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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:02.

The House Chairperson Mr C T Frolick took the Chair and requested members to observe a moment of silence for prayer or meditation.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SCIENCE
AND TECHNOLOGY ON PROTECTION, PROMOTION, DEVELOPMENT AND
MANAGEMENT OF INDIGENOUS KNOWLEDGE SYSTEMS BILL**

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move that the Report be adopted.

Motion agreed to.

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Report accordingly adopted.

**PROTECTION, PROMOTION, DEVELOPMENT AND
MANAGEMENT OF INDIGENOUS KNOWLEDGE SYSTEMS BILL**

(Second Reading debate)

The MINISTER OF SCIENCE AND TECHNOLOGY: Chairperson and hon members, the Bill before the House seeks to provide legal protection for indigenous knowledge. Indigenous knowledge is knowledge generated and owned by communities. It might be knowledge about medical practices, the production of food products or cultural expressions, or indeed songs or designs. Indigenous knowledge has not previously been protected through our intellectual-property laws regime. Today, we put an end to that anomaly and its consequence, which is the rampant exploitation of indigenous knowledge, primarily by international companies.

I would like to put our indigenous knowledge protection efforts into context. Government established the Technology Innovation Agency, the National Intellectual

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Property Management Office and a number of new centres of competence, all devoted to this particular area of research and innovation. All of them are intended to support the identification and protection of South African originated intellectual property and to establish crucial partnerships that will increase opportunities to commercialise local research and development. The Research and Development Tax Incentive scheme also plays a role in this regard. Through these interventions we have enabled that many more technology start-ups are able to access South African derived early-stage research funding support.

The commercialisation of technology is not a simple matter. To make the best of our resources, it's important for us to foster sustainable partnerships between government, universities and industry. This Bill responds to the need for such partnerships. It addresses a major gap in intellectual property law. For the first time it grants a right to communities to prevent others from taking and using elements of their knowledge for industrial and commercial use without acknowledgement and without providing fair and equitable benefits in return.

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We do not have any legislation at present which gives a right to communities to grant or deny access to that knowledge.

Indigenous knowledge generates value that, due to the system of appropriation and reward currently in place, is not adequately recognised and compensated. So, through such a Bill we are meeting society's broader objectives for the conservation of the environment, for sustainable agriculture as well as for food security. The protection we offer will provide a framework to encourage the maintenance of practices and knowledge embodying these lifestyles I've referred to.

So, this notion of protection is quite different from the notion applied under traditional intellectual property law. The Bill protects indigenous knowledge against biopiracy and mandates benefit sharing, as provided for under articles 8, 15, 16 and 19 of the Convention on Biological Diversity, rather than just establishing a system of positive appropriation.

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It also provides certainty to researchers with regard to the scope of incentives and benefits of investing in indigenous knowledge research and development. It takes into account various conventions protecting diversity, such as the one on biological diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation. These instruments were both ratified by South Africa in 1995 and 2013 respectively.

An important objective of these international instruments is to recognise that indigenous knowledge, and related innovations and practices, are the collective heritage of indigenous communities, and that the use of their knowledge is subject to their prior, informed consent.

The Bill provides that benefits of protection would accrue to indigenous communities rather than to individuals, because it recognises that individual rights of innovators or creators of original works will be recognised through other systems of law. The Bill values indigenous knowledge on its own terms and as a source of

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innovation, belonging to communities that are resource rich but economically poor.

It also establishes the National Indigenous Knowledge Systems Office and clearly sets out the areas of work for which the office and the Department of Science and Technology will be responsible.

So, I am sincerely hopeful that this Bill will support South Africa in protecting our indigenous knowledge and cultural heritage; that it will contribute to introducing a new level of economic opportunity; and that it is consistent with our implementation of human capacity in this regard and support for expertise in the research and innovation of indigenous knowledge. I am hopeful that all the members and parties in the House will support passage of this very important innovative legislation. Thank you very much. [Applause.]

Ms L M MASEKO: House Chair, hon members, good afternoon, the Protection, Promotion, Development and Management of Indigenous Knowledge Bill, IK Bill, was tabled in

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Parliament and referred to the Portfolio Committee on Science and Technology in April 2016.

The genesis of the IK Bill stems from the 2004, Cabinet approved, National Indigenous Knowledge Systems Policy. This Policy contains overarching principles for the recognition, affirmation, development and promotion of indigenous knowledge; and for the co-ordination of indigenous knowledge activities across the country.

The IK Bill is a representation of the key international discussions on indigenous knowledge and fulfils South Africa's obligations with regards to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation based on the Nagoya Protocol to the Convention on Biological Diversity. The Bill takes in consideration the following: Traditional cultural expressions; traditional knowledge; and natural resources. The IK Bill consolidates these three World Intellectual Property Organisation, WIPO, texts into one piece of legislation, which makes it an international first.

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What the bill seeks to do? Significantly, the IK Bill affirms and recognises indigenous knowledge as property and provides mechanisms for the protection thereof. The IK Bill also provides mechanisms for the formal recognition of the learning and qualifications of Indigenous Knowledge Practitioners.

Furthermore, the IK Bill formally establishes the National Indigenous Knowledge Systems Office, Nikso, and sets out the mechanisms to realise the various intentions of the legislation, hence the full purpose of the IK Bill is to provide for the: Protection, promotion, development and management of indigenous knowledge; establishment and the functions of the National Indigenous Knowledge Systems Office; management of the rights of the indigenous knowledge community; establishment and functions of an Advisory Panel on indigenous knowledge; access and conditions of access to the knowledge of indigenous communities; registration, accreditation and certification of indigenous knowledge practitioners; and the facilitation and co-ordination of indigenous knowledge-based innovation.

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What must be noted and emphasised is that; although, all indigenous knowledge is recognised as property, only indigenous knowledge that is registered under the prescripts of this legislation enjoys protection. The registration of indigenous knowledge with the Nikso is also voluntary.

In addition, Indigenous Knowledge Practitioners, who wish to register their qualifications, will apply to Nikso to have their learning and qualifications assessed. The process to formalise the learning and qualifications of Indigenous Knowledge Practitioners was developed jointly by indigenous knowledge practitioners and the Department and the South African Qualifications Authority, SAQA.

Furthermore, the IK Bill protects indigenous knowledge from other countries, but only if that country provides protection for South African indigenous knowledge; and also states that continued use of indigenous knowledge, after the Bill is enacted must be regulated in terms of the provisions of this legislation and that these needs to be adhered to within 12 months from the date the Act commences.

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In its efforts to understand the subject matter and the intent of this Bill, the Portfolio Committee on Science and Technology, together with the Select Committee on Communications and Public Enterprises, engaged with various national departments as to how the IK Bill would interact with other legislation, be it existing or proposed new legislation.

The committee considered the views of academic experts on intellectual property; indigenous knowledge communities and experts; and met with communities who are actively pursuing the recording of their knowledge in the Documentation Recordal Centres of the National Indigenous Knowledge Systems Office. These sessions culminated in a three-day public hearing process that was held in Parliament at the end of January 2017.

Some of the specific detail as to the committee's engagements entails exploring possible complementary or conflicting prescripts within existing legislation or ...
[Interjections.]

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The HOUSE CHAIRPERSON: Hon Maseko, would you just take your seat, please? Hon members, the noise level in the House is very high. We are busy debating an important piece of legislation. May I ask you to pay attention or if there are certain discussions that are so important that you continue with them outside, please? Continue hon member!

