their supervisors who will give them advice to continue with that search.

Having looked at and perused this clause that the President said it might be unconstitutional, we consulted Senior Counsels. We have, for instance Adv J Gauntlett, SC, in our meeting. We are convinced as a Finance Committee that this piece of legislation will meet the constitutional muster.

For any member to stand here and suggest that the reason why we had to relook at the piece of legislation was on the basis that Mr Mzwanele Manyi had ulterior motives is

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not correct. Let us make it very clear that, in this institution, any member of the public has the right to be heard by the Parliament. This is the Parliament of the people.

If by any chance - and I am not speaking on behalf of anybody because I am one person who engaged Mr Manyi vigorously and told him that he did not give us a legal opinion and therefore we do not consider his opinion. Do not stand here and pretend that we did not engage Mr Manyi. We asked him to give us a legal opinion so that we can listen to him. Instead, Mr Manyi said he would approach the Constitutional Court for review. We said it's okay if he does that, but as a committee we told him we believed that this piece of legislation, as it stands, will meet the constitutional muster.

South Africa belongs to international community. It is a pity we missed the deadline to submit the report on money laundering and antiterrorism to Financial Action Task Force, Fataf. At least we were given an opportunity to make a later submission which we are going to do. Let us be honest, the President has a lot on his plate and does

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not only sign Bills; he leads government.

[Interjections.] You cannot expect him to only look at one piece of legislation. Let us give him an opportunity. He had a view and we did not necessarily agree with his view but let us give him an opportunity to relook at the legislation and sign it. [Interjections.]

I also see that you like one family. I thought you are the representatives of the people. Why don't you speak about other people who spoke to this legislation? You did not even mention all those people, including Council for the Advancement of the SA Constitution, Casac, who appeared before us and had views to raise. Are you not representing them? It is clear who the DA represents.

[Interjections.] I think the voters will realise that. They are worried that their businesses will be searched and do not want warrantless searches. Those warrantless searches will continue whether you like it or not.

For the first time, hon Malema, hon Shivhambu agrees with us. Please do not fight us; we are one on this one. I thank you very much, hon Speaker. [Applause.]

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The Chief Whip of the Majority Party moved: That the Report be adopted and the Bill be passed.

Motion agreed to.

Report adopted and Bill accordingly passed.

**CONSIDERATION OF REQUEST FOR APPROVAL BY PARLIAMENT OF  
SOUTH AFRICA'S PROTOCOL OF ACCESSION TO THE AGREEMENT  
ESTABLISHING THE ADVISORY CENTRE ON WORLD TRADE  
ORGANISATION (WTO) LAW (ACWL)**

Ms J L FUBBS: My apologies, hon Speaker. Yes, this particular Protocol of Accession to the Agreement Establishing the Advisory Centre on the World Trade Organisation Law will be a particular value to South Africa. One of the reasons which South Africa will benefit from this is being able to access legal capacity at a much lower cost, a reduced weight, to take for the advantages of the benefits offered by the World Trade Organisation. In this particular tight global economy, it is of great importance that we are able to finance these operations within our budget and the cost of doing so

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overseas is a tremendous drain on our budget that could be used in other areas.

The Advisory Centre on WTO Law, ACW, assists countries and the World Trade Organisation, WTO, disputes settlement proceedings at the discounted rates. The financial implications for the ACW for joining at are far lower than if we had to foot the bill ourselves in this regard. This was discussed and we do believe that South Africa can effectively use its policy space with this support that we will be getting under this legal support process.

However, the committee looked at this, accepted it and recommends that the House adopts this and the interests of ensuring that any dispute we may encounter or clarifications we can seek are within our financial capacity as a sovereign country. The ANC alongside all the other parties supports this accession. I thank you.

*Declarations of vote:*

Mr D W MACPHERSON: Hon Speaker, the DA supports the recommendations. However, it is important that we deal

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with another acronym like the WTO, that is radical economic transformation, RET. For this, this term and what is being done under RET that will severely damage our standing in forums like the WTO, Albert Einstein famously said:

Insanity is doing the same thing over and over and expecting different results.

It was with much interest and even better breaths that President Jacob Zuma proudly announced two South Africans in his state of the nation address that his government will be embarking upon radical economic transformation. One can only then wonder what his government has been doing for the last 22 years and why only now they bring RET to the fore. For too long the ANC and President Zuma have govern like they have been in opposition, unwilling to change economic environment for small businesses and entrepreneurs in order for them to make a living and contribute to our economy. All manner of excuses have been rolled out from various challenges to the slow down and economic growth - the Minister Davies his favourite excuse - electricity blackout under the watch of the ANC,

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and this year's catch phrase which the hon Molefe will know quite well, white monopoly capital.

The truth is that the ANC has the ability and importantly the majority to write policies, laws and bylaws that make it easier for businesses to grow. If they have failed on every score what they have done rather is making the incredible difficult for anyone outside of the Zupta circle to make a decent living from cumbersome regulations to lack of access to capital for black entrepreneurs and to government departments paying suppliers late. The ANC has become the very enemy to anyone with or starting a business.

The ANC and President Zuma think by putting the word "radical" in front of economic transformation, this will somehow make it more radical. I believe that the new funds commitment for radical economic transformation is actually a response to pressure from the state captured faction of the ANC or it is the perfect excuse to change procurement rules and the black economic empowerment, BEE, codes of good practice under the guides of speeding up transformation which, in fact, will allow for more



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tenders for cronies and well connected friends. RET is actually a plan for radical corruption.

In eThekweni Municipality and under the framework of accelerating transformation subcontractors or service providers will be selected from the wards where the service is to be undertaken. This will be nothing more than an opportunity for the ANC to further extend patronage. One can only imagine the ANC local branch executive selecting who those subcontractors will be including uMkhonto weSizwe, MK, veterans and the ANC Youth League members. It is important to see this for what it is, nothing but legalised corruption and patronage or under the philosophy of being radical.

The ANC government has been on the same road of self-enrichment, corruption, overseeing increasing unemployment and continued neglect of job crushing policies with business red tape. Therefore, I would think that by becoming radical they can float the sinking ship of their government. The truth is that President Zuma and his cohort of Ministers will keep doing the same things over and over and over, unable to change because the

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vested interests in continuing the system or patronage will not allow it to end.

In 2017, it seems that the status quo is set to remain, Luthuli House and Tuynhuys firmly and asylum for the insane trying desperately to do the same thing with different results just under a new radical name. I thank you.

Mr G A GARDEE: Madam Speaker, South Africa and the world ... [Interjections.]... Of course, we are addressing the world here. The EFF rejects this request by the executive to accede to the Protocol on the World Trade Organisation Law Advisory offices. We reject this precisely because we no longer trust the ruling party. You come here and request approval to be part of international instruments. Just in the past week or two the North Gauteng High Court called you into order because you did not come here to ask for approval to withdraw from the International Criminal Court, ICC. We do not know whether you will withdraw from this World Trade Organisation without having coming here to ask for approval to withdraw, but

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now you have come here to ask for approval to sign the international instrument.

Well, notwithstanding that objectively so we disagree with this protocol because it is going to kill our local industry. There is a municipality in Lekwa, Madam Speaker. It can only pay salaries once the chicken poultry there at Standerton has paid its rates and taxes. With this World Trade Organisation's conduct it is known for killing local industries and if we do actually accede to these international instruments, they are coming here to advice us on how much more we should kill our own local industries. It started with the textile, now it is with the poultry. So, you want us to be complicit on such unleashing of sufferings to our people.

There is a loss of jobs in South Africa. In fact, from load shedding to job shedding because of policies that are premised on the ideology of the international monopoly capital of which the World Trade Organisation actually is championing throughout the world and more so on developing countries.

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There is nothing positive about the Advisory Centre on World Trade Law and it still gives powers to its director to make the final decision on what claims to bring based on the policy of the centre than the policy of the sovereign states who are members to that organisation. Such influence by the World Trade Organisation on member states on their sovereignty and policies which should inform its approach on issues of trade internationally will kill the economy of the country. It is on this basis and premises, Madam Speaker, South Africa and the world that we reject this international instrument. We thank you. [Applause.]

The SPEAKER: The hon Oosthuizen ...

Mr J A ESTERHUIZEN: Hon Speaker, the advisory centre with its experience and knowledge of trade dispute settlement systems represents a significant advantage and can offer opportunities to developing countries like South Africa.

Still, the challenge of a lack of expertise in World Trade Organisation, WTO, Law and international trade law and the capacity to organise information concerning trade

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barriers, as well as the ability to challenge them, hindered most small and developing economies. Add this to the cost factor of international trade legal systems and the weak remedies, then dispute settlements sometimes do not justify the time and money.

The Advisory Centre on WTO Law, ACWL, in its mandate to ensure that developing and least-developed countries with its financial and human constraints can also participate fully in the WTO's legal system is a noble goal. However, there are also challenges like language and the enormous costs involved.

For us to participate meaningfully in the WTO dispute settlement system, we need to increase institutional capacity and co-ordination of trade policy. We will need to include private-sector and civil society representatives.

Additionally, as a founding member of the WTO, South Africa must fulfil all obligations assumed by it under the WTO agreements. The WTO agreements form a package and

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members cannot selectively pick agreements to join or implement.

Therefore, introducing a domestic measure limiting foreign participation in the private security industry would institute a clear violation of South Africa's commitment under the General Agreement on Trade in Services, Gats.

Is South Africa following a closed-door policy or is it open for business as government would have us believe? Deluding the world and the WTO that our economy is more open than it is is alarming, and raises questions about the protocol agreement and the integrity of our government. The IFP supports the approval for the protocol. Thank you, Madam Speaker.

The SPEAKER: I would like to correct myself, hon Esterhuizen. I'm very sorry for calling you Oosthuizen. Hon Khubisa?

Prof N M KHUBISA: Thank you, Madam Speaker. The international political landscape today is a stark

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reflection of a collective global history steeped in colonialism, exploitation and deep-rooted inequality which has become a structural feature of the modern international order.

It is within this context that the NFP welcomes the report of the Portfolio Committee on Trade and Industry tabled here today. Today we are asked to ratify an agreement that will lead to the establishment of the ACWL. In a sense we are asked to agree to the founding document or constitution of an international centre which has as its aim the levelling of the field for settling trade-related disputes.

The formation of the WTO gave rise to a complex international legal system with elaborate procedures for settling trade disputes, and a need was identified to address the issue of access to resources to resolve international trade disputes. Basically, there is a need to ensure that all members of the WTO have equal access to the dispute resolution procedure regardless of whether a member state can afford the expertise and advice to engage successfully or not.

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We have a similar mechanism here in South Africa in the form of Legal Aid that assists indigent people to access justice. In a similar fashion, the advisory centre will assist developing countries, countries with an economy in transit and less-developed countries to access the WTO dispute resolution process.

The NFP is in favour of approving the protocol as we can identify with the ethos, aims and objectives of the advisory centre. In particular, the NFP is impressed with the fairness of linking the dues and the benefits of member states on a sliding scale to the relative strength of each country's economy.

South Africa is classified as an upper middle-income country and our contribution to the endowment fund that will kick-start the advisory centre amounts to one point three million.

Finally, by approving the protocol we are contributing to a source that will be of greater benefit to less-developing countries with substantially weaker economies than ours. Proportionally, these countries are less



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likely to engage in successful international trade dispute resolutions than we are without external support, and if our approval of the protocol can go some way in assisting those less fortunate than us then the act of giving our support is politically, socially and economically justified, and indeed desirable.

Mr N J J VAN R KOORNHOF: Thank you, Madam Speaker. We welcome the support by the various political parties in terms of this protocol. This is a positive improvement and is long overdue. We are members of the WTO and it's therefore important that South Africa participates. We shall now have the benefit of the advisory centre of legal resources and we will be able to protect our agreements and this protocol. It is positive.

It is unfortunate that the EFF tried to play another matter. They should've supported this. This is to the benefit of South Africa and to the benefit of the poor. The ANC will support this, as eloquently explained by our chairperson. [Applause.]

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The SPEAKER: Hon members, given that there are objections – there is an objection by the EFF – to the approval of South Africa's Protocol of Accession to the Agreement Establishing the Advisory Centre on World Trade Organisation, WTO, Law, ACWL, as it appears on the Order Paper, I will have to put the question.

Question put.

South Africa's Protocol of Accession to the Agreement Establishing the Advisory Centre on World Trade Organisation, WTO, Law, ACWL, accordingly approved (Economic Freedom Fighters dissenting).

**AMENDMENT OF SECTION 25 OF THE CONSTITUTION**

(Draft Resolution)

Mr J S MALEMA: Hon Speaker and the leadership of the EFF, this is a motion that seeks to unite black people in South Africa and ordinarily – if leadership was provided, we shouldn't be having this debate because the land should have been returned into the hands of the rightful

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owners. We all know that the Dutch gangsters arrived here and took our land by force and the struggle has since been about the return of the land into the hands of rightful owners. Yet those who went to negotiate on behalf of our people during the negotiations sold out this fundamental principle which constituted the struggle against colonialism. So, those who claim to be radical enough and who want radical change today should actually be in the forefront of agreeing that this Constitution must be changed to make it possible for our people to own the land.

It can't be correct that less than 10% of the population owns almost more than 75% of the land and those people who own the land happen to be - in an acceptable language, 'private people like individuals, trusts and companies,' but when you search deep as to who are these people, they are white people who are still owning our land.

We remain a conquered nation even when we claim to have democracy. We remain a conquered nation because white monopoly capital still owns the means of production and

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the centre of that is the land question. The dominance of white people cannot go away, particularly white supremacy for as long as land is not returned into the hands of the people.

We are the only country where we say revolution has taken place yet those who were oppressing us have not lost anything after the revolution. We remain as we were even before 1994. So we are saying that black of people - all of us, need to unite and amend the Constitution so that we can expropriate land without compensation.

[Interjections.]

There is no white person who will understand that clarion call because they don't know the pain of being landless. Only those who have gone through a passage of being landless will appreciate where we come from on the issue of the land. The issue of the land cannot be a campaigning issue. The issue of the land cannot be a rhetorical question. The issue of the land should be the issue of commitment.

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Hon members, we have taken an oath here and when we take an oath, we are simply saying we are loyal to the land. But how can we be loyal to the land which is in the hands of private individuals. We must be loyal to the land that belongs to us. The majority of our people say South Africa belongs to them, yet they do not have proof to show that indeed South Africa belongs to them because many of them do not even know how a title deed looks like. Many generations died without even knowing how a title deed looks like. It is only through the expropriation of land without compensation that our people will be the rightful owners of this country. We cannot keep on saying that South Africa belongs to all who live in it, yet we have nothing to show.