Ms L MASEKO: ... in legislation that was being considered by other government departments at the time. For this reason, the committee invited a number of departments to make presentations to the committee; namely, the Departments of Trade and Industry, DTI, and Agriculture, Forestry and Fisheries and the Companies and Intellectual Property Commission, CIPC, the Department of Environmental Affairs and the Department of Health.

The committee visited the Gauteng and North West Provinces. On this occasion, the committee had a workshop with the department and a selected group of experts, practitioners and holders of indigenous knowledge on the Bill. The programme included a visit to the Council for Scientific and Industrial Research's Meraka Institute,

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where the National Recordal System was located and a visit to the Bakgatla-Ba-Kgafela community for engagement on the documentation of indigenous knowledge at community level.

The committee was then briefed by the Department of Arts and Culture on its role and responsibility in implementing the 2004 IK Policy; and by the Office of the State Law Advisor on legal drafting conventions with specific reference to the IK Bill.

On 27 November 2016, the committee called for public comments on the IK Bill and based on the written responses received from the public, hearings were held at Parliament on 24, 25 and 26 January 2017.

One issue that still needed clarity was how the DTI's Intellectual Property Laws Amendment Act and the IK Bill will work together. Therefore, at a joint meeting on 1 March 2017, with the Portfolio Committee on Trade and Industry, it was resolved that an interdepartmental task team be established to sort out any remaining issues.

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The committee then undertook a further oversight visit to Oudtshoorn and KwaZulu-Natal. In Oudtshoorn, the committee met with representatives of the Attaqua Communities, which included groups from the Hamkumquas, Hessequa, Outeniqua, Gouriqua and Goragouquas. The meeting focussed on the importance of indigenous knowledge, the role and function of IK documentation and recordal systems, how this is received and perceived by the communities and to source the views of the community in relation to the IK Bill.

In KwaZulu-Natal, the committee visited the Department of Science and Technology National Research Foundation Centre on Indigenous Knowledge Systems, DST-NRF CIKS. The oversight was concluded by a visit to the Maphephetheni Community in Inanda to meet with traditional leaders and indigenous knowledge holders on their perspectives and views regarding the IK Documentation Project.

Based on its extensive deliberations and engagements with all stakeholders, interested and affected parties, the committee presented a redraft of the Bill. The Portfolio

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Committee on Science and Technology formally considered and agreed to a redrafted IK Bill on 13 September 2017.

In conclusion, this Bill is essentially about the protection of indigenous knowledge. This is particularly true in the fields of traditional cultural expression and natural resources in which some of the most glaring evidence of misappropriation, misuse, disrespect and exploitation is witnessed.

The issue of access to and use of indigenous knowledge in these fields in particular are becoming central not least because of the huge implications of the economics of such indigenous knowledge. To date, no community or practitioners have benefitted to the extent our multinationals and big businesses have given that they have been accessing such knowledge from time in memorial.

Like many developing countries, which have adopted similar legislation, South Africa now seeks to ensure that the economic benefits of innovation associated with indigenous knowledge will accrue to its indigenous

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communities while at the same time enhancing their socioeconomic development.

Finally, the fundamental role played by indigenous knowledge in the application of scientific development to food production, indigenous cultural heritage, astronomy, architecture, indigenous farming practices, maintaining familial cohesion and other areas of indigenous areas be fully recognised and efforts made to strengthen our understanding of these scientific advances in these areas.

This legislation endeavours to contribute to the consolidation of our constitutional democracy for the improvement of the lives, dignity and equality of its indigenous citizens by giving concrete expression to the recognition, promotion, development and protection of South Africa's indigenous knowledge.

The committee also feels that this Bill enable us to have a one-stop-shop so that an ordinary member or a person from a community should not be sent from pillar to post in attaining a certificate or trying to record their

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indigenous knowledge. We look forward to continued engagements in relation to regulations that will be presented by the department.

As a portfolio committee we will exercise our oversight responsibility to ensure that the regulations are in line the Bill as discussed with the committee. Thank you, Chair. [Applause.]

Dr A T LOTRIET: Chairperson, the Bill we debate today as the hon Chairperson has said, hon Maseko, that we popularly call it the Indigenous Knowledge Systems, IK Bill, has been long awaited. The protection and commercialisation of indigenous knowledge have become more and more important over the past two decades. The main problem with indigenous knowledge is that in many instances indigenous communities have been exploited where their indigenous knowledge has been used commercially without the communities consent acknowledgement or even benefit in the sharing of it. It is without doubt true that indigenous knowledge communities require protection against abuse and exploitation.

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The government's initial solution to this problem was the Intellectual Property Laws Amendment Act of 2013, also referred to as the Ipla Act. This Act attempts to protect traditional cultural expressions however, it is widely considered to be out of line with national and international intellectual property law. The main problem with the Intellectual Property Laws Amendment Act is that it seeks to protect indigenous knowledge in terms of patents, copyright, designs and trademarks law, in spite of the fact that indigenous knowledge cannot conform to these types of property. Indigenous knowledge requires unique protection and it must also be kept in mind that indigenous knowledge is held by a community and not an individual.

The correct approach to the protection of indigenous knowledge is indeed by means of sui generis legislation as what is envisaged by this Bill. However, from the presentations that were made to the committee by experts in the field of intellectual property rights, it was clear that in order for a sui generis bill to protect indigenous knowledge, it is a prerequisite that the Intellectual Property Laws Amendment Act be repealed. The

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portfolio committee realised this very early on in our deliberations and the Chairperson also refer to this and was also of the same opinion that it should be repealed, and consequently requested the Department of Science and Technology and the Department of Trade and Industry to discuss the matter of the repeal of the Intellectual Property Laws Amendment Act. This was unfortunately not agreed to by the Department of Trade and Industry and the result is what we have today in front of us is that we have to a large extent a compromise Bill to make provision for the Intellectual Property Laws Amendment Act.

This Bill could have been so much more, it could have provided more comprehensive specific protection and as it stands now, there is a real possibility of confusion as to which department will be responsible for what. Clause 32(2) as it appears in the final version of the Bill states that:

Compliance with any procedures or requirements laid down in this Act does not constitute compliance with

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any procedures or requirements imposed in any other Act.

Therefore, we don't have real stand alone protection for indigenous knowledge. The procedures and requirements of the Intellectual Property Laws Amendment Act and any other legislation will still have to be complied with in certain instances. However, on the whole this Bill is a positive development and much needed development and we also have to commend the Department of Science and Technology staff for the enormous amount of work they put into the Bill. It was an absolute pleasure working in our committee meetings.

However, besides the Intellectual Property Laws Amendment Act issue, the other concern with this Bill is the matter of the regulations. Throughout the Bill references made to the prescribed manner, criteria, procedures, processes, forms, fines, fees and this provides wide ranging powers to the Minister. Now, I know that in Minister Pandor we have a dedicated and committed Minister, but at the rate that the Cabinet is being reshuffled, we have to guarantee that regulations are

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tabled in Parliament in order to strengthen the protection provided to indigenous communities.

There is an adage in legislation drafting which says that you don't draft legislation for the best possible Minister, but quite the opposite. As it stands, the clauses on regulations have to be strengthened and we hope that it will be done during the NCOP process. We also believe that the discussions on the repeal of the Intellectual Property Laws Amendment Act have to continue. It is really a pity that we could not have had more time to correct this in a very important Bill. Therefore, the DA cannot support the Bill as it stands now. Thank you. [Applause.]