Today the ANC should come with the EFF - there is 6% available, we give it to you with no condition to amend the Constitution and take the land. If you don't agree with us today, it means you are disagreeing with hon Ayanda Dlodlo. If you don't agree with us today it means you don't agree with your outgoing President on the issue of expropriation of land without compensation. Even to the Minister of Rural Development and Land Reform, I say

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this is a matter that can unite black people. This is a matter that all of us should stand together for and isolate white monopoly capital. This is a matter that indicates to us that this is a genuine call which we as black people can identify with. The ANC ...

*Sepedi*

... re re 6% ke ye yona; re le fa yona. A re tšeeng lefase re lemeng. A re tšeeng lefase re ageng difeme. A re tšeeng lefase re le fe batho ba rena ba be le magae; ba be le ...

*English:*

... a place to call home. Hon Nzimande have already started taking the land. If you vote against this, it is a waste of time. We are already giving our people the land and we are not ashamed of that. People of South Africa, where you see a beautiful land, take it, it belongs to you. [Interjections.]

Ms P C NGWENYA-MABILA: Hon Speaker and hon members, we know the history of the land dispossession. We also know how we are going to address that. We are not going to be

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told what to do. We are not in alliance with anyone else. We are a ruling government.

We agree as the ANC that the land reform process is slow that is why various programmes have been initiated to address the land question. But we disagree with the motion tabled by hon Shivambu. We totally reject that we amend section 25 (2) of the Constitution.

Expropriation of land should be done for public purpose and public interests, not for the EFF purpose and the EFF interests. Secondly, expropriation without compensation is unconstitutional. We need to respect and uphold the Constitution as citizens of this country and moreover as members of this House. Expropriation must be subject to just and equitable compensation as indicated in section 25(2) (b) of the Constitution, the amount of which and the time and manner of payment of which have been agreed to by those affected or decided or approved by a court. We still believe that if there is a dispute between parties our courts will play a role in mediating. Expropriation with compensation takes into account the current use of the land; the history of acquisition; the market value of

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property; the extent of the state investment and subsidy in the acquisition; and beneficial capital improvement of property.

We don't agree with the establishment of the ad hoc committee in terms of Rule 253(1)(a) and (3), to address the loopholes of the Constitution. We believe that the Constitution is the supreme law of the country therefore it cannot be reviewed by the ad hoc committee. As you have mentioned Hon Shivambu that Parliament has a Constitutional Review Committee, it is therefore the responsibility of that committee to review the Constitution, not the ad hoc committee. The Constitution will be reviewed when it's necessary. Therefore, the issue of the ad hoc committee falls of.

The issue of intensive public consultation is a constitutional matter, no question about it, as section 59 of the Constitution clearly indicates that Parliament must involve the public in all the legislative processes. That is why we respect the decisions of the courts if they decide that no sufficient public participation was done such as in the Expropriation



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Amendment Bill and the Restitution of Land Rights Amendment Bill to mention the few. Therefore, it is our responsibility to restart the process and ensure that there is an intense public participation.

The ANC's *Ready to Govern* document has four pillars. One of them is to overcome the legacy of inequality and injustice created by colonialism and apartheid in a swift progressive and principled way. That is what the ANC government is doing guided by its policies, not by the EFF.

The 53rd national conference of the ANC in 2012, confirmed the resolution taken in the 52nd conference of 2007 on rural development, agrarian change and land reform. Furthermore, the 53rd national conference of the ANC adopted the National Development Plan, NDP, which sets out the country's vision for the period up to 2030.

To address the land issue and the land ownership, the following legislations were enacted: the Upgrading of Land Tenure Rights Act, Act 112 of 1991, the Provision of Land and Assistance Act, Act 125 of 1993, the Communal

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Property Association Act, Act 28 of 1996 and the Labour Tenants Act, Act 3 of 1996. We agree that the implementation of these Acts is very slow. We need to do more.

The Restitution of Land Rights Act, Act 22 of 1994, was passed and it makes provision for the restitution of the rights of land to persons or communities disposed of such rights after 19 June 1913 as a result of the past racially discrimination laws or practices. To administer this Act, the Commission on the Restitution of Land Rights and the Land Claims Court were established. This Act indicates that the Minister is authorised to purchase, acquire in any other manner or expropriate land or rights in land for the purpose of restitution.

Restitution process is slow due to many reasons such as high prices of land, conflicts amongst beneficiaries, court cases taking long to be concluded and some beneficiaries opt for financial compensation instead of land which undermines the land question. We acknowledge that the land reform is very slow, but it must be done within the prescripts of the law.

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The willing-seller, willing-buyer principle resulted in the state paying inflated prices for land which contributed to the delay of the land reform process. Even if that was the case, we need to address this matter soberly.

The commission has settled 79 208 land claims as at 31 January 2017, for one million beneficiaries and 408 000 households which accounts to 3,3 million hectares. From 1994, restitution has spent more than R36,5 billion of which R11 billion was for financial compensation. There are 6 988 claims outstanding which were lodged by December 1998, but there are plans in place to deal with this and fast-track the restitution process.

The high prices charged by sellers will be addressed by the Office of the Valuer-General which has been established in terms of the Property Valuation Act, Act 17 of 2014, to ensure that government pays just and equitable compensation. Let's give the Valuer-General time to do his work and we will see the difference with regard to the land price.

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The department is currently busy with consultations with regard to exceptional policy which will address those people whose land has been taken before 19 June 1913, which will include the Khoi and the San, the heritage sites and the historical land marks as decided by the 53rd conference of the ANC that there be exceptions to the 1913 cut off date.

The strengthening of the relative rights of the people working the land was proclaimed by the Minister in 2014. It's also one way of addressing skewed land ownership. It has started and it will be extended to other areas. The department is busy drafting policy on the regulations of land holdings to ensure that South Africans own land and foreigners must be leased the land.

In Polokwane the ANC reaffirmed that the comprehensive land audit be done and phase 1 was completed. The department is in the process of finalising phase 2 of the land audit to ensure that equitable land allocation and use across race, gender and class is realised.

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The establishment of the institutions such as the Land Right Management committees and Land Rights Management Board will assist in involving the local people in the regulation of the land use and distribution when the Extension of Security of Tenure Amendment Bill has been passed. The department has been able to scale up Recapitalisation and Development Programme, Recap, and comprehensive agricultural supports by providing farming implements, seeds, livestock and irrigation infrastructure. The Recap has improved the economic condition of other beneficiaries such as the Ravela beneficiaries, Marinda and others. Currently, 1 496 farms are under Recap since 2009, which constitute 421 846 million hectares amounting to R4 billion. Some projects are productive and others are still experiencing challenges.

As South Africans we have to respect and uphold the Constitution. It is therefore amazing when other Members of Parliament who are lawmakers influence people to grab land instead of educating and advising them. We are hon members and let's behave as such, not as horrible members. Expropriation without compensation is

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unconstitutional.

As ANC we agreed that the land reform process is slow, it needs to be accelerated. We don't support this motion. We still believe that just and equitable compensation is a solution like in any other African countries such as Lesotho, Zambia, Malawi and Namibia. Therefore, #Themotionmustfall. I thank you

*Afrikaans:*

Dr A LOTRIET: Speaker, die Handves van Menseregte is die hoeksteen van demokrasie in Suid-Afrika wat die regte van almal verseker en wat die demokratiese waardes van menswaardigheid, gelykheid, en vryheid bevestig. Geen wysiging van enige artikel van die Grondwet mag hierdie basiese waardes skend nie.

Die Grondwet het ook 'n dubbele rol deur, aan die een kant, hierdie waardes te beskerm en, aan die ander kant, te verseker dat onregte van die verlede aangespreek word, veral grondonteiening wat tot onmeetbare sosiale en ekonomiese verwoesting gelei het.

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Die vraag voor ons vandag is of artikel 25 in die weg staan van grondhervorming. Sal grondhervorming inderdaad versnel word deur vir onteiening sonder vergoeding voorsiening te maak? Wat sal die gevolg wees as vergoeding verwyder word?

*English:*

Let us look specifically at what section 25 allows. It is important to note that section 25 does not guarantee property rights but merely protects it from arbitrary state interference. Deprivation that is not arbitrary is permissible.

Contrary to popular belief, the property clause does not carry the phrase "willing-buyer, willing-seller". This is often quoted as the reason for the lack of land reform, but the Constitution does not lay down that standard. It includes market value as only one factor amongst five that must be taken into consideration. The property clause allows for the court to determine the compensation, and the only requirement is that it must be just and equitable - in line with the guiding principles of the Constitution.

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The Constitutional Court judgment in the Haffejee case made it clear that the state may expropriate property even when the seller is refusing to accept a reasonable offer or even before compensation has been determined. Thus compensation remains a requirement for expropriation but not a prerequisite. Therefore, it cannot be seen as the stumbling block.

The dispossession of land where people lost their ownership has caused tremendous pain and a loss of dignity. Security of property ownership, however, provides the opportunity of living a life of dignity beyond mere existence. It protects the poor against a predatory state. Expropriation without compensation, as a constitutional principle, will create insecurity and uncertainty of property ownership for decades to come. It can indeed again make the kind of dispossession experienced during apartheid a possibility.

It is clear that it is not section 25 that stands in the way of land reform; it is, in fact, enabling it, ordering it. What stands in the way is government's implementation of it.



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*Afrikaans:*

Wanneer daar 'n oproep is om onteiening sonder vergoeding wat teen die basiese waardes en regte, spesifiek eiendomsregte van die Grondwet gaan, moet ons besin oor of ons inderdaad gehoor en uitvoering sal gee aan die tipe samelewing soos voorsien in die Grondwet.

Die DA is ten gunste van eiendomsregte vir die armstes in ons samelewing. Om vergoeding uit te haal, druis lynreg in teen die DA se visie van 'n regverdige oopgeleentheidsamelewing vir almal van ons. [Applous.]

*English:*

Ms N V MENTE: Speaker, last Friday, Mr Zuma, the outgoing President of South Africa, spoke in Pretoria and said the following:

How are we going to achieve all the goals mentioned in the state of the nation address and all the laws and policies that we are busy amending to enable faster land reform, including land expropriation without compensation as provided for in the Constitution?

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Today, you distort that.

Whilst debating the state of the nation address, Mr Gugile Nkwinti seated here said there is a need to have a law that makes it possible for the state to expropriate the land without compensating illegitimate landowners. Then, the Deputy Minister, Ms Ayanda Dlodlo, emphasised that we must take back the stolen land without paying those whose claim to it is an outcome of historical injustices.

The ruling party has been speaking about radical economic transformation, and the EFF stands here to proclaim that radical economic transformation without expropriation of land without compensation is hot air. We are here to suggest a practical proposal to cogently address the more than 350-year historical injustice of land theft and alienation perpetrated by a minority of white settlers against African people in the country and dispel the notion by the Premier of the Western Cape, Helen Zille, that 45% by now belongs to black people. That is not true. It is a mere 30%. Only 8% of land has been bought

for billions of rand so far, and it will take 100 years to buy at least 30% of the land.

Central to the post-1994 land reform agenda is section 25 of the Constitution of the Republic of South Africa, which provides for the three-tier land reform programme. However, in the same Constitution is the controversial property clause, section 25(1), which reads as follows:

No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

Section 25(2) of the Constitution does provide for the expropriation of land for both public purpose and in the public interest, but it states clearly that such expropriation must be subject to compensation.

Section 25(3) enjoins the state to pay what it calls "just and equitable" compensation, taking into account a number of factors, including the history of how the land was acquired and the market value of the land.

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Therefore, section 25 of the Constitution provides two irreconcilable imperatives. Firstly, it provides for redress for historical injustices through land reform. Secondly, it also entrenches the principle of protection of private property rights, which is inimical to comprehensive land reform. Comprehensive land reform would be impossible to attain within the current constitutional framework that protects intergenerational dispossession and imposes a framework of the protection of private property rights acquired through a long process of plunder.

The resolution of this question is directly linked to the decolonisation of our country and overcoming the colonial tribal divisions, apartheid artificial identities, and an end to white supremacy. The resolution of the land question is basically about creating a new society based on values, equality, and democracy for all.

Therefore, that is why, today, we are offering you our 6% so that we can deal with section 25 of the Constitution. Thank you. [Applause.] [Time expired.]

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Prof C T MSIMANG: House Chair, the IFP strongly supports the call for government to accelerate the allocation of land to the millions of landless Africans. The IFP goes further to emphasise that government should prioritise such redistribution to those who need the land most - the homeless people in our towns and cities.

In 1994, government was rightly applauded when it repealed all legislation constraining African people's movement to urban areas. The repeal ushered in an unprecedented influx of Africans to our towns and cities. This has made South Africa the most urbanised country in Africa, with 62% of South Africans becoming urbanised. Government must have anticipated this and developed strategies to accommodate this influx, yet nothing had been done.

Many of these nationals have formed homeless people's organisations to bring their plight to the attention of authorities but to no avail. Many still have to resort to land grabbing where they build their squatter camps. We are advised against using the term "squatter camps" in favour of more glorious terms such as "informal

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settlements", yet there is nothing glorious about squatter camps. You call them by any other name - they remain squatter camps.

Government encouraged these people to venture to city life but has failed to generate jobs for them. In the squatter camps, the cities cannot even offer them basic services. They are regarded as temporary sojourners, yet there is no development in rural areas to stem the tide of urbanisation or attract them to return to the rural areas.

We talk here about people who live in squalid conditions. Many of them are not only homeless but also poor and unemployed. They live in areas that are not fit for human habitation. They live on sinkholes where their shacks can collapse at any moment. We are talking about people who build on river banks, such as the Jukskei in Johannesburg which, when in flood, washes away their homes, taking all their property and even taking lives. Ironically, residential land in our cities is state owned. Municipalities do not need to negotiate with willing sellers to access it.

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Turning now to the 30% farming land that was promised to the black people, the IFP agrees that progress has been very slow and, therefore, supports appropriation with the payment of fair compensation. I thank you. [Time expired.]

Mr A M SHAIK-EMAM: Hon House Chair, hon members in the House and distinguished guests in the gallery, once again we are called upon to deliberate on the challenges faced by the people in our country who were removed from and dispossessed of their land in the most inhumane manner. This pain and suffering was endured by our people under the apartheid regime, and let me reiterate - the apartheid regime was not only made up of white South Africans. There were many others of different races who colluded with the apartheid regime and who conducted their affairs under a divide-and-rule policy.

[Interjections.]

What is very clear, and what we must agree on is that the principle of willing-buyer, willing-seller has failed.

What we must agree on is that the pace with which we are addressing the challenges of the restitution of land is

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not good enough. What we must admit is that those who are holding onto the land which, we all know, is a very small percentage of people owning more than approximately 70% of the land, cannot be allowed and tolerated any longer.

Another very important point is this. When this land was taken away from our people - and we must not forget that prime land was taken away from our people - they were sent away to go and live in the rural areas and outskirts, where there were no amenities or facilities, whatsoever. So, when we are now going to provide land to these people, we must take that into consideration.

No amount of financial contribution or compensation is good enough. What we need to do and must do is to provide each and every South African family in South Africa with land which is their right and which belongs to them. The land belongs to everyone who lives in it. That is why, with the statement that we want radical economic transformation, the very first step in the country would be to ensure that every South African has their dignity and identity, which must start from that land.



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We do agree with the expropriation, since the willing-buyer, willing-seller principle has failed. As for compensation, yes, again, one needs to address what they took, where that land existed, its value at that stage, and what they are going to get paid. So, compensation must now not necessarily be based on prime land that they might own right now.

Dispossession continues. Take the area, right now in Woodstock, where people are being removed. Yet we are doing nothing about it. Judge Essa Moosa, who died on Sunday, was one of the victims who was moved and removed from District Six. So, let us expedite and accelerate this process of restitution. Thank you. [Time expired.]

Mr M L W FILTANE: Chair, I shall not trumpet it, I will trump it! The UDM supports the motion.

The ruthless exploitation of the black people in their country, the seizure of their land and the enforced harnessing of their labour leaves the indigenous citizens with only voting power but nothing to effect fundamental change in their daily lives. They are dehumanised, with

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no security and no social or economic worth in their motherland. Food and shelter are no longer freely shared amongst the people because they don't own land to build shelter and produce food on.

The whole point of the freedom struggle was the repossession by African people of all its properties from the hands of the colonisers who had captured it through the barrel of a gun. Early freedom songs were about the land, such as ...

*IsiXhosa:*

Thina sizwe esimnyama,  
Sikhalela izwe lethu  
Elathathwa ngabamhlophe  
Mabawuyeke umhlaba wethu.

*English:*

Chief Maqoma once told a colonial soldier, Col Wade, that:

... we are to have the land again. It was bequeathed to us by our ancestors; to hold, nurture and make it

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productive for their progeny ... You came out of the sea to our land. Like a serpent you emerged from the water ... Besides, you had no tongue or speech for us. We waited to hear why you had come. Instead, we heard you were settling and taking possession of our land.

He continued:

But this is our land. ... You made us vanish, not exist. Our land is us, we are our land. ... From the sea you had no cattle. Now you have many cows and sheep ... War you made to dispossess. ... Blood you spilled to take even more. ... We cannot give up, we cannot rest. Without land, we cannot be.

[Interjections.] At the heart of the land question in South Africa is how to reverse the dire effects of the diabolical Natives Land Act which was intended to legalise land robbery, starting with the settler colonisation. It is about the large-scale redistribution of land to contribute to the transformation of the

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economy and the eradication of poverty, both in rural and urban areas.

The current provisions of section 25(7) of the Constitution confine the period of dispossession to after 19 June 1913. As illustrated above, the dispossession of Africans was already moving towards its third century at the time of the 1913 Natives Land Act, and many wars of resistance were fought.

To the ANC, I say that the current owners of the land inflate prices such that government intentions to acquire it are impossible to achieve. I was speaking to people only yesterday and they say there are no sales of farms going on anymore because they keep on shooting up the prices.

Our Constitution does allow for the amendment of itself. So, to the ANC I say it is not unconstitutional to push for this. Don't mislead people - not deliberately. In this regard, our Constitution must provide for the return of land, and if needs be, compensate only for the improvements made on the land and do not buy back our own

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land. This means that the programme for the return of land to the tillers must be swift, radical and must uproot the interests of the minority landowners. I thank you. [Applause.]

*Afrikaans:*

Dr P J GROENEWALD: Agb Voorsitter, hierdie debat is 'n baie belangrike debat. Die mense en die grondeienaars van Suid-Afrika moet mooi luister.

Daar is 'n gedagte dat as daar gepraat word van grond en grondonteiening, verwys dit net na boere en landbougrond. As dit gaan oor onteiening, gaan dit oor elke eienaar van grond. Of jy nou 'n huis besit in 'n dorp of in 'n stad, of 'n plaas, raak dit jou. As daar gesê word dat daar onteiening sonder vergoeding moet wees, moet jy weet dat jou huis in die dorp of in die stad, of jou plaas is dan ter sprake.

*English:*

Hon Chair, it is really a pity that the white people are always made the scapegoats when it comes to land reform.

[Interjections.] Let me put it quite clearly. The

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rightful owners of property and land in South Africa are those people who paid, worked hard, who paid for the land and who have a title deed at the Deeds Office.

[Interjections.] Those are the rightful owners of land and you will not be able to just come and take it. That is not possible.

South Africa is a constitutional democracy.

[Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members!

Dr P J GROENEWALD: Any land will have to go through a constitutional process if you want to expropriate it.

Please, stop blaming the white people for everything that goes wrong. [Interjections.] It is the incompetency of the governing party that cannot ensure that there is enough land expropriation or land reform in South Africa.

More than 5% of all land ends up in the open market, annually.

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The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members!

Dr P J GROENEWALD: Some of those properties, especially some farms, are priced below market value because of the drought. So, the government is in such a good position that they can obtain thousands and millions of hectares of land below market price. Why don't you do that? Why do you use the rhetoric that it is because of the white people?

Now, I am very worried that the hon Zuma said that they will expropriate without paying compensation. It seems that the hon members of the ANC in Parliament, at least, differ from him.

I say it again. The owners of the land are the people who worked for it. They paid for it and they do not apologise for that. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members! Order! [Interjections.]

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Mr M G P LEKOTA: House Chairperson, my dear friends and colleagues, I think it's important that we must remind each other today in this debate that a lot of research and thought went into the drafting of the constitutional clause that is there.

Let's remind each other that before 1913, there exist no records of a large scale dispossession of the crude nature that General Hertzog introduced in June 1913. With the arrival of various people in this part of the world that we call South Africa today, some from Europe, others from the Philippines as slaves, others from Malaysia as slaves, others from England, Germany and France as fugitives from religious wars, arrived here between 1652 and 1913. All of those people ... [Interjections.]

No, you need to think! You must think!

In this country, people congregated and joined with each other, and there was no title before they came. Title became part of the process of settlement. In the course of all of that, people of our country mixed and a large number of a population called coloureds emerged. I don't



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know who coloured who. Nevertheless, even those people ... [Interjections.]

No, you must think and confront history.

People acquired title all over ... by the way, here in the Cape, under the British and KwaZulu-Natal, under the British, there was what was called qualified franchise. Many of you always think there was always apartheid. Apartheid was introduced in 1948.

Throughout, all of our people were entitled to buy and possess land and that's how title became the order of the day in South Africa. It was only in 1913, after the National Party had won the elections when General Hertzog introduced the 1913 Land Act and passed a law that said, black South Africans can only be entitled to live on eight point something per cent of the land of South Africa.

That was followed by what Sol Plaatje deals with systematically in native life in South Africa - on how Africans were dispossessed. And that they tried to

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ameliorate in the Land and Trust Act, 1936, by trying to increase the 8% to 13%. That is why when we were negotiating at the Convention for a Democratic South Africa, Codesa, in fact, over the years; even in prison on Robben Island we studied this question to understand how we could get our country out of the depth of the danger of usual slaughter for no reason. We concluded that the Land Act, 1913, represented a major point at which we must say, people that owned land and still had titles - some still have and others didn't have because they had lost them, that those people must forward with those titles and that land must be returned to them.

That is the first point. I want to make that point. This subject is fraught with dangers if we don't think what we are doing. I thank you House Chair, we need more discussion on this question, and otherwise we are putting our country in danger. [Time expired.] [Applause.]

Rev K R J MESHOE: House Chair, the ACDP recognises that South Africa has a unique history of dispossession of land from black people by colonialists, and that because government's current land reform programme has been

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fraught with difficulties since its inception, land reform has been far too slow.

However, we disagree with the sentiment that at the centre of the present crisis regarding the resolution of the land question is the property clause in section 25(1) of the Constitution, which protects private property rights.

The property clause was debated at great length and the drafters of our Constitution then concluded that it had to be included in the Constitution to protect all citizens against state abuse.

The protections in the Constitution are not there for a select few, but for all in South Africa, who own or aspire to own property. We should not pass legislation because we trust ourselves to do the right thing but we should pass legislation that will ensure that any government to come will be constrained and held accountable to do the right thing.

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We are concerned that the land issue is being used as a political football by the EFF to garner support, and the ANC, to detract from more pressing issues, such as widespread corruption and lack of service delivery.

We also need to be mindful of what the Constitutional Court said regarding illegal land invasions. It said, to allow such would be a recipe for anarchy. We would caution therefore, that to consider expropriating land without any form of compensation would similarly be a recipe for anarchy in the country.

The ACDP believes that we need to jointly find solutions to the land issue – partnerships with existing experienced and emerging farmers with the state playing a facilitating role, is one possibility. We are in favour of finding solutions, but believe the amendment of the property rights clause is not that answer.

Recent calls by President Zuma and the Minister of Rural Development and Land Reform, Gugile Nkwinti, that government should start land expropriation without compensation is not helpful in this regard. The

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disastrous consequences of such actions will be a breakdown of reconciliation and national unity in our country, and all that the late President Mandela, fought and stood for, and would open the floodgates for land invasions and confrontation that will unfortunately lead to injuries, loss of life and property.

The ACDP does not support this draft resolution - we support expropriation where necessary with compensation as stipulated in our Constitution.

The ACDP does not want to see chaotic land invasions in our country as a result of this expropriation that many are talking about. We know that vast tracts of land have been left idle, reflecting a lack of resources, skills and capacity on the part of the new owners of land. Commercial farmers and formal agricultural structures have been destroyed and what used to be profitable land has been rendered unproductive.

That is why we believe, that coming together to rationally resolve this problem of land redistribution would be the best way to go. Thank you.

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Mr L M NTSHAYISA: House Chairperson, land has long been a critical and very important issue. The founding fathers and mothers of our constitutional democracy were alive to the prevailing anomalies of land deprivation in South Africa, following the aftermath of the Land Act, 1913, which reserved only 13% of the land to our people.

Franz Fanon has written on the land issue. He stated:

For a colonized people, the most essential value, because it is the most concrete, is first and foremost the land - the land, which will bring them bread above all, dignity.

According to President Zuma, only 8 million hectares of arable land have been transferred to black people, out of 82 million hectares of the land in South Africa. It is not very much easy, therefore, to preach transformation, interdependence, social cohesion and reconciliation when the land is controlled by a fringe minority.

The former Deputy Chief Justice, Disang Moseneke, stated and I quote:

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In 20 years our Court has not resolved even one case of land expropriation under the property clause by government for a public purpose. Similarly, at the same time the courts have never been called upon to give meaning to the property clause in the context of land expropriation or to decide on what is a just and equitable compensation.

The AIC believes that land expropriation can still be achieved through the Constitution. We should take leaf from Disang Moseneke, the former Deputy Chief Justice.

Land is one of the sources of wealth and it can contribute to the growth of our economy. We, therefore, agree with the fact that this section 25 of the Constitution should be revisited for the purpose of benefiting many and not for the purpose of punishing any person because we realise that land is in the hands of the few, which is not good. Land is a source of wealth and it is said that the people shall share.

Without compensation does not mean that we are punishing anyone or perhaps the people that have the land but we

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are trying to bring about what is referred to as the radical transformation. It is therefore, through the land that people should benefit. If most of the people are having land, they will be in a position to contribute to our economy.

It is for this reason that we would be in a position to support that this land should be returned to the people. Thank you very much. [Time expired.]

Ms T M MBABAMA: House Chair, fellow South Africans, to the majority of our people the ownership of land is seen as an inherent right that was violated by the apartheid Natives Land Act of 1913. Land Turnure is inextricably linked to an individual's identity, dignity and a sense of belonging.

Millions of our people do not feel the sense of belonging as land reform post 1994 has been an unmitigated disaster. Land reform was supposed to address dispossession and injustice to create more equitable distribution of land; to reduce poverty and stimulate



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economic growth and to provide security of tenure; all of which the ANC government has failed to achieve.

Despite the availability of a litany of legislation and grant programmes; land reform has fallen victim to political manipulation by the ruling ANC elites; compounded by its own hubris and its insularity.

[Applause.] The ANC government now seeks to use the Constitution as an excuse presenting it as a barrier to effective land reform and thus deflecting the responsibility for their failures.

Fellow South Africans, let us not be hoodwinked into accepting these red herrings. Small-scale farmers, labour tenants, farmworkers, communal area residents, women and our youth - the lost generation are the intended beneficiaries who have been most affected by the government's abysmal failure in the delivery of land reform.

Twenty three years into this democracy, the land tenure rights of the rural poor are still not addressed.

Security of tenure, preferably in the form of legal

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ownership, unlocks access to economic development and real jobs for the lost generation, especially in agriculture. Bill Clinton said:

Work is about more than making a living, as vital as that is. It's fundamental to human dignity, to a sense of self-worth, as useful, independent, free people.

With youth unemployment so high in South Africa; do we not then owe it to this lost generation to unlock the immense potential in successful land reform?

Instead of tampering with an excellent Constitution a DA-led government will enact legislation, secure the property rights of those who live on state land, state-owned land reform projects and former homelands. The DA wants our poor to own their own property. [Applause.]

They will rezone communal land areas as municipalities so that our rural poor get the same service delivery and support as the urban areas. Will also provide an ongoing package of extension services, financial support

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networks, technical and managerial assistance as well as invest in supportive infrastructure, as seen in the Western Cape.

We will also remove the vestiges of apartheid and colonial planning and the embedded semi-feudal systems it engendered in the former homelands; nowhere should paternalism obstruct progress! We will ensure that land reform is an opportunity around which South Africans can unite rather than a source of anxiety. Land reform can attract massive investments to those who were marginalised.