Mr N M PAULSEN: Hon House Chair, South Africa possesses a large diversity of indigenous plants, coupled with rich cultural traditions on the use of plants for medicine. Despite huge strides in provision of health care, many rural areas still do not have access to Western primary health care and veterinary services. Even where clinics and allopathic medicines are readily available, a large proportion of the population uses African Traditional

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Medicines together with, or in preference to, Western medicine.

The Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill, Bill 6 of 2016, threatens the livelihoods of thousands of African traditional healers and will lead to the expropriation of indigenous traditional medicines by the pharmaceutical and biotechnology sectors with the help of a government that has become synonymous with kleptocracies. The World Trade Organisation and the Agreement on Trade Related Aspects of Intellectual Property Rights do not recognise collective or community ownership rights of plants, based on culture.

With South African indigenous plant use knowledge being a treasure trove of potential leads for new drug development, multibillion dollar pharmaceutical and biotech companies are eager to exploit our natural resources so that they can identify, isolate and patent plant chemicals for the maximum return on investment to their shareholders.

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Despite there being no internationally accepted agreement on precedent on a legal mechanism for protecting and promoting indigenous or traditional medicine knowledge, the Department of Science and Technology is determined to introduce new legislation to roll out its Bio-economic Strategy Programme, which aims to unlock this potential. The Department of Science and Technology has worked at establishing systems and legislation for the protection of indigenous knowledge intellectual property since 2003, and has long envisaged a National Indigenous Knowledge Systems Office, Nikso, to unlock lucrative investment deals with the drug and biotech sectors.

Although the Bill's stated aims are to establish a novel, community-based approach for the protection of indigenous knowledge and to curb unauthorised commercial exploitation of indigenous innovations without benefit sharing with the communities that claim to have developed them, it is potentially the state itself, Minister Pando, which will become the biggest exploiter of all, thereby defeating the very purpose of the intended legislation.

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Publicly funded research institutions have been extremely busy behind the scenes preparing for the commercialisation of plant-based medicines. All major South African universities have botany or biochemistry departments that engage in bioprospecting activities concerning traditional medicine; the same is true for large research institutions like the Medical Research Council or the Council for Scientific and Industrial Research. Almost all of them have never acknowledged the sources of their leads, extracted from rural communities.

The EFF rejects this Bill because it will not protect indigenous knowledge vested in traditional healers and indigenous communities as much as it will create a multibillion rand franchise for state institutions to commercialise and monopolise indigenous plants usage in partnership with the pharmaceutical and biotechnology industries. Minister, they took our land and minerals, please this Bill will allow them to take away indigenous knowledge and it cannot see the light of day. Thank you very much.

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Mr M HLWENGA: Hon House Chairperson, this Bill has followed an extremely challenging trajectory as it has made its way through our parliamentary legislative process, beginning in April of last year, as its objects and scope spanned a number of departments and possible conflicts with the existing legislation had to be identified and addressed. As the Bill falls within the ambit of section 18(1) of the Traditional Leadership and Governance Framework Act of 2003, in directly dealing with its sui generis approach to legislative protection and commercialisation of indigenous knowledge systems in South Africa, it was vital that traditional leaders and healers be consulted countrywide.

The IFP is not satisfied that sufficient consultation has taken place with traditional leaders and healers and calls for additional outreach and consultation to be undertaken before this Bill is enacted into law.

Traditional medicine as we know it, is defined as the sum total of knowledge, skills, and practices based on the theories, beliefs, and experiences indigenous to different cultures that are used to maintain health, as well as to prevent, diagnose, improve, or treat physical

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and mental illnesses. It is a well-established fact that vast majority of South Africans make use of traditional medicines after consultation with traditional healers.

This knowledge has been garnered over hundreds and perhaps thousands of years. It is therefore extremely important that we carefully balance the regulation and legislation of intellectual property around this Bill against the greater needs of our people and indigenous communities in universally commercialising and accessing this medicine. As previously stated, this Bill seeks to provide broad protection of indigenous knowledge which is slightly problematic especially when seen against other rights and protections around this type of knowledge being placed into already existing SA Intellectual Property laws. There is in a sense an overlap of law and could possibly create a conflict. Another important question which is whether not intellectual property is the right kind of law to protect indigenous knowledge as indigenous knowledge does not really conform and fit neatly into an international property framework hence the Bill before us being touted as sui generis in nature.

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If one looks at cultural expressions that are shared by various communities, how will this be registered? Who will own the commercial rights or how will the rights and benefits be shared? How will traditional leaders feel about registering their esoteric healing knowledge that is handed down orally between teacher and student? These are the kind of questions that need to be asked and these are the kind of questions which need answers. There is no doubt that the Bill is a world first, but these questions that arise around it and from it may raise more concern than comfort. Therefore, that is more work still needs to be done and we hope that the NCOP will apply its mind far more greatly than that has been done, but we welcome the work that has been done so far. I thank you.

Prof N M KHUBISA: Chairperson, we welcome the Bill as such, as the NFP, and we also recognise that there is a lot that has been done with regard to consultation, public hearing, etc. The committee had to visit various places over and above the representations were done here in Parliament.

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What we obtained when various representations were made here in Parliament is that there is a lot that is happening, especially in academic institutions and other NGOs, but the committee was vehement in saying that it is abundantly clear that rural communities have not been involved in their own work whereas that the academic intellectuals will do research with the work that is being done by rural communities.

So, the committee was very clear on that that rural committees still have to be involved a lot and also the traditional leaders as such because they have been using this indigenous knowledge as medicine and also for other purposes. For instance, Chairperson, when you go to places controlled by a wildlife society, you find that various trees have names. Our people have not been exposed to that because it belongs to them. Even in the forest in rural areas, some of them are protected and our people find that a lot of this indigenous knowledge is used but they don't benefit anything.

Over and above that, Chairperson, we say, following the International Property Laws, the Indigenous Knowledge

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Systems Bill is the second attempt to introduce legislation seeking to introduce protection for indigenous or traditional knowledge. However, the Bill tabled here today differs fundamentally from the approach taken in the Intellectual Property Laws Amendment Act, Ipla Act, because it seeks to provide special protection for indigenous knowledge rather than seeking to provide for such protection in terms of the existing types of intellectual property laws.

Our indigenous knowledge is more than a national asset. It is a national treasure, an inalienable part of our rich cultural legacy and we welcome any innovation that seeks to expedite the process of indexing, describing and above all, protection our indigenous knowledge. Every effort must be made ensure that there is no unauthorised use of our indigenous knowledge, and ultimately, we have to ensure that our indigenous knowledge benefit our people first and foremost. For instance, when we went to the University of KwaZulu-Natal in Pietermaritzburg and other institutions, we found that there was a lot ... they were working even with agricultural institutions. What we noted is that indigenous local people were not

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involved in that exercise. We feel therefore that there is still a lot that should be done in that dimension.

Within our collective indigenous knowledge lies the wisdom of generations who have come before us, who lived in harmony with the land. It is our legacy handed down from generation to generation and it is up to us, the generation that straddles the divide between the ancient history and the technology-driven future to ensure that our indigenous knowledge is preserved for generations to come.

We should, however, proceed with caution and properly consider every aspect of the Bill. South Africa is one of the few countries in the world which has sought to enact legislation concerning indigenous knowledge in the absence of an international consensus on the topic.

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

Prof N M KHUBISA: We welcome the Bill, Chairperson. Thank you very much.

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Ms C N MAJEKE: House Chairperson and hon members, the UDM supports the Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill.

According to the portfolio committee report, dated 13 September and published in the ATC of 10 October 2017, the Bill suggests that the consultation process at the grassroots level was not as wide as it could have been. For instance, the report makes mention of two out of nine provinces visited for consultation with the communities, the Western Cape and KwaZulu-Natal only.

The report refers to meetings with select groups, practitioners and holders of indigenous knowledge only in Gauteng and the North West provinces. As much as these consultative sessions remain important and helpful, given the objects of the Bill, it would be appropriate if the committee would engage a far broader spectrum of society and in particular, the rural communities.

The objects of the Bill are laudable and they create an opportunity for the establishment of an approach that is unique for the protection of essential knowledge.

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The Bill also establishes a mixed system of built-in knowledge system protection that would provide indigenous communities with different strategies for protecting their system.

It is for this reason, amongst others, that we emphasise the need for deeper consultation, as well as civic education on this matter to avoid tokenism and ensure high degrees of citizen power in the public consultation process. The consultation process should make the Bill speak more explicitly to the concerns of some of the most vulnerable indigenous communities of our county.

Colonisation has left a bitter legacy that remains a challenge to be reversed and it would take a long time to do so. Bills like this must therefore be viewed as part of addressing that legacy.

We should therefore be mindful that additional layers of intellectual property protection, like our natural knowledge, creates a societal cost through further reducing a crucial and freely available knowledge resources for public domain.

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Indigenous knowledge has been historically characterised as in the public domain in order to appropriate such knowledge. The Bill therefore, seeks to meet the interests of indigenous communities and attend to the interests of third parties to access such knowledge. We support the Bill. I thank you.

Ms D CARTER: Chairperson, it was the opposition that as far back as 2013 introduced the Bill, the Protection of Traditional Knowledge Bill that sought to protect the intellectual property of South Africa's traditional communities.

But it was the ruling party's members of the Trade and Industry Portfolio Committee that rejected the Bill as being undesirable despite wide-ranging support for the Bill, including from the Department of Science and Technology.

Broadly put, the Bill has as its aim, to balance the rights of knowledge holders, be it indigenous communities or persons within such communities with those of business that want to exploit and commercialise their indigenous

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knowledge, their genetic resources and their cultural expressions.

There is much merit in this objective. The protection and commercialisation of genetic resources, indigenous knowledge and indigenous cultural expressions have come to the fore internationally over the past two decades.

The realisation that such resources and knowledge can yield valuable drugs and treatment for the world's diseases on the one hand and the adoption of the music or songs of indigenous communities without their consent or acknowledgement on the other hand, has led to concerns that the protection of such knowledge is required to prevent abuse.

As matter stand, the World Intellectual Property Organisation is considering and grappling with this very matter. Cope is concerned at the overlap, the duplication protection between the Intellectual Property Laws Amendment Act, Ipla Act, and this Bill.

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We are also concerned that in terms of the bill, for protection to apply, the indigenous knowledge concerned must be registered under the Act. Cope is not convinced that registration should be a prerequisite. The Copyright Act, for example, provides that copyright protection comes into affect without any form of registration.

Finally, Cope notes that currently there is no internationally accepted agreement on the mechanism for protecting indigenous knowledge.

The adoption of this Bill at this time would mean that only South Africans and not persons living anywhere else in the world would be restrained from using domestic traditional knowledge originating from South Africa.

Therefore, there is much merit behind the purpose and intent of this Bill, but in its current form, Cope is hesitant to support it. Thank you. [Applause.]

Mr M P GALO: House Chair, first and foremost, I am not the member of the committee. I am sure even the Minister is surprised. We felt that we must make a contribution to

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this kind of a Bill because it is very important more especially for the indigenous people of this country.

The Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill, represent the early form of traditional knowledge revolution in our beloved Azania. The AIC has studied carefully the developments that preceded and occasioned the Indigenous Knowledge Systems, IKS Bill. To be fair, this is the most difficult debate that has ever occurred in this House.

This is so because it interlocks the Intellectual Property Amendment Act, the Biodiversity Act, the IP scheme, the work of the Company's and Intellectual Property Commission and the various levers of intellectual property.

The exploitation of indigenous knowledge system in South Africa has gone unabated for years and the new regime seeks to protect the rights of indigenous property holders.

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The AIC commends the Bill for providing the necessary platform for the registration, documentation and recording of indigenous knowledge held by indigenous communities, including the protection of indigenous knowledge of indigenous communities from unauthorised use and misappropriation.

The AIC is, however, convinced that the relevant authorities have not fully understood the magnitude of the problems that besets the scheme of traditional knowledge systems. Indigenous knowledge is still commercialised in South Africa without intellectual property, for instance, the Basotho blanket is the latest victim of our own legislative ineptitude. Louis Vuitton has appropriated our indigenous blanket for commercial ends.

Hon Chair, we must ask this painful question: Why is it that barely 40 months after the signing of the Intellectual Property Amendment Act that there is no single promulgated regulation to affect the purpose of the Principal Act? We have also noted that the IKS Bill doesn't deal with patents.

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In light of this glaring confusion and overlaps, we are convinced that this Bill must be carefully tailored around the existing IP regime, as well as other ancillary legal instruments.

In conclusion, the AIC pins its hope on this august House that it will see the promulgation of this Bill as the beginning of a new chapter in calibrating the pulse of indigenous knowledge system of the Azanian soul in keeping with the African value systems and norms.

If we channel our energies against this understanding, we will reclaim our African identity and African humanism. Black people are still colonised, even within the borders of Azania.

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

Mr M P GALO: To paraphrase Steve Biko, we need to place high premium of African renaissance. The Bill achieves that. Thank you. [Time expired.]

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Mr N J J v R KOORNHOF: Hon Chairperson, if you look at this Bill and the name of it: The Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill, it is probably one of the Bills with a long name. It is a complicated name and its roll out will be complicated for the department.

When the department embarked on this process, according to the Anton Mostert, Chair of Intellectual Property Law at the University of Stellenbosch: "There was no internationally accepted agreement on the mechanism for protecting indigenous or traditional cultural expressions."

Now this is a groundbreaking legislation that we are dealing with this afternoon. For good reasons, there were scepticism and the fact that the Intellectual Property Laws Amendment Act, IPLA, mentioned by many other speakers before me; or in other words the Intellectual Property Laws Amendment Bill, originally in the first version, that Bill was tramping this Indigenous Knowledge Systems Bill. That was a bone of contention, but it was resolved.

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There was also a contention whether protection is dependent on registration, according to Prof Kariger from the University of Stellenbosch. He argued that protection based on a registration system for indigenous knowledge would be preferable. Many of these issues were resolved by the committee and addressed.

Findings by the Human Science Research Council, HSRC, show that the Indigenous Knowledge Systems Bill can be a leading contributor to South Africa's progress and development.

More than 53% of South Africans believed that modern sciences do more harm than good. The two-thirds felt that indigenous knowledge offers lessons that can benefit everybody and 71% of South Africans, felt that we trust too much in science and not enough in indigenous knowledge and cultural beliefs.

There was also a feeling according to the HSRC that almost 60% of South Africans felt that big businesses are exploiting the indigenous knowledge of communities. Because of this, it was the correct thing to embark on

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the process of this legislation. The HSRC found that 76% of South Africans feel that the government should do more to document indigenous knowledge systems in South Africa.

Today this Parliament and all of us who are supporting this legislation are expressing the view of the huge majority of South Africans.

Recorbert Tatum, when he wrote about his indigenous people he said "We are not myths of the past ruins in the jungle or zoos. We are people and we want to be respected not to be victims of intolerance and racism." This is what this Bill is trying to achieve, to make sure that we recognise that in nature everything on earth has a purpose, every disease hopefully an herb to cure it, and every person a mission to make it possible.