Fellow South Africans, section 25 of the Constitution is not a constraint to land reform, but the very backbone of successful land reform. The motion by the EFF to review and amend the property clause is not supported by the DA because we care about property rights for the poor. Thank you. [Applause.]

*IsiXhosa:*

Mnu P J MNGUNI: Sihlalo weNdlu, mandikhahlele

kubaPhathiswa abakhoyo, ooSekela baPhathiswa nakumalungu

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ale Ndlu yoWiso-mthetho. Ohloniphekileyo uMbabama osuka apha uthetha eziphikisa. Uyandiva.

*English:*

She understands vernacular very well.

*IsiXhosa:*

Uthetha eziphikisa kuba kuqala uthi esi siphakamiso sese-ANC aphinde ekugqibeleni athi yeye-EFF. Kuza kufuneka ukuba athethe into ibenye ayeke ukuthetha emva naphambili. [Uwelewele.] Obeme apha, okaMalema, ngexesha ebendulula esi siphakamiso, uthi ...

... those who were involved in the negotiation sold out! You really have to get close to some of the veterans and leader who are still alive; and hear exactly what the consultations were, the balance of forces were and what were the discussions in the movement then. You really have to get it clear. I remember that the burning cry at that time was that you cannot win in the table which you have not won in the battlefield.

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All negotiations are subject to the balance of forces in the battlefield not as wishes some 23 years later; they reflect that reality. One of our alliance components sat in Cuba in its Eighth Congress in 1988 - I don't know if you were there - and in characterising the South African revolution, it was said that conditions were right for mass insurrection, sithathe ilizwe ngezigalo [take the land with guns.]

That was only a moment when Operation Vula was about to be unleashed. In fact, all the infrastructures have been established inside the country and at that point in time, the regime gave in. It was in this or at the Old Assembly that F W de Klerk announced the unbanning of the ANC and all other formations, the release of Nelson Mandela and so forth.

That defines, in the list, the context on which negotiations actually took place. Yes, the Ultra-right was busy bulldozing at World Trade Centre and doing all sort of things, but the ANC led even at that moment. Hence this dispensation in which we are right now.

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I want to dedicate my input to the memory of a fallen white compatriot; because in tabling this motion, hon Malema said; "no white person can understand" a visionary, a selfless revolutionary, an armed combatant, and a communist to the end; that is none other than the leader, Comrade Joe Slovo. [Interjections.]

Comrade Joe Slovo throughout the struggle epoch he marked a unique calibre of white intelligentsia and white revolutionaries. He was the Commander in Chief of Umkhonto weSizwe. He played a pivotal role in liberating us into this day. So, yes, among white people we have white patriots. In fact, in 1990-91 at the talks about talks, the white minority regime complained that the ANC delegation may not include Joe Slovo. So, he was public enemy number one in the system. I dedicate this contribution to him.

Once again, a number of parties come here and debate but they miss a fundamental point that the South African colonial question - the South African land question is directly related to the colonial question. In fact, just to teach everyone it would be nice to quote from a judge

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in a recent judgement on 28 July last year. In this judgement it states that:

To those who personally experienced forced removal, and those who instead of inheriting the illegitimately wrestled land, inherited the pain of loss of homes and property. The dispossessions are not merely colonial and apartheid era memories they continue to be post apartheid realities which are more so in the case of those who are yet to enjoy the fruits of restitution or equitable redress.

Thus said Judge Madlanga supported by the entire bench at the Constitutional Court. You should just mark, EFF 'equitable redress.' Because clearly you always parade as though you support the judiciary, the judge has spoken, the Constitutional Court has spoken and the date was 28 July last year, when they talked about 'equitable redress'. You want to introduce your own thing. May be it is a smoke screen for all the court cases you are appearing in for the crime that you say people must invade land and now you want to make it to be like a political call, it is reactionary to the core.

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Chair, we have always said that the character of the South African society must be looked at against its own characterisation through colonialism. We have said here before that racism was a myth just to cover imperialism and capitalism. We repeat the point and we challenge the reactionary intelligentsia. Simon van der Stel would not pass a pure race test. Simon van der Stel who on the one side was a descendant of an Indian slave - so to speak let's go to history and dispute that.

So, racism was always a myth right from the onset. Parties must look at themselves - one party has got to look at itself and now and again it has to assure the public that it is not racists. All the time from among the mist of the rank and file of that party racism always show its ugly head all the time. So, we must uncover racism to the racist who are flying with a smoke screen that in fact, underlying, it is a class and even the gender question. [Interjections.] Exactly, land takes place in South Africa in a racialised context. There can be nothing better than that.



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We also want to refer to gender and male domination society and chauvinism which led to the triple operation of the African working women. In fact, we hold - because everyone who talks gender we think that we are talking about the same thing - ours is a notion of revolutionary feminism and not liberal feminism ... [Interjections.]

In fact, race, class and gender must be looked at in balance otherwise we risk landing into workerism, we risk landing into narrow-nationalism; we risk landing into liberalism, we risk landing into feminism, and all sorts of distortions.

The 1994 breakthrough is not what you want; it is what we want because you have a farfetched motion that will never see the light of day. That breakthrough sought to tilt and reverse the colonial ethos of 1652, the Union of South Africa of 1910; the Land Act of 1913 and the Group Areas Act of 1948. No one alludes to the Group Areas Act, and thank you to hon Shaik, because he is right, he is referring even to the current existing dispossession taking place in Woodstock and elsewhere. [Interjections.]

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*IsiXhosa:*

Yimani siza nani kakuhle ngomgca ngoku.

*English:*

For some reasons - listen carefully to this - why the EFF's motion does not resonate and may not resonate with the ANC; you refer to the 8% of the land - now the 8% that you refer to as having been transferred thus far. You do not indicate whether you are referring to redistribution or to turnure reform or to restitution, but you are just howling and shooting into a hill! Be clear as to what 8% you are talking to. On restitution, how would EFF account for those people who have opted for financial compensation? How would you count them into the 8%?

Now, the various redistributive programme like the Recapitalization and Development Programme, RADP, the Proactive Land Acquisition Strategy, PLUS, and so on, which are programmes in the redistribution of land; do you include them in the 8% or you don't?

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Parliament has a clear mechanism as has been outlined by committee Chair, Comrade Ngwenya-Mabila, clear mechanism of a Constitution Review Committee. You abruptly jumped and asked to give ANC 6%, is the ANC needing your 6% so desperately? What for?

When there is Parliamentary constitution review committee why your amendments can't be looked at there? In fact, I can paraphrase for you what you want. That 25(1) of the Constitution says:

No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

All you want is that everyone must be deprived only through that law. That law is forthcoming in actual fact. We reject the EFF in its call for land invasion. The ANC rejects the EFF's motion. [Applause.] Thank you.

Mr M A PLOUAMMA: Hon Chair, hon members, cowardice can be an illness; you must heal it before it becomes chronic. The ruling elite of today will not support this motion

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because they are cowards who are seduced by big houses and big cars. They chair at the table of those who benefitted from apartheid and colonialism.

Chief Sekhukhune, legendary Bhambatha and King of the Xhosa and warriors are smiling wherever they are. Their descendants now smell the coffee. Almost all wars fought in South Africa were all about the land and mineral resources. The British imperialists benefitted and still benefit through international corporations. The Anglo-Boer War was all about independent and land annexation. The negotiations that led to the union of South Africa paved the way which the Afrikaners benefitted from, culminating in them reaching political power in 1948.

When D F Malan and his predecessors gave monopoly of land to Afrikaners, they never thought once about black people. We were treated like children and worse than animals. Now, fast-forward in 1994, our leaders settled for scrums on the table for the sake of peace. They were absorbed and assimilated to the civilisation of Western Europe. In a nutshell, they were anglicised and quickly forgot the blood and murder of kings who stood the

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ground, how Chief Sekhukhune wrote the letter to the then Transvaal under the president Burger and British representative to stop their aggression. They never listened because land is everything; if you take it from the people they are left naked, homeless and disorientated.

Our Constitution obliges us under section 25 to treat fairly even those who inherited land from Paul Kruger, D F Malan and Verwoerd's ideology. It compels us to choose not to go the Robert Mugabe road but to be fair and just in our approach.

However, the reason why Agan SA supports this motion is because in 23 years since democracy, black people are suffering even worse than during the time of apartheid. [Interjections.] I want to warn seriously those who think things are normal when black people are still dispossessed to go to the nearest river and baptise themselves. [Laughter.] There is nothing normal; we do not have our country; our country is still in the hands of the descendants of those who came from Netherlands and above all, those who came from Britain.

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This country cannot be stable and cannot have a true democracy until black people, Africa, in particular, are able ... We support this motion. [Time expired.]

[Applause.]

Mr L R MBINDA: Hon Chair, Baba uNkwinti, I am very disappointed with your comrades, more especially the lady who is chairing our Portfolio Committee on Rural Development and Land Reform. I don't know what Tata - ngubani lo mfo [who is this man] - Mnguni was saying here.

*IsiXhosa:*

Ebesenza le nto kuthiwa kubhanka.

*English:*

He was not even addressing this important issue of land question. So, I think you must just fire both of them.

[Interjections.] I don't think they are representing the marginalised people of this country.

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Our current Constitution does not address the land issue in favour of the indigenous people, the African people. I think what we should have done in the Constitution when everybody was rushing for negotiations - because uTata Makwethu was very clear all the time, more especially about the land issue.

My proposal is that we must firstly change the preamble of the Constitution as follows: We, people of South Africa, declare that our land and its mineral resources were stolen or robbed from the indigenous people by the white monopoly capital; it must therefore be returned to its rightful owners, the indigenous people. That is what we should have been doing. This issue would not have been a problem.

As the PAC, we are appealing to all members of the House from various political organisations to at least support the repeal of section 25 of our Constitution. We all know that our African people do not have money to pay for the stolen land because our wealth is still in the hands of the white monopoly capital. All the social ills that our people are suffering from are as a result of us being

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landless. With the land in our control, we will be able to change the lives of our people for the better for ever.

Therefore, I must say I am disappointed because we all know that this land that we are talking about, the ocean as well as oxygen is a gift that was given to the citizen, the indigenous people of this country by God. That is why we are saying as PAC, land cannot be sold; land cannot be bought; and it should not be treated as a commodity but it must just be taken from those who have stolen it from the African people.

*IsiXhosa:*

Ndiyabhena ndicela kananjalo ukuba iphele le ngxaki sinayo yokuba sithi xa singcwaba izihlobob zethu kufuneka sihlawule ama-R3000 kuMasipala OMbaxa iBaffalo City. Ukanti xa umntu efuna ukungcwaba eCambridge kumhlaba ophucukileyo, apho kuhlala khona abantu abamhlophe, kufuneka ahlawule ama-R9000. Lihlazo elo kungenjalo ama-Afrika aza kuzithathela wona lo umhlaba ukuba niyalibazisa kuba aba babini ...



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*English:*

... they are busy contradicting their own provinces.

[Time expired.] [Applause.]

*IsiXhosa:*

Musani ukudlalisa ngathi apha.

Mr N T GODI: Hon House Chair, comrades and hon members, the APC will support any measure, resolution or programme that seeks to enhance and fast-track access to land by the dispossessed African majority.

The message must be sent strongly and consistently that whites cannot continue to own land in excess to their population figures. The fact that white people, as a social class, talk about reconciliation whilst tenaciously clinging to wealth and land accumulated through the criminal oppression and exploitation of the majority indigenous Africans, means the majority is being taken for a ride.

The fight against racism, poverty, inequality and the restoration of the dignity and humanity of the Africans,

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find their concrete resolution in restoring land to our people. Our people continue to live like refugees in their own country; treated as sub-humans in the farms; evicted; the graves of their forefathers desecrated, etc.

The APC supports this motion for no more a reason than that the issue of land must be at the centre of our transformation programmes and freedom. The land question is a genuine call. The APC supports it. All Africans and freedom-loving people of South Africa must unite to ensure that the national grievance is addressed. I thank you. [Applause.]

Mr T C R WALTERS: Hon Chair, I am at the moment surprised; I think a historical event took place and that is member Godi disagreeing with the ANC.

The DA welcomes this opportunity like, the hon Lekota, to kick off a genuine debate as to the causes, problems and solutions of land reform. Most of you today are actually celebrating and welcoming this opportunity to display our pride in a Constitution that rather than prevents us from

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achieving justice and redressing land reforms, is in fact our most powerful tool to do exactly that.

While we do not associate with the implied solution in this motion on Constitutional change to the challenges of land reform, we do agree that a genuine foundational debate about this matter has long been overdue, in this House, amongst us as politicians and also in society at large.

The absence of meaningful debates since 1994 provided this ANC-led government with a choice no government should ever have had. On the other hand it could choose to use clause 25 of our Constitution that specifically provides the framework for the rapid expansion of property ownership for those excluded from it in the past, and in the process unlock suppressed talents and abilities of black South African, particularly the lost generation of South Africans left behind. It could have made that choice. It could choose to make South Africa an economic success story where economic growth is matched with a reduction of inequality through the use of property ownership and a stake in that economic growth.

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Yet, there was another choice. It was a choice that gave the organisational elite imbedded in the liberation movement, the opportunity to insulate it from ideas and initiatives, close itself to accountability and create a crony system of government where delivery is not about the people, but self-enrichment. It was an alternative choice to use its power to attract the highest bidder, to use every tender, every land deal and every development to build the foundations of probably the greatest criminal enterprise in the world today.

Fellow South Africans, the ANC made that choice. Now, as its domination is rapidly waning and the shock of loss of power is being felt, the governing party is doing account for replacing the people with personal profit.

Out of ideas for the people, it has only one card to hold on to its privileges, and that is to set up lightening conductors to draw energy away from their historic failure. Unfortunately, this motion is helping to set up such a lightening conductor.

It is not clause 25 that reduces the supposed beneficiary of land reform projects to unpaid workers without

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property rights on taxpayer's subsidised state farms; farms that are milked dry by cronies of the ANC. It is, in fact, our Constitution that will protect their right to ownership of such land once a government dedicated to fairness provides it to them. It is not clause 25 that leaves the rural poor in former homelands without title deed on the land they have farmed for generations. The rural poor were deliberately kept in poverty to lock them into voting for the ANC.

It is, in fact, our Constitution that will protect the right to ownership of such land once the government believe in freedom provides it to them. It is not clause 25 that prevented the purchase of land, readily available on the market as any survey will show, at reasonable prices.