It was about time to regulate this. It took us more than 13 years after the National Indigenous Knowledge System Policy was approved by Cabinet. It is a good moment and an important step for the protection and development of indigenous knowledge systems and obviously the ANC shall support it.

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I want to thank those parties who supported this groundbreaking legislation. The hon Lotriet played a very good role in the committee as always and she has referred between the conflict between Intellectual Property Laws Amendment Act and this Bill. However, this version has resolved some of those issues and sometimes you need a compromise when you have difficulties with regard to many other departments.

Let us see how it develops. If it is working, it can be a groundbreaking for Intellectual Property Law in future, not only in South Africa, but also in the world.

Regulations as the hon Chairperson said, will be closely watched by the committee in terms of our oversight role.

The reasons given by the DA are unfortunately, I do not think, not sufficient not to support this groundbreaking legislation and hopefully the NCOP will also have a look and we will see eventually even better legislation. So, I think, they have made a mistake not to support this Bill.

[Interjections.]

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Unfortunately, the hon Paulsen, I want to also thank him for the role he played in our committee. I am a little bit astonished that he or the EFF is rejecting the Bill and I think they are wrong. This Bill protects the rights of indigenous people for the very first time in South Africa. It is better than the past and the EFF should have given this Bill a chance.

There will be further opportunity at the NCOP level to better this and in the NCOP - I think we have consulted not only two provinces, but four; however, at the NCOP level there will be now a chance to consult more and wider. With that said, no other comments I can make on other political parties.

Thank you very much for those who are supporting this Bill and let us watch this closely. Let me thank the hon Minister and the department for bringing this legislation after many years and let me wish them well to make this work. It is important for the indigenous people of not only South Africa, but of the whole world. I thank you.

[Applause.]

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The MINISTER OF SCIENCE AND TECHNOLOGY: Hon Chairperson, I would like to begin by thanking the hon Maseko, for her contribution and her leadership of the portfolio committee, and in particular for the extensive work of consultation that was undertaken by the committee.

Chairperson, I too am disappointed at the hon Lotriet's decision that this Bill will not be supported by her caucus. It is a pity, because I do think it is an important piece of legislation which all parties should be supporting because for the first time, it will do something that we have not done in South Africa and in fact as my hon colleague Koornhof has said, we have not done worldwide.

It would be - I think - difficult to have this Bill become a *sui generis* because then you draw everything from such a piece of legislation. We are seeking to particularly protect indigenous knowledge. Not all forms of intellectual property which a Bill that is *sui generis*, in that broader term, would seek to do.

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So, we were very, very clear that our intention is to focus on indigenous knowledge and not other aspects of intellectual property regimes. I do not think in any means we have to comply with the Intellectual Property Laws Amendment Act because we have a specific reference point, which is indigenous knowledge, and I think the Bill successfully addresses that and is confined to that area.

The matter of the repeal of the Intellectual Property Laws Amendment Act and its improvement is something that the Department of Trade and Industry must address, and the current policy paper on intellectual property, IP, is an instrument that begins the road towards that repeal.

We will, of course, as the hon Koornhof has said, ensure that, once we have the Bill signed as an Act, we develop the appropriate regulations and pass these on for consideration by the portfolio committee, at least to consider, not approve, because the regulations are developed by the executive. They are not developed by the committee.

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I also think it is important, hon Paulsen, that we say access to the register by multinationals and big business could only be done through appropriate and strict legal prescripts; for example, through prior and informed consent and nondisclosure agreements, as indicated in the legislation we are considering today.

The National Interfaith of South Africa, Nicsa, will not be a part of any agreements that are licensing. It will only be a facilitator to ensure that we achieve equity and I think this is extremely important in terms of what we are seeking to achieve. I really need to stress that the Bill is about the protection of indigenous knowledge and not about the exploitation of indigenous knowledge. That is not at all our intention.

The registration of indigenous knowledge will be voluntarily and communities will not be obliged, however, the right of the holder can only be protected once you have registration and thus utilisation of the legislation and that is a very, very important point.

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So, I believe that this step is vital for us in advancing indigenous knowledge protection in our country. I would want to say to the hon Carter that the Indigenous Knowledge Act once signed into law will apply to all who access and use indigenous knowledge, whether they come from France or Timbuktu or South Africa all will fall under its remit.

Of course, access to indigenous knowledge would always be under the prescripts of laws that we adopt as the Parliament of South Africa. So, I think we have taken all the steps that we can to ensure a protection that does not exist at this time.

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

The MINISTER OF SCIENCE AND TECHNOLOGY: I want to conclude by saying that I do not consider indigenous knowledge as being solely traditional health remedies. I believe we can learn a lot about customary law practices ... [Interjections.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon
Minister.

The MINISTER OF SCIENCE AND TECHNOLOGY: ... from
mediation and other processes that reside within
traditional communities. Thank you very much, Chair.
[Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you.

Question put: That the Bill be read a second time.

Division demanded.

The House divided.

[TAKE IN FROM MINUTES.]

As the result of the division showed that there was not a
majority of the members of the National Assembly present
for a vote to be taken on a Bill as required by Rule 96
(a), decision of question postponed.

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CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION

REPORT OF PORTFOLIO COMMITTEE ON TOURISM

The CHIEF WHIP OF THE MAJORITY PARTY: I move:

That the Report be adopted by this House.

There was no debate.

Motion agreed to.

Report accordingly adopted

CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION

REPORT OF PORTFOLIO COMMITTEE ON MINERAL RESOURCES

The CHIEF WHIP OF THE MAJORITY PARTY: I move:

That the Report be adopted.

There was no debate.

Motion agreed to.

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Report accordingly adopted.

Mr N SINGH: Hon Chairperson, sorry, you moved a bit too fast. On the Fourth Order there are no objections but there are declarations, Sir.

The HOUSE CHAIRPERSON (Mr C T Frolick): I have moved on we are in the Fifth Order now, you should have indicated

Mr N SINGH: You are going as an express train, before we can catch up here you were moving, Sir.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yeah, now you must follow proceedings I am on the Fifth Order now. The Secretary will read the Fifth Order.

CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION

REPORT OF PORTFOLIO COMMITTEE ON DEFENCE

AND MILITARY VETERANS ON 2016-17 ANNUAL

REPORT OF DEPARTMENT OF MILITARY VETERANS

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom

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Party, National Freedom Party, Congress of the People and African National Congress.

The CHIEF WHIP OF THE MAJORITY PARTY: I move:

That the Report be adopted.

There was no debate.

Declarations of vote:

Mr S ESAU: Chairperson, this Department of Defence Military Veterans continues to disappoint us and impact on the benefits that it is supposed to rollout to the military veterans. The high risk in this department of the data is still incomplete, the Information and Communications Technology, ICT, system that is not integrated yet, the memorandum of understanding, MoU and Service Oriented Architecture, SOA, that are not completed, policies, regulations, strategies and framework and plans that are not completed. The integration system cannot be effected even if it should be completed at the end of the financial year if the other Service Level Agreement, SLA, with Sars, Department

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of Health, Department of Home Affairs, Saps, Department of Defence, DOD, Defence and Security Division, DSD, DHS, are all in place in order to be effected. So, this department is continuing to fail.

The Human Resources, HR, for instance, we are looking at the lack of capacity, incompetent and unqualified staff. As skills audit is still pending, we are still waiting on the skills audit to be done. A 133 out of 169 people are employed in that department with a vacancy rate of 21. However, 74 additional posts have been established, 33 DoD secondments have been done and another 27 undergraduate interns which is equal to 134 which will be more than what the staff is currently of 133.