It would have assisted a transforming agricultural sector's stability concurrently providing much needed jobs in a sector currently shedding jobs. It is, in fact, our Constitution that will protect transformation in a flourishing agricultural sector once a caring government believing in opportunity makes land reform successful.

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It is not clause 25 that allowed extension services, the Agricultural Research Council, suitable financing for farmers, investment opportunities, drought, relief, agricultural colleges, land claims and purchases of land to fail. It is not clause 25 that fails to take workable proposals from organised agriculture, Communal Property Association and land reform beneficiaries on board. It is not clause 25 that is to blame for state capture, division in the ANC and failure at the ballot box.

Fellow South Africans, the Constitution is the very institution that guarantees the economic freedom of those marginalised and dispossessed who are now being blamed for a lack of progress. For us to do so, as politicians, is like a craftsman blaming his own tools. By blaming the Constitution ...

*Afrikaans:*

... en ek kan byvoeg ons legitieme beleggers in landbou, ons boere ... [... and, may I add, our legitimate investors in agriculture, our farmers ...]

*English:*

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... for the failures of this government, we are not only playing by the rules of survival of an emerging, gangsters state, but also risking the future of every single South African who came into property for the first time. The DA is the only party that genuinely wants the poor to own property; [Interjections.] We do not want the poor to remain poor.

The DA shows that transversal government, incorporating all levels of government that bring all stakeholders together can successfully empower the poor through ... The DA stands with the Constitution. [Time expired.] [Applause.]

The DEPUTY MINISTER OF PUBLIC WORKS: House Chair, colleagues and comrades. Let's begin by agreeing with some of what is contained in the introductory paragraphs of the draft resolution which is being submitted by the hon Shivambu in the name of the EFF. It is absolutely true that South Africans have a history of brutal dispossession of land by colonial and white minority regimes.

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The draft resolution says "a unique history"; I would suggest that we remove the word unique. Let's be internationalists; because after all genocidal, colonial projects have occurred throughout North and South America, Australasia, Africa, and as we speak today, in Palestine, so, let's be internationalists and not narrowly be exclusivists about being South African.

It is true, as the draft resolution says that this colonial and apartheid past has left a deep mark, although it says an indelible mark; no, no, this mark must be delible, it must be erasable, we need to erase it radically through radical economic transformation.

It's also true, as other speakers have said from the ANC, that the current land reform programme has been fought with difficulties and the pace has been frustratingly slow.

Where the draft resolution, hon Shivambu, starts to go off the rails, is in its fifth paragraph where it tells us that "at the centre of the present crisis regarding the land question is section 25(1) of the Constitution."



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I'm not sure, hon Shivambu, why you singled out clause 1 of section 25, which reads "no one may be deprived of property except in terms of law of general application and no law may permit arbitrary deprivation of property." The reason why this is the very first clause inserted by those of us who were involved in the negotiations at Convention for a Democratic South Africa, CODESA, in section 25 of the property clause is precisely because of the brutal colonial and apartheid era arbitrary deprivation of land, property and livelihoods; never again shall we allow arbitrary deprivation in this country, it must never be allowed again. [Applause.]

However, what clause 25 of the Constitution is not saying is that existing property relations are sacrosanct and must be left untouched, on the contrary. Firstly, section 25 calls for security of tenure of ownership in cases where the apartheid past has left millions of South Africans with insecure tenure or no tenure. Women in areas of land tenure, for instance, with insecure property rights, that's very important.

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Secondly, section 25 empowers expropriation in the public interest and it defines public interest as including the nation's commitment to land reform and to reforms to bring about equitable access to all, all, South Africa's natural resources: water, minerals, etc, and it adds, property is not just limited to the land, unlike what the DA has tried to change the Constitution into meaning.

Under sub-clause 5 of the property clause, the Constitution says the state must - not may, should consider, should think about - the must take reasonable legislative and other measures to foster conditions which enable citizens to gain access to land on an equitable basis. And under sub-clause 8 of the property clause, the Constitution declares: no provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform in order to redress the results of past racial discrimination.

In short, it is absolutely misguided to treat the property clause in the Constitution as an albatross around our necks. As a best and necessary concession that

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was made in a difficult balance of forces during the negotiated settlement in the 1990s.

I agree, therefore, with former Deputy Chief Justice Dikgang Moseneke, that clause 25 is in fact radical in both spirit and in its letter. And I further concur with the Judge that it is misguided to blame clause 25 for the weaknesses in land reform. As Judge Moseneke has said, government has so far failed to test the radical transformational reach of the idea of compensation for expropriation being based on the just and equitable principle; not based primarily or exclusively on the basis of market value.

Let's remind ourselves, section 25 says explicitly that the determination of just and equitable must reflect an equitable balance between the public interest and those affected by expropriation, having regard to all relevant circumstances including the current use of the property, is he an absentee landlord, that should certainly affect how we appropriate; if we expropriate, how we reflect on compensation.

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The history of the acquisition and use of the property. As a result of group areas removals, that should surely impact upon whatever compensation is made; the market value, yes it's there but it's not prime among equals and the extent of direct state investment etc.

Where expropriation of poor communities occurs, perhaps to build a dam, the just and equitable principle which surely suggests compensation far in excess of market value; contrary wise, there will be cases where the history of acquisition of the property, for instance, or its current use, will require compensation considerably below market value. Indeed, there's no reason why compensation might be just symbolic to rand in order to meet the requirements and let the courts decide if that is just, fair and equitable.

The EFF radically misreads the Constitution and thus falls into the trap that is historically been laid by the DA and its hangers-on. Now, I'm very pleased to see that there's a recalibration of the DA's stance because I think they are realising there opposition to the Expropriation Bill in this House has created the

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conditions for opportunism. There have been enough dispossessions in our country, let's not allow the DA and its hangers-on to dispossess us of the spirit and literal meaning of the hard-won 1996 Constitution.

I've heard the DA leader, not currently and I'm pleased to hear the hon Lotriet and others being more sensible; but a DA leader, Leader of the Opposition in this House, not so long ago stood up and said - not the current one - the willing seller willing buyer approach is entrenched in the Constitution, utter poppycock.

Premier Hellen Zille said that the DA's strategy was to split the ANC into the constitutionalists, who believe in the rule of law, and the radicals, who support national democratic revolution. We are radicals, we support national democratic revolution and we are constitutionalists and we believe in the rule of law. [Applause.] The Constitution is not a 19th century liberal document.

In introducing this draft resolution, the hon Shivambu is making an innocent but I would like to believe misguided

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assumption. Let's pretend for a moment, let's assume that we amend the Constitution to allow expropriation without compensation, who is it that will then drive land expropriation without compensation? Perhaps the EFF will be the ruling party, let's pretend that might happen; and perhaps a Thomas Sankara or Che Guevara will emerge from their ranks; an honourable politician, perhaps that might happen; perhaps they will be ruling in coalition with other partners and perhaps those coalition partners will support the Thomas Sankara of the future in the EFF to lead the process of land reform without compensation. But we need ... there's many perhaps' and many ifs and buts in that, we need to make laws and we need to defend the Constitution not based on perhaps or if, but what will work for all seasons.

What if instead of a Thomas Sankara, we get a parasitic emerging elite linked to a future government pursuing private accumulation? Imagine how in the name of public interest piles of expropriation without restraint and compensation will be exploited? And we know exactly what will happen, because we just need to look across the Limpopo to see who are the main victims when this happens

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the same black majority who have been oppressed in the past: farm workers, the urban and rural poor, with chronic food shortages and skyrocketing food prices as a small connected elite cease land in the name of the public interest. So, be careful what you wish for, I say to my colleagues across there on the EFF.

Much of this debate but not all of it because I'm pleased to hear that some of the speakers have also recognised that when we talk about the land question, we are not talking only about rural and farming issues; yes, critically we're talking about those; nor are we talking about a magical return to pre 1652 or even pre 1913. What do we mean when we say let's return the land to the indigenous people? What message are we sending to the millions of South Africans who are descendents of those who came not as white colonialists in this country but came as slaves or indentured labourers? We must be very careful of having a narrow Africanism; of course the exploitation and brutal expropriation of the African majority and indigenous majority is something very important but let's broaden the horizon.

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Well over 60% of South Africans are now urbanised; the land issue is now predominantly an urban question and nor should we imagine that systematic mass scale dispossession occurred only in the distant colonial and the relatively apartheid past.

As we speak now, massive dispossession of poor black communities is actively happening, driven by the market, property speculators, corrupt court officials and estate agents, and by the crisis of indebtedness of the working poor and lower middle classes. The scale of home repossessions by the banks, some are 100 000 every year, is approaching apartheid era group area removal proportions.

As we speak now, as one former speaker mentioned, "down the road in Woodstock or up in the Bo-Kaap, communities are being disposed in the name of development" by speculative property market activities aided and bettered by the city officials and city politicians. [Applause.]

On the Cape Flats, in Phillipi, small farmers have temporarily won a reprieve from being dispossessed so



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that a shopping mall and a privately-run prison can be developed, driven by the Mayor of City of Cape Town, regardless of the environmental considerations and regardless of sustainable livelihoods for [inaudible.]; so much for defending property rights of the poor, DA.

The democratic state needs expropriating powers, it needs to be able to drive rural and land reform, mixed income, medium density, human settlements, all of this is captured admirably in the Constitution and especially within section 25. [Time expired.]

We don't need to change the Constitution, we need to implement it. [Applause.]

Mr J S MALEMA: Chair, the EFF has succeeded in exposing the hypocrisy of the ANC to the South African population ... [Interjections.] ... but you are not honourable enough to stick to your own ways.

Your president spoke about expropriation; you came here and contradicted him. Some of your colleagues spoke about expropriation; you came here and contradicted them. When

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the last speaker spoke here, one of the Ministers was actually encouraging me to listen. Because that's what you do. You listen to white messiahs. Because on your own you can't do ... [Interjections.] On your own you can't think ... [Interjections.] ... and it is the white messiahs who have put us in this crisis. The same Joe Slovo that you praise is the one that came with sunset clauses that demanded huge compromises. The African majority are suffering today because he was defending white property ownership.

So we want to put it very clearly that we made available to the ANC to implement exactly what the President said he wants to do, and the ANC rejected it. [Interjections.]

Because you never mean anything you say. You stand up and say you fight corruption, yet you bring corruption right into Parliament in the name of Brian Molefe.

[Interjections.] Those are the things you are known for.

You say this and do the opposite.

Today, the entire country has seen you for who you are.

You bring people here who have no clarity of what we are

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speaking about, except the last speaker who attempted but just stuck to re-reading the Constitution!

Hon Mnguni comes here and speaks about feminism when we are speaking about land. He says revolutionary feminism, liberal feminism ... Hey! What is he talking about? And then he says, Malema you must sit with the veterans of the struggle. I might appear young to you, but, for your information, I've sat with a lot of struggle veterans. I even stayed in their houses, more than you.

Because, by just speaking here, it is clear that you are just a backbencher from a branch who found himself in this House by accident. [Interjections.] You don't understand national issues. You must return to your branch so that you can continue counting membership forms. Issues here are beyond you capacity. You must still go through the structures so that you develop national consciousness, so that tomorrow, when you come here, you can reflect the national status of issues and not some short-sighted talking about things that you don't have clarity on.

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So, as the EFF, we want to say that radical economic transformation is just rhetoric. You are not going to implement it.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has expired.

Mr J S MALEMA: You don't mean it. Zuma says it because he wants to re-position himself so that he can have some legacy.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, your time has expired.

Mr J S MALEMA: He will known as the most useless President who has never meant anything ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Malema, your time has expired! Will you take your seat now, please.

Mr J S MALEMA: ... that came out of his mouth. He just blows hot about radical economic transformation.

[Applause.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members! Order!

Debate concluded.

Question put: That the motion moved by Mr N F Shivambu be agreed to.

Division demanded.

The House divided.

[TAKE IN FROM MINUTES.]

Question not agreed to.

Motion accordingly negatived.

**UNPARLIAMENTARY LANGUAGE**

(Ruling)

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, order!

On Tuesday, 21 February 2017, the Minister of Agriculture, Forestry and Fisheries responded in isiXhosa to a statement on the killing of farmers. The translation of his response is as follows, and I quote:

Human dignity in farms must be equal and there is no-one in this department who thinks killing of farmers is normal. Killing of farmers and farmworkers is a bad practice because killing is the same, and it is painful to all families. Let us change when we look at these things and stop discrimination. We will get respect in the farms if farmers can treat their workers in a good manner and that will make peace.

Thereafter, the hon Chief Whip of the Opposition rose on a point of order and requested to address me in terms of Rule 85, and said, and I quote:

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There have been several rulings in this House that one may not impute that another Member of this House is racist.

He indicated that the hon Minister's response indicate that what the hon Steyn was doing in the House was racist.

I indicated, and the hon Chief Whip also requested me, to look at Hansard and, if necessary, return to the House with a considered ruling.

Having read the Unrevised Hansard, I now rule as follows:

The remarks made by the Minister of Agriculture, Forestry and Fisheries were not in contravention of the Rules, as he did not refer to the hon Steyn or any other Member of the House as racist, as alleged by the hon Chief Whip of the Opposition. His remarks were general in nature and are therefore not unparliamentary.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson ...

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The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon member?

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, thank you very much for the ruling. We accept the ruling wholeheartedly.

But, I do believe we have a problem with the interpreting service that is being offered. I would ask that the presiding officers do take this up to ensure that the simultaneous interpretation that we are getting is an accurate reflection of what members on the floor are saying.

Because, I have no doubt that, if you had examined the interpretation that was coming through, you would have reached a different conclusion.

But, we respect your ruling, and accept it.

**THE PASSING OF JUDGE ESSA MOOSA, AN ANTI-APARTHEID  
ACTIVIST AND HUMAN RIGHTS LAWYER**

(Draft Resolution)



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The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, we  
move without notice:

That the House –

- (1) notes with sadness the passing of Judge Essa Moosa, an anti-apartheid activist and human rights lawyer, who passed on Sunday, 26 February 2017 after a short illness;
- (2) also recalls that Judge Essa Moosa was a qualified lawyer and was admitted to practice by High Court of the Supreme Court of South Africa on 1 June 1962;
- (3) further recalls that, Judge Moosa was a founding and executive member of the National Association of the Democratic Lawyers and chaired its human rights committee;
- (4) remembers him as a champion for all those who depended on a just and fair legal system;

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- (5) further remembers him as a warrior who fought tirelessly for the legal presets that we have come to cherish as South Africans;
- (6) recalls that in April 1998, he was appointed by President Nelson Mandela, as the Judge of the High Court of the Supreme Court of South Africa;
- (7) further recalls that he retired as a Judge of the Western Cape High Court in 2011 and in 2013, he was appointed head of a unit that will investigate complains against members of the Directorate for Priority Crimes Investigations, better known as the Hawks;
- (8) believes that Judge Moosa's death is an enormous loss to the people of South Africa; and
- (9) conveys our condolences to the Judge Moosa's family and friends during this painful time. I thank you.

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(Draft Resolution)

Ms T GQADA: Chair, I hereby move on behalf of the DA without notice:

That the House –

- (1) notes that on Friday, 17 February 2017, 14 people from ward 93 in Khayelitsha sadly passed away in a shack fire in the early hours of the morning;
- (2) also notes that the deceased includes an adult male and female, as well as two young children;
- (3) further notes that a 23-year-old boy was lucky to survive the ordeal and is now in the care of the relatives;
- (4) acknowledges that the fire was allegedly caused by a faulty Eskom box;

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- (5) further acknowledges that many families from through out South Africa go through the same ordeal on a regular basis;
- (6) thanks the community of Khayelitsha and representative from the City of Cape Town, who have shown an immense amount of support to the family in various different forms over this difficult period; and
- (7) conveys our sincere condolences to the family and friends of the deceased. I thank you.

**THABO MBEKI INAUGURATED AS NEW UNISA CHANCELLOR**

(Draft Resolution)

Ms H O HLOPHE: House Chair, I rise on behalf of the EFF to move without notice:

That the House -

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- (1) notes that yesterday, 27 February 2017, former President, Thabo Mbeki was inaugurated as a chancellor of the University of South Africa;
- (2) further notes that President Mbeki remains one of the very few statesman in Africa who encompass incredible educational history and these are the necessary ingredients in not only occupying the office of a chancellor, but in instilling a respectable reputation in academia and in Unisa, South Africa and Africa at large;
- (3) acknowledges that the dimensioning reputation of academia in society should be restored and indeed key challenges of curriculum and institutional transformation together with access and success as it relates to the poor and an African child should remain a priority;
- (4) further acknowledges that former President Thabo Mbeki will preside over Unisa as a chancellor with the support of the EFF;

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(5) believes vehemently that the office of the chancellor in academia will now have a societal influence that has never been witnessed before in our country;

(6) also wishes that former President of South Africa preside over this prestigious office with his inherent leadership qualities with grace and success until the free education for all comes; and

(7) congratulates the former President on this milestone in his long and illustrious career.

**AWARD-WINNING LOCAL SCI-FI SHORT FILM, TEARS IN THE RAIN**

(Draft Resolution)

Mr D M GUMEDE: The ANC moves without notice:

That the House -

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- (1) notes that the short film, *Tears in Rain*, which was locally made, has picked up one of the major awards from the sci-fi Underground Film festival, which took place in Munich recently;
- (2) further notes that this 11 minutes film received the best acting award for the two cast members that are Sean Cameron Michael and Russel Savadier;
- (3) understands that this film was produced on a minuscule budget of only R20 000 and was filmed in South Africa in just two days;
- (4) further understands that *Tears in the rain* has been entered in a number of film festivals including the Jozi Film Festival, the London independent Awards, the Boston Sci-fi Film Festival, the Philip K. Dick Science Fiction Film Festival, and the Los Angeles Film Festival; and
- (5) congratulates, Harvey and Andrew Eric McDonald for making a brilliant film that has put South

Africa on the world map in this field once again.

Thank you.

**FLOODS DROWNING VICTIMS OF MAKGOBISTAD VILLAGE IN NORTH  
WEST PROVINCE**

(Draft Resolution)

Mr N SINGH: Hon Chairperson, I hereby move on behalf the  
IFP without notice:

That the House -

(1) extends its deepest condolences to the families  
and friends of the three drowned victims who lost  
their lives in the recent flash floods in the  
North West;

(2) further notes that a primary school boy was  
amongst the victims who drowned whilst trying to  
cross the stream near Makgobistad village and  
that the other two victims were in the vehicle  
that was swept away by torrential flooding;



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- (3) further acknowledges that the floods affected a wide area within the North West province leaving many people without adequate shelter; and
- (4) calls upon government to urgently intervene in this regard in order to bring much needed comfort and support to the families of the deceased and disaster relief aid to the rest of the people in the affected areas.

**BRUTAL MURDER OF FOUR MZILA FAMILY MEMBERS IN UMLAZI**

(Draft Resolution)

Prof N M KHUBISA: on behalf of the NFP I move without notice:

That the House -

- (1) notes that four members of the Mzila family living in Umlazi namely: Ms Sibongile Mzila, Ms Zithulele Mzila, Ms Hlengiwe Mzila, and Mr Lungisani Mzila were brutally murdered in the

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early hours of Saturday morning, 25 February 2017;

(2) further notes that eight people were also shot at a tavern by the same armed suspects prior to the murders taking place;

(3) also notes that the police who responded to a call from community members shot dead one of the perpetrators while he was trying to escape after raping the youngest of the Mzila daughters and leaving her physically and emotionally brutalised and traumatised; and

(4) finally, notes that two other accomplices are still at large and members of the community had come forward to identify at least one the perpetrators and we therefore call upon this hon House to express its condolences to the Mzila family, who lost loved once in this brutal and senseless act of murder and commend the community members of Umlazi, who have since come to the assistance of the police in identifying one of

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the suspects and also call upon the Saps to intensify their efforts in bringing the perpetrators of this heinous killing and robbing spree to face the might of the law.

The HOUSE CHAIRPERSON (Ms M G Boroto): Just a reminder, I have been given extra seconds to everybody and it is one and a half minute. Please, check your time.

**AB DE VILLIERS SCORING 9000 ONE DAY INTERNATIONAL RUNS**

(Draft Resolution)

Ms M C C PILANE-MAJAKE: House Chairperson, I hereby move without notice:

That the House -

- (1) notes that AB de Villiers became the fastest man to score 9000 one day international runs, as he led his side to a 159-run victory over New Zealand in the third one-day international at

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Westpac Stadium in Wellington on Saturday, 25 February 2017;

- (2) further notes that De Villiers scored 85 having needed just five runs to surpass former India captain Sourav Ganguly, who took 228 innings to achieve the milestone;
- (3) recalls that De Villiers did it in his 205th innings;
- (4) understands that South Africa scored a credible 271- 8 in their 50 overs and then their pace bowlers ripped the top off the hosts batting to reduce them to 58 for six in the 20th over before bowling them out for 112 in 32,2 overs;
- (5) acknowledges that the victory gave de Villiers' team a 2-1 lead in the five-match series with the fourth game in Hamilton on Wednesday;
- (6) further acknowledges that de Villiers had again held his side's innings together with a composed

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knock and was only dismissed in the final over when he failed to get underneath a Trent Boult full toss and was caught on the boundary;

(7) congratulates the skipper, AB de Villiers on reaching this wonderful landmark in cricket; and

(8) further congratulates the entire cricket team for such a splendid victory against New Zealand.

Agreed to.

**THREE PRIMARY SCHOOL GIRLS FOUND DEAD IN A TRENCH  
PREPARED FOR WATER PIPES IN MTHATHA, KWAPAYNE FARM  
VILLAGES**

(Draft Resolution)

Ms C N MAJEKE: House Chairperson, I hereby move without notice:

That the House -

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- (1) notes with sadness that on Friday, 24 February, three primary school girls who were best friends and neighbours were found dead in a trench prepared for water pipes in Mthatha, kwaPayne farm villages;
- (2) further notes that Esethu Madondile, 10 years old was in Grade 4, and Lindokuhle Singata was also 10 years of age was in Grade 6 in the Dalubuhle Junior Secondary School; and the other girl, Sinazo Mbeshu, was 11 years old and was in Grade 5 at Upper Zimbane Junior Secondary School;
- (3) recalls that in 2014, these three girls were raped by a 42-year-old man who was said to have psychiatric ailments and sentenced to life in prison;
- (4) commends the village traditional leader Bishop Vuyisile Platjies for assisting the families to discover the bodies of their children;

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(5) further commends a police driver who heard about the incident over the police radio and rushed to the scene to help;

(6) calls for the local authorities to investigate the cause of the incident; and

(7) express our condolences to the members of the three families, and the schools who lost their loved ones at a very tender age.

Agreed to.

**SOUTH AFRICA PRODUCED TWO NEW WORLD CHAMPIONS AT THE  
RECENT WORLD SHEEP SHEARING AND WOOL HANDLING  
CHAMPIONSHIP**

(Draft Resolution)

Ms A STEYN: House Chairperson, I hereby move without notice:

That the House -

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- (1) notes that South Africa produced two new World Champions at the recent World Sheep Shearing and Wool Handling Championship which was held in Invercargill, New Zealand;
- (2) further notes that Mayanzeke Shweni and Bangani Joel achieved massive victories over their rivals at the competition and kept the South African flag flying high;
- (3) acknowledges that the 44-year-old Shweni, from Sterkspruit, won the Southland All Nations and World Championships title in the blade-shearing division;
- (4) further acknowledges that the 50-year-old Joel, also from
- (5) Sterkspruit, was fourth in the same two competitions;



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(6) recognises that the pair then teamed up and as a duo, won the global title in the blade-shearing division against teams from 31 nations; and

(7) congratulates the duo on this remarkable achievement and wishes them well in their future endeavours.

Agreed to.

**THIRTY NINTH ANNIVERSARY OF MANGALISO ROBERT SOBUKWE**

(Draft Resolution)

Mr T RAWULA: House Chairperson, I hereby move without notice:

That the House –

(1) notes that yesterday, 27 February, marked 39 years since the death that colossal figure of our liberation struggle, Mangaliso Robert Sobukwe, the founding president of the Pan Africanist

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Congress, and a former member of the ANC Youth League generation that redefined the nature of our struggle;

(2) further notes that Sobukwe, always believing that leaders must lead from the front, and that leaders should never expect ordinary people to do what leaders themselves were not prepared to do, got arrested for leading the anti-pass campaign from the front;

(3) acknowledges that the white minority regime at the time was so terrified of him that Parliament passed a special amendment to the law, the so called Sobukwe Clause, to keep him in jail indefinitely;

(4) further acknowledges that despite these tough conditions on his life, Sobukwe never once betrayed the cause for which he had dedicated his life. When he was released and banned to Kimberly, he continued to dedicate his life to

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the people, often representing poor people in Kimberly for free in court;

(5) further notes that many attempts have been made by many, now and in past, to erase Sobukwe's contribution to our liberation struggle, but his ideas about the land constituting the cardinal pillar of decolonisation will stay with us forever; and

(6) calls for the recognition of the role Sobukwe played; and

(7) extends its greatest appreciation to his still living widow, Mam Zodwa Sobukwe and Mandla Sobukwe.

Agreed to.

**APPOINTMENT OF ADVOCATE JEREMIAH MERABE AND MR DUNCAN**

**HANDLE IN THE UMALUSI COUNCIL**

(Draft Resolution)

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Mr D M GUMEDE: House Chairperson, I hereby move without notice:

That the House –

- (1) welcomes the appointment of Advocate Jeremiah Merabe and Mr Duncan Hindle to the vacant positions in the Umalusi Council on Wednesday, 22 February 2017;
- (2) believes that both Advocate Merabe and Mr Hindle bring wealth of experience and vast knowledge and experience to the Council having served for many years on different levels within the education sector;
- (3) understands that Advocate Merabe has served as Director: Legal and Auxiliary Services for more than eight years at the Free State Department of Education;

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- (4) further understands that Mr Duncan Hindle's impressive work history spans more than 40 years in the public sector and had previously served for five years as the Director-General in the Department of Basic Education;
- (5) believes that given their vast experience the two appointees will definitely bring a whole new dimension to the discussions at Council meetings and add significant value by enriching the fiduciary work of the Council; and
- (6) congratulates Advocate Merabe and Mr Duncan Hindle on their recent appointment.

Agreed to.

**TEN PEOPLE DIED IN A HEAD ON COLLISION BETWEEN A MINIBUS  
TAXI AND A TRUCK**

(Draft Resolution)

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Mr S M RALEGOMA: House Chairperson, I hereby move without notice:

That the House –

- (1) notes with sadness the death of 10 people who were killed when a minibus taxi and a truck collided head-on on the old Middelburg road heading towards Witbank near Middelburg in Mpumalanga, on Sunday, 26 February 2017;
- (2) further notes that 10 people were found inside the taxi with fatal injuries;
- (3) understands that a 22 year old woman was found in the front of the taxi with serious injuries and she was the only survivor in the taxi;
- (4) further understands that the driver of the truck sustained minor injuries and was treated on the scene before being transported to the nearest hospital;

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(5) calls for local authorities to investigate the cause of the accident; and

(6) conveys its condolences to the family of the deceased and wishes the survivor of the accident a speedy recovery.

Agreed to.

**AIRPORT COMPANY SOUTH AFRICA RANKED AMONGST THE TEN MOST  
PUNCTUAL AIRPORTS IN THE WORLD**

(Draft Resolution)

Ms M C C PILANE-MAJAKE: House Chairperson, I hereby move without notice:

That the House –

(1) notes that Airport Company South Africa, ACSA, has been ranked amongst the ten most punctual airports in the world;

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- (2) further notes that the list was revealed by the OAG Aviation Worldwide, a United Kingdom-based agency which monitors on time performance amongst airlines and airports globally;
- (3) acknowledges that the OR Tambo International Airport achieved eighth place in the large airports category, the Cape Town International Airport is ranked sixth in the medium airports category while the King Shaka International Airport was ranked tenth in the small airports category;
- (4) believes that ACSA's achievement, amongst others, is attributed to its world class state of the art Airport Management Centre which is the nerve centre of the airports operations; and
- (5) congratulates ACSA on their latest achievement.

Agreed to.

**AFROPHIBIC VIOLENCE IN TSHWANE ON THE RISE**



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(Draft Resolution)

Mr R L MBINDA: House Chairperson, I hereby move without notice:

That the House –

- (1) notes that the level of violence in Tshwane against our fellow African brothers and sisters is rising on a daily basis;
- (2) also notes that our lip service is evidently not enough to the situation;
- (3) further notes that as a nation we have a political obligation to return a favour to our fellow African brothers and sisters who during our dark days housed, fed and trained us at their cost so that we come back home and fight the apartheid forces;
- (4) calls on the security forces of the republic to put more iron on the fist when dealing with the

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perpetrators of these barbaric acts that are anti-Africanism; and

- (5) as leadership we must be seen to be publicly condemning these acts and play our part in ensuring that our people understands that Africa is for Africans and these boarders were part of colonising us as the African people.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Mbinda, unfortunately I cannot put the question because that motion was not circulated. There are processes on how we deal with motions without notice. Thank you very much.