So absolutely ridiculous, that this department is not fulfilling its mandates. The extra findings as well has been the unqualified audit, we are extremely happy about. However the findings are very serious. The Airports Company South Africa, Acsa, Report speaks to financial compliance, the paper trail being followed; however, the performance is dismal, the targets are dismal and the under spending is dismal particularly when it comes to

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the database and strategy planning, monitoring and evaluation and policy development. Those particular programmes are under spent which are critical. When we look at both programmes 2 and 3, we find also huge under spending and even the targets that are not reached. So, in this ... Thank you very much [Time expired.]

Mr M N PAULSEN: House Chair, the Department of Defence and Military Veterans continue to be one of the most corrupt departments in the country. This is the department charged at protecting our borders and looking after the men and women who fought for our collective liberation. Every year the committee makes the same observations and recommendations but nothing changes.

The department continues to under spend its Budget, having only spent 70% of its allocated Budget for socioeconomic support. Even more problematic was that only 60% of the targets for socioeconomic support were met. This is the consequence of corruption, mismanagement and a lack of capacity all in one. Because of these, military veterans who fought for the liberation of this country are left to fend for themselves while the same

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people who used their names and legacies to gain votes steal their food from the plates and that of their children.

How can the department not spend its entire Budget when legal fees are needed for the Azanian People's Liberation Army, Apla, freedom fighters still in jail? It is because of all of these that the EFF rejects this Report. Thank you very much.

Inkosi R N CEBEKHULU: House Chairperson, this department has an onerous task and responsibility of not only protecting but also ensuring the peace and security of the citizens of South Africa. Additionally, the military guards our boarders and international ports of entry. Co in carrying out this task is a well equipped military. Our soldiers require working equipments that compares technologically to the state of the art by international standards if they are to be equal to the numerous diverse security threats that we face on a daily basis as a country.

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Morale is a key to fit fighting force and to this end we additionally call for better living conditions and for regularly inspected barracks to ensure that they are fit for our soldier's residents. The health of members remains a concern not just in respect of our current fighting force but also for our veterans. Military medical hospitals must keep pace with technology advancement in health care and ensure that they are well stocked with medical supplies and consumables. Professional staff turnover is a concern with doctors leaving for more lucrative positions and private hospitals. This must be addressed through more comparative salary packages.

Age in military vehicles remains an ongoing concern of ours and fleet replacement must get underway. Thank you, Chairperson.

Prof N M KHUBISA: Chairperson, this is a very important department and it must make sure that those who protect our land, our country and who even protect our continent are safe and work under conducive conditions to the task that they are doing.

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We are most displeased with the current situation where we are unable to hold the department accountable. Having placed on record our displeasure we trust that the department, Treasury and Auditor-General would move swiftly to implement the instruction of the committee and resolve the dispute which gave rise to the delay in assessment and to do so within the necessary time frame as set out in the Report.

The report on the Department of Military Veterans gives course for boarder encouragement and alarm. The NFP commends the department for receiving an unqualified audit opinion which is an improvement on the previous years and for incurring no unauthorised spending. The NFP however, is concerned about the level of irregular expenditure which has increased on the previous financial year and the fruitless wasteful expenditure which remain unacceptable and prevalent in the department.

In addition, the high staff vacancy rates and turnover is also having a negative impact on the department to execute its mandate. The consistent under spending in this department is regrettable, particularly so since the

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department is achieving a substandard level of success in meeting its objectives. The NFP, Chairperson, also want to say that other protection units should also be accommodated within the ambit of law and within the legislation, for instance, the Khoi and San defence unit. The department must move swiftly to ensure that they are also accommodated but within the ambit of our Constitution and within law. To conclude, Chairperson, we welcome the Report and the recommendations. Thank you.

Mr W M MADISHA: Chairperson, Cope supports the concerns expressed by the portfolio committee regarding the financial probity and performance of the Department of Defence and Military Veterans, particularly, its under spending, unresolved irregular fruitless and wasteful expenditure and the lack of consequence management.

Cope is shocked to learn of suppliers having been paid without rendering any service. Cope notes the lobbying being undertaken to provide veterans with their own department and ministry. Cope will resist any such move. Finally, Cope notes that state funds were utilised to finance the ANC Umkhonto we Sizwe Military Veterans

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Association, MKMVA, conference which re-elected the Deputy Minister of Military Veterans as their chairperson of the association. Cope questions whether these funding was ethical and lawful. Cope further notes that it is clear that taxpayers money is being abused to fund the functional ANC agenda of the Deputy Minister and the defender of their own head office and the present President. Thank you very much.

Mr M S BOOI: House Chairperson, the Portfolio Committee on Defence and Military Veterans has indeed recently engaged with the Annual Budgetary Review and Recommendation Report process and concluded this on 13 October 2017, with the consideration and adoption of the Report. Chairperson, we are especially pleased with the unqualified audit opinion with findings for the first time since the inception of the Department of Defence and Military Veterans.

We are encouraged by the improvement in the rollout of the housing, education and health benefits. The committee applauded the Castle Control Board for its second consecutive clean audit opinion and achieving 16 of the

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17 targets, many of which were exceeded. We however, stress that the board should enhance its revenue optimisation strategy to generate income to prevent the depletion of the surplus which would impact on the running of the castle.

Armaments Corporation of South Africa, Armscor, is one of the few entities that received a clean audit opinion for the 2016-17 financial year sustained from the previous year. The expansion of Armscor service provision to state department as well as other states such as Nigeria and Ghana was welcome. We are concerned about the delays in the transfer of dock yard to the planned co-operative management of Armscor, Denel and SA Navy. The facility is of immense strategic value and its functioning imperative to the operational capacity of the SA Navy as it relates to Operation Phakisa. Chairperson, the ANC supports this Report.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members just to remind you that we are dealing with the Fifth Order; which is Report of Portfolio Committee on Defence and Military Veterans on the 2016-17 Annual Report of the

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Department of the Military Veterans. The motion by the hon Chief Whip was for the Report to be adopted. Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION
REPORT OF PORTFOLIO COMMITTEE ON DEFENCE AND MILITARY
VETERANS ON 2016/17 ANNUAL REPORT OF CASTLE CONTROL BOARD
AND ARMSCOR**

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: Chairperson, I move:

That the Report be adopted.

Declarations of vote:

Mr S ESAU: Hon Chair, concerning the Castle Control Board, we know that there is R10 million that was reduced from surplus of the surplus to R4 million. The Castle Control Board, CCB, was required to raise R5,5 million

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which they only collected 48% of it, which is under the required mark to sustain this particular castle project.

We know there is a request from the department to receive R4,5 million. The major issue of concern for the committee is the revenue optimisation strategy that was supposed to have been implemented and completed. We are still waiting to get the document to scrutinise and also look at its implementation. So, we are very concerned about the revenue optimisation strategy.

Concerning the Armscor issue, I think our major concern there is the Dockyard development which is a tripartite agreement between the Department of Defence, Armscor and Denel, where Denel is going to play a key role in the development of this particular facility. We are not seeing any progress in that regard. That is a huge concern for our committee.

We also have an issue with the acquisition of defence material which depends on Denel's participation. Fifty percent of the order book of Denel is actually to do with the defence materials that need to be acquired. Here

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again we feel many of the projects have been delayed and Denel is the cause of that. So, we are very concern and we need to address the matter of Denel and Denel's role in terms of the Department of Defence and Armscor specifically. Thank you very much.

Mr M M DLAMINI: Chair, if we want to industrialise and develop the productivity capacity of this country we need to focus on research and development as well as protection, subsidisation and the government acquisition. In the past, Armscor has done very well in all of the above, but because of the mismanagement, lack of capacity, corruption and state capture, its ability to perform was weakened. The ability of Denel, which has been captured by the Guptas, to support the SA National Defence Force, SANDF, continue to worsen and is weakening Armscor. This along with the improperly co-ordinated industrial and procurement policy will continue to destroy Armscor. Armscor's performance continues to decrease and its finances continue to worsen yet nobody is held accountable.

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This is similar to the Castle Control Board which despite seeing increase in irregular expenditure and decrease in revenue, but continue to pay their executives bonuses. Lack of consequence management, lack of capacity and vision along with blunted corruption and state capture will destroy all the entities in this department. This is why we as the EFF proudly reject this report.

Inkosi R N CEBEKHULU: House Chair, governance and maintenance of this country's oldest architectural structure in order to preserve and protect our cultural heritage, promote tourism and maximise public accessibility which additionally aligns with the National Development Plan, NDP. Tourism is one of the key drivers of economic growth and job creation must remain a priority for this department.

Whilst clean audits are commendable, there is always room for improvement and in this regard the noted irregular expenditure must be eradicated in the coming term and more transparency is encouraged in terms of international travel by members of the CCB.

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Armcor with its promotion of local procurement of at least 75% of goods and services from domestic suppliers must ensure its future sustainability through proper planning and consolidated effort to increase in revenue swings. Fruitless and wasteful expenditure incurred as a result of penalty interests on late payments must be corrected. But by and large the entities continued clean audits reports by the Auditor-General are commendable. The IFP supports The Budgetary Review and Recommendation Report, BRRR. Thank You.

Prof N M KHUBISA: Chairperson, we join the committee in commending the Castle Control Board for obtaining its second consecutive clean audit opinion for hosting the successful 350 commemoration programme and for achieving 16 out of 17 targets where many of which were exceeded. It is unfortunate that irregular expenditure increase noticeable on the previous financial year and the board is urged to ensure that strict fiscal discipline pertains within itself. We also urge the board to implement the well-considered recommendations of the committee contained in the report to assist in executing its mandate.

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The NFP also commends Armscor on the clean audit sustained from the previous year. It is one of the few state enterprise to achieve this fit. We are also encouraged by Armscor's initiative to explore new commercial opportunities for generating revenue to ensure sustainability of the enterprise.

We are however concerned about several of Armscor's obligations which are at risk of floundering. One such is the cancellation of the contracting for offshore patrol vessels which negatively impacts on our marine security surrounding the timeous delivery of infantry fighting vehicles which impacts on the operational capacity of our National Defence Force. It is imperative that Armscor takes swift remedial action as outlined in the recommendations of the committee.

Finally, I am in full agreement with the recommendations of the committee that Denel, which is currently under the administration of the Department of Public Enterprises, should migrate to the Department of Defence and Military Veterans. The activities of Denel and Armscor are intertwined and it will make logical sense to have both

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these entities report to the same administration to ensure cohesion and maximum synergy. We support the report. Thank you.

Mr M S BOOI: Hon Chairperson, as the ANC we must say that we appreciate those who support this report and those who are not jealousy of the Castle Control Board and Armscor because of their clean audit. But what we would appeal to hon members is that you need to support that institution. This is the request that was advanced to the committee and committee members know it. Thank you, hon Chairperson.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION OF
REPORT OF PORTFOLIO COMMITTEE ON LABOUR**

There was no debate.

Declarations of vote:

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Mr M BAGRAIM: House Chairperson, the quarterly report has just come out. We are 9,4 million unemployed in South Africa. It goes up 100 000 people every single report. What has happened to this country, cry the beloved country?

House Chairperson, recent report should in fact highlight that we in South Africa has steadily shown a whole sole destruction of jobs. At this point in our history, we are facing the most devastating retrenchment programmes ever experienced in this democratic country.

Job creation is at an all time low, and small business is failing because of the negative, horrific labour regulatory environment. Minister of Labour should hang her head in shame at the way the citizenry are denied access to jobs of any kind.

Our regulatory authority the labour department nearly represents a hand break to job creation and job retention. The amendments to our labour laws have further more created an environment of negativity and a perception of no future.

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Our department has legacy into a nightmare of horrific proportions. The DA will have to restructure the entire labour landscape in 2019, in order to correct the ills of the past.

The incapacity of our labour Minister knows no bounds. When our future president hon Maimane launches his labour department, the issues of job creation will be at the top of his agenda; irregular expenditure, fraud, failure of the audit reports for the fifth year in a row.

We do however support this report as the department has performed in certain ways despite the government's enormous failure. Thank you House Chairperson.

[Applause.]

Mr T RAWULA: House Chair, when dealing with the Department of Labour Budget Review Legislation broader worker issues it is very important to remind South Africans of the current realities.

One, the unemployment since 2003, remains at 27,7%. If you take the more realistic broader definition of

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unemployment, more than nine millions South Africans cannot find work in South Africa. More than 54% full-time workers earn below working people line, meaning they earn less than R1300, a month. More than 30 million people live in poverty.

The ANC has lost a wonderful opportunity to address the poverty wage during the consultation for the introduction of the minimum wage. The ANC had an opportunity to start a process of addressing inequality through a minimum wage.

We gave you counselling, a superior logic that a minimum wage - it has been proven. In Korea it was used to address the inequalities. It was used to address the structural economic challenges. It was implemented successfully, but instead you decided to be deaf and refused to listen.

The most deficiency in this current minimum wage that was introduced by Mr Ramaphosa and his friends is that it even excludes the most vulnerable people which in the main are domestic workers, farmworkers, and food retail

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workers. They are excluded because they are paid below that R20. They are paid between R6 and R12.

We have called for the total ban of labour brokers and outsourcing. Today ... [Interjections.] We have told you that you must ban labour brokers because they are not going to assist you. Today, your own alliance partners have called for the relook of the labour brokers. They must ... [Interjections.] [Time expired.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. Hon member, your time has expired. I'm going to switch off the mike if you ... [Inaudible.] Thank you hon member, I'm going to switch off.

Mr X NGWEZI: Thank you very much, hon Chairperson. In holding this department to account and in ascertaining whether or not it is meeting its strategic service delivery goals of ensuring equal access to opportunities; sound labour standards; conducive working environments; good employer or employee work relationships and none exploitation of the workforce or child labour practices;

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it is imperative that the department maximise its service delivery.

With our current low levels of economic growth and high unemployment rates the management of labour market weaknesses becomes even more critical.

To this end, the audit action plan drawn up by the department to address issues raised by the auditor-general and possibly interventions thereto is to be welcomed and the timelines carefully watched to ensure the implementation and completion of such actions.

Departmental vacancies must be filled with adequately skilled staff as a strong and effective workforce is absolute requirement to effective service delivery. Strengthening internal controls particularly around supply chain management process is imperative if we are serious about preventing fraud and corruption.

Most importantly is that the department gets its right in terms of balancing regulations in respect of employment protection as against the creation of enabling

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environment for business investment and further job creation. The IFP supports the report. Kanimambo!

Mr M N PAULSEN: Chairperson, on a point of order, is it parliamentary for the Minister of Police to have earphones in his ears listening ... [Inaudible.] ... during a sitting?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, that's not a point of order please take your seat.

Mr M N PAULSEN: Ja... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Continue hon member. Hon Paulsen, please take your seat. Continue hon member.