**MINISTERS URGED TO EXTEND FURTHER FUNDING TO THE BLUE**

**FLAG AWARDS**

(Draft Resolution)

Mr Z T HADEBE: House Chairperson, I hereby move without notice:

That the House –

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- (1) notes that towards the end of 2016, Blue Flag awards were presented to beaches in KwaZulu-Natal at a function in Southbroom on the south coast of KwaZulu-Natal;
- (2) also notes that the Minister of Tourism and the CEO of Wildlife and Environmental Society of South Africa, WESSA, Dr Thommie Burger, presented the awards;
- (3) further notes that eThekweni Municipality was awarded full Blue Flag status for uShaka and Westbrook beaches;
- (4) recognises that six Pilot Blue Flags were awarded to the uMgababa, Amanzimtoti, Brighton, uMhlanga main, uMdloti main and uMdloti tidal pool beaches;
- (5) acknowledges that there are 49 countries in the world who belong to the Blue Flag program, and that there are 4250 Blue Flag sites globally;

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- (6) also acknowledges that we have been part of the Blue Flag programme in South Africa for 16 years, and South Beach in Durban was our first Blue Flag beach;
- (7) further acknowledges that the awarding of Blue Flag status to beaches in South Africa plays a major role in attracting both domestic and foreign tourists to our shores, which is vital for job creation for the lost generation;
- (8) pays tribute to Cllr Geoff Pullan, a long-time Blue Flag champion in the eThekweni municipality who has relentlessly pursued the goal of Blue Flag status, despite the opposition of the previous city manager, Mike Sutcliffe, who advocated Brown Flag status for the beaches in eThekweni; and
- (9) encourages Ministers of Cooperative Governance and Traditional Affairs and Tourism to extend further funding to this vital programme in the

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interest of showcasing our beaches and promoting job creation in the tourism industry.

The HOUSE CHAIRPERSON (Ms M G Boroto): That was longest in the seconds that I have been granting, but I grant it.

Agreed to.

**ESKOM HAS BEEN AWARDED THE 2017 TECHNOLOGY TRANSFER AWARD**

(Draft Resolution)

Mr S M RALEGOMA: House Chairperson, I move without notice:

That the House –

- (1) notes that Eskom has been awarded the 2017 Technology Transfer Award by US based Electric Power Research Institute in Pretoria;

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- (2) further notes that this prestigious award is in recognition of research the power firm conducted in shaping the future of electricity;
- (3) believes that this award testifies to the ground-breaking research conducted by Eskom's Research and Development team, which continues to create unique opportunities for the future of electricity;
- (4) acknowledges that the entity has prioritised research activities under the Eskom Power Plant Engineering Institute programme, which has produced over 100 graduates at MSc and PhD level since its inception in 2012;
- (5) understands that each year, Electric Power Research Institute Awards recognises industry leaders and innovators at the vanguard of adopting new technology and spearheading the application of research findings; and

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(6) congratulates Eskom on receiving this prestigious technology award.

Agreed to.

**GOOD MATRIC PASS RATE IN THE FREE STATE PROVINCE**

(Member's Statement)

Mr M L D NTOMBELA (ANC): Hon Chairperson, the ANC congratulates the Free State province for having set a new national record with their matric results and reclaiming its number one spot which it held three years ago. It set a new national record of a 93,2% pass rate in 2016. The Free State was the only province that broke the 90% threshold. It achieved an increase of 5,5% from the 87,7% the province achieved in 2015.

Quoting Dikgang Matamane, the Provincial Chairperson of Congress of South African Students, Cosas, in the Free State, where he stated:

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We are impressed with the strides made by some of the schools and learners drawn from the previously disadvantaged schools who continue to do better in critical learning areas such as maths, physical science and accounting in spite of their severe challenges of geographical location such as the rural areas.

I thank you.

**KENTUCKY FRIED CHICKEN FOR MEC VISIT TO PRISONERS**

(Member's Statement)

Mr M H REDELINGHUYS (DA): Hon Chairperson, the Gauteng Community Safety MEC Sizakele Nkosi-Malobane has certainly turned the ANC's depraved flirtation with criminals and convicts into a finger licking love affair as she dished out KFC at Leeuwkop Prison recently.

According to the MEC herself many of the more than 900 inmates who lined up for their streetwise two have been convicted of raping women and children.



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In the face of public criticism, the MEC shamelessly retorted and said, "It is only two pieces of KFC, really...". Yes, really! It is two pieces of KFC that most South Africans - and most victims of heinous crimes like rape - cannot afford, and are unlikely to ever enjoy.

The R32,00 price tag per head may seem insignificant to the MEC, but that is more than 10% than the monthly child grant, and a child grant recipient must stretch that out over 12 days. You cannot even buy two pieces of KFC with the R20,00 child grant increase announced by the Finance Minister last week.

Rehabilitation and reintegration programmes are important, and necessary, but these noble aims are not achieved by showering convicts with gifts.

Instead, the inmates should have prepared lunch for the visiting stakeholders - a service itself disrupted by the MEC's visit - truly giving back to the community in a cost-effective manner.

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Unfortunately the ANC cares more about KFC for comrades, cronies and convicts than the plight of the most vulnerable in society and the survivors and victims of crime. Thank you. [Applause.]

**GOVERNMENT LACK OF EMPATHY AND DESREGARD FOR WELLBEING OF  
OTHERS**

(Member's Statement)

Ms M O MOKAUSE (EFF): Hon House Chair, government's lack of empathy and complete disregard for the wellbeing of others is what has come to characterise the ANC government in the Northern Cape under the leadership of Silvia Lucas. The R31 road which links Kuruman and the city has been closed due to heavy storms. There is a sinkhole not far from the road, which prevents the road users from driving into the road.

Since January the road has been closed, with no formal communication to road users, taxi owners and business communities of Danielskuil, Finsch, PPC Lime and Kuruman. Taxi owners and other road users are affected severely

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because they have to travel via Postmasburg to get to Kimberley and back. This is about 150 kilometres more than the usual distance.

Government is silent about the road closer whilst our community continues to incur additional costs. This has not only affected business, but poor people of these areas who are unable to fund their trips to get to the city, for many other reasons including accessing tertiary hospitals and better health care institutions.

We call on the Minister of Transport who is also from that province, to intervene and make sure that there is a detour road between the road of Danielskuil and Kuruman. Thank you.

**INCENTIVE SCHEME CREATE JOBS**

(Member's Statement)

Mr N J J VAN R KOORNHOF (ANC): Hon Chairperson, the ANC welcomes the creation of over 30 000 jobs that have been created by the Business Process Services Incentive Scheme

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since its inception. The objective of this scheme is to create employment opportunities, particularly for the young people of South Africa, through the servicing offshore activities. Forty three companies have been supported by the Department of Trade and Industry through this incentive. About 86% of the jobs are for the youth.

Conduent, formerly Xerox, one of the largest business process services companies in the world, was funded by the DTI for more than R10 million in a project that will create 1 600 jobs over the next five years. Recently the portfolio committee visited the offices to assess how the funds that the department allocates are making an impact and how the incentives are applied.

This services industry which has been identified by the government through Industrial Policy Action Plan, Ipap, as one of the country's key job drivers, has been growing at an average rate of 26%. Thailand employs 1,5 million agents in this industry, we, only 30 000, but there is an apatite for South Africa. Many companies want to relocate to South Africa. We can create a massive service industry and create more jobs. Let us do it. [Applause.]

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DEPARTMENT OF SOCIAL DEVELOPMENT TO BRIEF STANDING  
COMMITTEE ON PUBLIC ACCOUNTS

(Member's Statement)

Mr M HLENGWA (IFP): Hon Chairperson, this morning the Standing Committee on Public Accounts, Scopa, was suppose to receive a briefing from the Minister of Social Development and the chief executive officer, CEO, SA Social Service Agency, Sassa, none of them were to be found. The CEO is on a suspicious sick leave.

Now, Sassa is yet again pursuing to enter into a contract with the bunch of crooks that Cash Paymaster Services, CPS, is. As we all know that through their illegal deductions, they have become agents of thievery, stealing from the poor.

We are now 30 days before the end of the deadline and there is no plan on how the social grants will be paid out effective on 1 April. The Constitutional Court found out that the CPS contract was invalid and now through some sneaky backdoor tactics and a default legal

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technicality, CPS is being brought back with the negotiations that are set to start tomorrow.

The Minister is conspicuous by her absence in dealing with this matter, but actively visible in campaigning in the ANC. We are teetering on the brink of a crisis and in all of this is the process of the poor who are faced with uncertainty and who are found wanting in the absence of leadership. It is now clearer than ever before that this country began its journey to the grave, in 2007 at Polokwane.

There is an absence of leadership and the Minister is failing the recipients of the grants on a daily basis because there is a footsy-footsy relationship between social development and the crooks who are in the CPS, who are stealing the social grants of our people and there are no solutions from this government. Anina mahloni! [You are not ashamed!] [Time expired.] [Applause.]

**THE DOWNFALL OF BRITISH COLONIALISM**

(Member's Statement)

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Dr P W A MULDER (FFP): Chairperson, the second half of the 19th century in Southern Africa was characterised and dominated by dominated by British colonialism. Cecil John Rhodes became the symbol of this British imperialism in Southern Africa. In his speech in Oxford in 1877, Rhodes said and I quote, "If there be a God, I think that what He would like me to do is to paint as much of the map of Africa British red as possible."

As a result of this approach, the Anglo-Zulu War ensued in 1879, between the British Empire and the Zulu Kingdom. It was followed by the First Anglo-Boer War in 1881, between the British Empire and the Afrikaner Boer burghers of the Zuid Afrikaanse Republiek.

Yesterday it was exactly 136 years, since the Battle of Majuba in which the British were convincingly defeated by the Boers. On 27 February 1881, the British were convincingly defeated. The British Gen Colley occupied Majuba Mountain as part of his campaign to attack the Zuid Afrikaanse Republiek and annexed it for Britain. The Boers under the leadership of Gen Piet Joubert Nicolas

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Smit convincingly defeated the British and the British Gen Colley died during this battle.

This war was the only war which the British lost in the 19th century and to date; they also lost all four battles in that war. The FFP would like to honour those Boers who were prepared to sacrifice their lives in the fight against British imperialism. I thank you.

**OUTBREAK OF XENOPHOBIC ATTACKS IN JOHANNESBURG AND  
PRETORIA**

(Member's Statement)

Ms D Z RANTHO (ANC): Hon Chairperson, the ANC strongly condemns the recent spate of xenophobic violence in which shops of foreign national and properties have been looted in Pretoria West, Mamelodi and Atteridgeville.

Twelve houses believed to be drug dens and brothels were also torched by locals in Rosettenville, in Johannesburg. Residents in some of these communities blame foreign nationals for the escalating crimes especially drug



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trafficking, and there are simmering tensions that have been reported in other areas including the dissemination of hate speech and threatening messages via social media.

The ANC condemns xenophobic utterances of the City of Johannesburg DA Mayor Mr Herman Mashaba. We urge all South Africans to fight against xenophobia wherever and whenever it manifests itself and for law-enforcement officers to continue with the fight against crime to further promote peace in communities in South Africa.

In the same manner that we fought against racism, sexism and all forms of discrimination, we must fight against the xenophobia to promote the global concept of migration. The ANC is calling upon citizens and non-nationals to exercise restraint unite against crime and work with the authorities to bring the perpetrators to book. I thank you. [Applause.]

**SOBUKWE REMEMBERED**

(Member's Statement)

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Mr N T GODI (APC): Hon House Chair, we remember Sobukwe. Born on 5 December 1924, Robert Mangaliso Sobukwe passed away 39 years ago, on 27 February 1978. The APC has over the years held month-long rallies and lectures to commemorate the life, ideas and the legacy of this great son of Africa.

This year was no exception; we started in Giyani and finished in Mkhondo this past Sunday. As the APC we are committed to beat Sobukwe's salvation drum from shore-to-shore and from door-to-door till his ideas of Africa for the Africans, Africans for humanity and humanity for God become a common cause amongst our people in the farms, shanty towns, villages, townships and suburbs.

We remain forever committed for his ideas of Pan-Africanism and Africanist socialist democracy and the projection of the African personality. Sobukwe, a man of great intellect and ideas taught at General Secondary School in Standerton, in Mpumalanga and later lectured at Wits University. He rejected a post at Rhodes University, where he was promised the same salary as white lecturers,

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but on condition he abandoned his political activism. We remember Sobukwe. Thank you.

**R17 MILLION SKILLS PROGRAMME FOR YOUTH EMPOWERMENT**

(Member's Statement)

Ms P D MANANA (ANC): Over the past 22 years the ANC-led government has stepped up efforts to educate the country's youth and develop their skills. Despite these efforts, there continues to be a large number of unemployed and unskilled youth due to high volume of migration from rural areas to cities caused by outlawing influx control.

The newly launched R17 million skills programme for the Compensation Fund in partnership with the SA Institute of Chartered Accountants was launched by the Minister of Labour, Mildred Oliphant, on Friday 24 February 2017 to enhance employment especially of the youth from poor backgrounds. The skills programme is aimed at injecting accounting and actuarial skills into the Compensation Fund which is undergoing a major overhaul and realignment

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to meet its social security obligations in the South African labour markets. The duration of the programme will range from three to six years.

The ANC believes that these programmes will contribute to addressing what is often referred to as scarce skills.

This initiative is yet another of many efforts that the ANC-led government is pursuing in order to address unemployment and by extension a playing catalytic role towards all inclusive economic participation of our people in general and our youth ... [Time expired.]  
[Applause.]

**MINISTER OF HIGHER EDUCATION AND TRAINING UNAWARE OF  
CHALLENGES AT TVET COLLEGES**

(Member's Statement)

Mr A P VAN DER WESTHUIZEN (DA): Chair, also on skills development, recent answers provided by the Minister of Higher Education and Training show that he is unaware of some of the serious problems experienced at our Tvet colleges.

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The HOUSE CHAIRPERSON (Ms M G BOROTO): Order, hon members!

Mr A P VAN DER WESTHUIZEN (DA): The Minister claimed that only three colleges failed to receive their printed examination papers before the date on which the November examinations were to be written. This is completely wrong as other colleges confirmed. College staff were running around to copy examination papers from faxes and emails whilst students were anxiously waiting to start with their exams at numerous centres all over the country. This shows a complete lack of knowledge from the Minister about what is happening on the ground.

Only 41% of the candidates that sat for the N2 examination in November 2015 passed. The situation is even worse in the case of the National Certificate vocational, only 10% of our public Tvet colleges achieved a pass rate of more than 60%. In 28% of our public colleges less than one third of candidates that sat for the examinations passed. We have a growing demand for young skilled South Africans. Minister Nzimande should act decisively to rescue our public colleges and more importantly our lost generation. I thank you. [Applause.]

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*IsiNdebele:*

USIHLALO WENDLU (Kkz M G BOROTO): Ukuthula malunga ahloniphekileko. Into eniyenzako ayikarisi - Ngiyanibawa.

**SA SOCIAL SECURITY AGENCY'S INCOMPETENCE**

(Member's Statement)

Ms E N LOUW (EFF): The Economic Freedom Fighters is seriously concerned about the looming crisis brought about by the shocking incompetence of the SA Social Security Agency, Sassa, under the political leadership of Ms Bathabile Dlamini. Sassa and the department have decided to continue with the illegal contract awarded to Cash Paymaster Services, CPS, despite the fact that this will be a gross illegal act and it will be showing the middle finger to the Constitutional Court which ruled that the CPS contract was invalid.

Minister Bathabile had previously affirmed that Sassa will take over the distribution of social grants by the first of April. To everyone's shock, neither Sassa nor

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the department have done any preparatory work to take over the distribution of grants and instead have opted to extend the CPS contract. The EFF in Parliament repeatedly asked the Department of Social Development in 2016, if Sassa would be ready to take over the mammoth task of distributing grants to the more than 17 million social grants recipients by 01 April 2017. We were always assured that it will be the case. As recent as November 2016, the Department of Social Development and Sassa were adamant that Sassa would be ready to take over the payments of grants. We can only assume that Minister Dlamini through her political weight around would ensure that the contract extension will be given to CPS, however, it is illegal it may be. We condemn and she must resign with immediate effect.

**DRIVING A VIBRANT EXPORT CULTURE TO ACCELERATE JOBS**

(Member's Statement)

Mrs J FUBBS (ANC): Hon Chair, the ANC welcomes the measures by the Department of Trade and Industry to drive this vibrant culture. It is doing this through developing

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a pool of export-ready companies, increasing the number of exporters and ensuring that new markets and export products are developed. It will launch this drive beginning with several three-day training workshops which will be held in Polokwane, Pretoria, Cape Town and Johannesburg. This is part of the Integrated National Export Strategy which is the country's strategy towards ensuring export promoting industrialisation to spur economic growth.

Minister Rob Davies said that the main goal of the National Exporter Development Programme, NEDP, is to increase exports, particularly of the value-added kind because it contributes to employment creation.

Interventions proposed by the National Development Plan which aim to create 11 million jobs by 2030 and to stimulate economic growth includes: Improving skills and innovation, enhancing competitiveness of our businesses and increasing the export markets. I thank you.

**THIRTY NINE YEARS SINCE SOBUKWE'S DEATH**

(Member's Statement)



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Mr R L MBINDA (PAC): Chair, yesterday, 27 February marked 39 years since the death of our son of the soil, Smangaliso Sobukwe, one of the greatest visionaries Africa has ever seen, the defier of the undefiable. On behalf of the PAC, let me thank all South African institutions and organisations that made it their mission to pay tribute to this African son of the soil, including the ANC caucus in Limpopo - I know that they have passed a motion without notice the other day.

It is imperative that this gallant fighter, Sobukwe, be given the recognition that he deserves. We are calling upon our government to assist the PAC in tracing his voice recordings as he is the only leader during our lifetime whose voice has never been heard by the African people. We also want Fort Hare to be named after this noble son and we also want his house in Galashiwe, Kimberly, to be renovated including his office as a heritage site. Long live the undying spirit of Mangaliso Sobukwe, long live.

**TEXTILE INDUSTRY TO BOOST SA ECONOMY**

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(Member's Statement)

Ms T MANTASHE (ANC): Chairperson, the National Development Plan identifies trade as one of the key interventions to enhance growth of a more dynamic and inclusive economy. It envisages a South Africa where rural communities have better opportunities to participate fully in the economic, social and political life of the country. The ANC welcomes the recent launch of the Ivili Loboya Textile on Thursday 23 February 2017 in Rosebank by the Minister in the Presidency for Planning, Monitoring and Evaluation, Minister Jeff Radebe. This is a very important milestone in efforts to transform the economic landscape of South Africa.

The textile industry is one of the most strategic platforms through which South Africa can bolster trade of local products. Ivili Loboya, which is Africa's first cashmere fabric manufacturer, was first established in 2015 as a wool processing hub in Ibika village in Butterworth, Eastern Cape.

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We believe that a project of this nature has great potential to contribute significantly both to the development of an inclusive economy as well as in employment creation. This manufacturing industry is an ideal model for sustainable entrepreneurship as it encourages productivity, hard work and self-reliance. These are the kinds of initiatives that add meaningful value in changing the current socioeconomic conditions of the people of South Africa.

**ANC SHIFTS THE BLAME ON XENOPHOBIC ATTACKS**

(Member's Statement)

Mr B R J LORIMER (DA): As usual when it fails, the ANC tries to blame its failure on somebody else. So, it is with the recent upsurge in xenophobic violence in Gauteng, the ANC is seriously trying to distract its attention from its track record by throwing mud at others. Let us look at that record. Under the ANC, border control has collapsed and in many places it is easy to walk into South Africa unchecked because border fences have been cut and in some cases stolen and are almost

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never patrolled. In other places syndicates of borders guards or home affairs officials would ease the way in payment of a bride.

ANC leaders has a habit of encouraging xenophobia like the Minister of Small Business Development, Lindiwe Zulu, who two years ago said that foreign business owners can not expect to coexist peacefully with local business owners unless they share their business secrets. In the DA we know that Zimbabwean maths teachers and Congolese doctors can help build our nation. We welcome legal immigrants and we know too that some people are upset with illegal immigrants. It is entirely reasonable for South Africans to expect that borders should be properly controlled and policed and it is also reasonable to expect us to be open to legal entry by skilled migrants. What a pity that the ANC fails and then blames others instead of fixing the problem. [Applause.]

**DISCRIMINATION OF BLACK JUNIOR OFFICIALS AT DRAKENSTEIN  
CORRECTIONAL CENTRE**

(Member's Statement)

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Ms M MATSHOBA (ANC): The ANC is worried about the lack of transformation in the Western Cape, where senior officials heading public departments are still trapped in the old apartheid laager mentality by perpetuating old racial stereotypes, pitting blacks and coloureds employees against each other. This was evident in the protest on Monday, 20 February 2017 by Prison officials including warders and administrators at Drakenstein Correctional Centre, against one of the institution's senior officials who discriminates against black officials as well as his failure to implement the department's employment equity plan.

The ANC calls for the provincial government to investigate the matter, and if found to be true, urge the provincial government to take the necessary remedial action, to ensure that racial discrimination is stamped out especially in such a historic centre where President Nelson Mandela was once incarcerated. I thank you.

[Applause.]

**THE CREATION OF JOBS**

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(Minister's Response)

The MINISTER OF TRADE AND INDUSTRY: Chairperson, I want to thank the hon Fubbs, hon Mantashe and hon Koornhof for their statements. I think, with respect to the statements by hon Fubbs and Mantashe, what they said, speaks to themselves. I just want to add to what hon Koornhof was saying about the business process services. I just want to indicate to him that there are indeed opportunities to increase employment. The investments that are taking place now are not just in call centres, there is also much more complex back office work that is coming our way. Our current incentive is accommodating that.

Yes, indeed, we need to promote that more effectively. I was in London just recently, at the request of our foreign economic representative there, to talk to a number of the companies. They are actually very pleased with the experience they have here in South Africa.

It is also relevant to say that the Global Sourcing Association, which is the international body that combines firms that operate in this space, awarded South

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Africa with the Outsourcing Destination of the Year Award last year. We won it the year before as well and they informed me in London that they will be holding their international conference in South Africa later this year.

So, I think we have quite a lot that we can build on. We are doing what we can as a department, in junction with our partners, to ensure that we push the job opportunities further than what they are at the moment. Thank you.

The MINISTER OF LABOUR: Thank you, House Chairperson.

*IsiZulu:*

Kumhlonishwa uManana ngiyafisa ukuthi siyabonga ukubongwa [recognition.] njengoMnyango Wezabasebenzi futhi sisazoqhubeka sibaqeqeshe abantu abasha ukuze kungabibikho muntu ozithi ayilandelwa i-Employment Equity Act ngoba amakhono awekho.

Okwesibili, ngiyafisa ukusho kumhlonishwa lapha e-Western Cape kanye nakwabanye omasipala abaphethwe yi-DA bakubeke kwacaca ukuthi la bekhona abazukuyilandela i-Employment

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Equity Act. Siyafisa ukuqwashisa izinkampani ukuthi uma ngabe zingayilandeli i-Employment Equity Act, asinayo inkinga kodwa sizozithatha sizise eNkantolo yeZabasebenzi. [Ubuwelewele.] Futhi sinalo uhlu esesiluthumele eNkantolo yeZabasebenzi ...

*English:*

... for those who are noncompliant.

*IsiZulu:*

Okokugcina Sihlalo, ngiyafisa ukusho kumhlonishwa we-DA ukuthi akuwona wonke amakolishi e-TVET angawenzi umsebenzi. [Ubuwelewele.] Izolo bekukade kwethweswa iziqu zabantu abasha ebebeqeqeshwa yikolishi le-TVET eliseMpumalanga. Abathe bayaziqhenya kuyimanje ngoba umsebenzi bawuthola ubuthaphuthaphu ngenxa yokuqeqeshwa emakolishi e-TVET. Ngiyabonga Sihlalo. [Applause.]

**BETTER PERFORMANCE AND ACCOMPLISHMENT OF AFRICAN LEARNERS**

(Minister's Response)



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The DEPUTY MINISTER OF BASIC EDUCATION: Hon Chairperson, indeed, we should congratulate the Free State for their accomplishment. Not only have they passed, for the first time in the history of our country, the threshold of 90%, but the difference between their achievement and their nearest competitor was more than 2%. It says to us that there is hope for provinces such as the Free State, North West, KwaZulu-Natal, Limpopo - the rural provinces - to achieve the highest level.

The words of the leadership or the provincial Chairperson of Cosas are correct; what this demonstrates is a movement towards better performance and accomplishment among African learners. If we look at the results, of those learners who passed Mathematics above 60%, two thirds, more than 19 000, were African children. That is remarkable. More than 1 700 additional learners took up Mathematics. That again is a good news story.

What we are seeing is a seismic move towards better performance amongst the Quintile 1, 2 and 3 - the no-fee paying schools.

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In conclusion, let me just share with you the fact that our Quintile 1, 2 and 3 schools - the no-fee schools - produced more distinctions and more bachelors passes than the Quintile 4 and 5 schools. That is a good story because, at the centre of what we do in terms of equity and quality, is the advancement and the welfare of the African child. I thank you. [Interjections.]

**NOTICES OF MOTION**

Mr N KOORNHOF: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the ANC:

That the House debates the strengthening of South Africa's working relations with other African states to take forward a regional industrialisation agenda, ensuring that Africa becomes a manufacturing and industrial power.

Mr T W R CHANCE: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the DA:

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That the House debates why, when 90% of jobs are expected to come from small and medium enterprises, the Department of Small Business Development only receives 0,1% of government spending.

Mr N S MATIASE: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the EFF:

That the House -

- 1) debates the state of near anarchy and collapse of the Bloem Water utility in the Free State, with widespread allegations of mismanagement, corruption and fraud;
- 2) further debates the lives of whistle-blowers already lost and workers who have lost their livelihoods at the hands of perpetrators and beneficiaries of corruption that is too much to ignore.

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Ms J FUBBS: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the ANC:

That the House debates bank collusion in manipulating currency trading.

Mr J A ESTERHUIZEN: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the IFP:

That the House debates the issue of disused mine shaft that is not properly secured, in order to protect the public that resides close to these areas, in particular small children, as has happened in Jerusalem in Ekurhuleni recently.

Mr L M SHELEMBE: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the NFP:

That the House deliberate on the issue of the general quality of air in our suburban areas and

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ways to address the health-related problems due to air pollution.

Mr M L D NTOMBELA: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the ANC:

That the House debates the fast-tracking of the introduction of compulsory community service for all graduates.

Mr S L N KWANKWA: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the UDM:

That the House debates the recent xenophobic violence in Pretoria and the need for urgent and decisive action by government, as well as the development of strategies to provide long-term solutions to this problem.

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Mr F S M DEFREITAS: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the DA:

That the House debates the Passenger Rail Agency of South Africa, how its acting Group CEO attempted to obtain an astronomical salary increase illegally and how such practices can be prevented.

Ms E N LOUW: House Chairperson, I hereby give notice that on the next sitting of day the House, I shall move on behalf of the EFF:

That the House debates the continuous accidents that are happening at Petro SA and the safety of workers.

Ms T MANTASHE: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the ANC:

That the House debates regulating the extremely exorbitant fees charged by the private health care system.

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Ms P MANANA: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the ANC:

That the House debates the importance of investment in townships and rural economies for women.

Ms M MATSHOBA: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of the ANC:

That the House debates the acceleration of the provision of proper basic services and infrastructure in all existing informal settlements.

*Afrikaans:*

Mev A STEYN: Agb Voorsitter, by die volgende sitting van die Huis, sal ek namens die DA voorstel:

Dat die Huis die swak toestande van paaie in Namakwaland debateer, met spesifieke verwysing na die Grootvleipas van Garies na Hondeklipbaai, die Rooipad van Kleinsee na Kommagas, die grondpad

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tussen Alexanderbaai en Sanddrif, die Gammopad vanaf Springbok na Vaalputs.

Ms D Z RANTHO: House Chairperson, I hereby give notice that on the next sitting day of the House, I shall move on behalf of ANC:

That the House debates accelerating the state-owned mining company, to ensure a share of mineral resources rents and equity and contribution to the integrated value chains in the sector.

The House adjourned at 17:48.