Mr X NGWEZI: Chairperson ... [Interjections.]

Ms H O HLOPHE: Chair, on a point of order, is it parliamentary ...

IsiXhosa:

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... ukuba uMphathiswa agrogrise abantu ngokubabamba?

English:

... as a Minister. He must withdraw that. Don't threaten us chief, please!

IsiXhosa:

UMPHATHISWA WAMAPOLISA: Hayi i-EFF iyandifuna.

[Kwahlekwa.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Minister, please! Take your seat. Continue.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, you may have ruled it is parliamentary to have these earphones in, but I wonder if he could explain to us whether he is listening to Beyonce or K-Ci & JoJo.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you for your sense of humour. Continue hon member.

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Mr S C MNCWABE: Chairperson, the NFP welcomes and supports the budgetary review and recommendation on the Department of Labour tabled here today.

The report reveals several significant shortcomings of the department many of which speak to the department's failure to deliver on its key mandate. For an example, the overall performance in order to reach its structural goals was 74%, but this seemingly favourite achievement rates high to effect that the department's overall achievement in promoting sound labour relations was zero percent.

The NFP found this incomprehensible that the primary government driver of labour cohesion can underperform so dismally in a key component of its mandate, yet there are no management consequences or executive accountability.

The figures for the performance of the strategic objectives for the first quarter of this financial year are even more dismal. The department failed outright in this programme promoting equity in the workplace, and

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promoting sound labour relations whilst achieving only 40% of its objective to protect vulnerable workers.

Most alarming, however, is the department's dismal performance of 40% in delivering office inspections and enforcement service programme. This programme Chairperson is at the heart of the protection of workers in the country; and with insufficient staff and lack of political guidance from the department, this level of performance is regrettably and unacceptable.

In conclusion, the NFP identifies with the observations and recommendations contained in the report tabled here today; and we urge the department to act with due haste to implement these recommendations in the interest of all the workers in South Africa.

To conclude, the NFP support the observations and the recommendations contained in this report. I thank you.

Mr W M MADISHA: Thobela!

The HOUSE CHAIRPERSON (Ms M G Boroto): Mokone!

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Mr W M MADISHA: Thank you very much, Chair. In considering the Labour Portfolio Committee report, the question that comes to mind is this, does an unqualified audit mean that the department is delivering upon its mandate?

Chair, part of the mandate of the Department of Labour is to improve economic efficiency and productivity and to facilitate decent employment creation.

Chairperson, I want to say that under the executive leadership of the present Minister Oliphant, we have experienced very serious problems. Millions of people, capable and willing to work are unemployed. We know that on very many occasions they say 27%, etc; but in actual fact it is more than 40%.

Secondly, millions who are working do not receive a living wage; what happens actually is, if you go to the restaurants and you do that of course. The people who work there are not even given any wages at all, but they get tips of what you give them after having eaten in restaurants. Now that is a very serious problem.

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Thirdly, we are faced with an environment that is not conducive to business creating employment opportunities and the biggest culprit is government. It is clear to Cope that we are not getting anywhere altogether. Thank you. [Time expired.]

Ms F S LOLIWE: Thank you, hon Chair. As the committee, we applaud the Department of Labour for once again receiving an unqualified audit opinion from the Auditor-General. We note the emphasis which includes irregular expenditure, but we also note that, that irregular expenditure has decreased. They must work for a zero irregular expenditure.

We further note the disclaimer on opinion of their compensation fund and the Unemployment Insurance Fund, UIF; but we were given sufficient reasons as to what has caused that, and an action plan to deal with it has been drawn.

We just want to encourage committee members to always attend so that when we discuss this report we move with the same wavelength though we can robust discussions. The

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report we have dealt with made it a point that when you speak of the National Minimum Wage, it only focuses on the funds that we have spent on the process. So it cannot be true that at this stage, we present to the House what the process is entailing because that is another phase.

However, as a committee we recommended amongst other things, that now that the UIF, which was our best performer has dropped its performance, they must make sure that they present to us a clear plan to correct that.

Also, we know the department has created jobs, but with the current unemployment rate which warrants more jobs, we want the department to do better. As the ANC, we support this report. I thank you. [Applause.]

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move that the report be adopted.

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

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CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION
REPORT OF PORTFOLIO COMMITTEE ON POLICE - INDEPENDENT
POLICE INVESTIGATIVE DIRECTORATE

Declarations of vote:

Ms D KOHLER: Chairperson, since the creation of the Independent Police Investigative Directorate, Ipid, formerly the Independent Complaints Directorate, ICD, it has been kept as underresourced as possible it seems to me. Why would the Minister push for a bigger budget for a civilian entity that looks into SA Police Service criminality?

Now, to quote the Auditor-General, "It is stagnant on leadership and regressing on financial performance". Well, it had to go cap-in-hand to the Cabinet to beg for more money as recommended by the Farlam commission. Bear in mind, they had to use their own budget for the Farlam commission.

They need R42,5 million for adequate resourcing and staffing as the public becomes increasingly aware of its role past Marikana. It must have the staff and the

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provincial offices to deal with criminal police: The ones who demand bribes; and the ones who attack civilians, because they are criminals protected by their brothers in blue.

The Ipid is an invaluable body. During the Budgetary Review and Recommendation Report hearings, BRRR hearings, the head of the Ipid described what happened to the entity when he and others were suspended. He described it as an *annus horribilis*. He said that the criminal justice system had been under attack.

Five members of crime intelligence - police - were into a civilian organisation and basically took over. They cleaned up certain cases. They cleared certain individuals that should never have been cleared. Cases were closed prematurely by these individuals and then they went back off to crime intelligence.

What happened there under the previous Minister in the Ipid was very much under the radar. I am sure there will be much more for the Ipid to deal with under the latest Minister, with the shoot-to-kill mantra. But basically,

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they deserve all the support we can give them. Thank you.

[Applause.]

Mr S P MHLONGO: Fighting crime and corruption under the administration of the day remains a pipe dream flowing from judgement made by Justice Squires, in the matter: *S v Shaik and Others* (CCT 86/06) [2007] ZACC 19; 2008 (2) SA 208 (CC); 2007 (12) BCLR 1360 (CC); 2008 (1) SACR 1 (CC) (2 October 2007).

Political interference in the line of duty by Ipid has seen greater levels instability at top management level of the directorate itself. The independence of the directorate has been highly compromised due to sustained attacks on Executive Director of Ipid by politicians and rogue elements within SA Police Service who enjoy unfettered support from those people who themselves are fugitives of law, starting with our Number One in the land. [Applause.]

Drastic steps to reduce funding in the directorate has actually further weakened the capacity of the directorate as a whole. Now, where are we? At the present moment, we

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find that the directorate as a small organisation relies heavily on SA Police Service and Hawks for it to be able to execute its oversight mission of ensuring that our people are protected from being victimised by police in particular.

What is it that we get as people of this country? On the question of Marikana, undertakings have been made in this Parliament that Ipid will have to do sufficient investigation with regard to the massacre that took place in Marikana. Deliberate political attempts have been made to withdraw funding so that Ipid cannot have capacity to finalise that investigation in the Marikana massacre.

At the end of the day, we have been well briefed by the head of Ipid that the drug ring taking place within O R Tambo International Airport is led by some members of SA Police Service and Hawks. [Time expired.] Thank you.

Prof C T MSIMANG: Hon House Chair, its work of scrutinising, overseeing and ensuring independent oversight of the SA Police Service and municipal police through the conducting of independent and impartial

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investigations of alleged criminal offences by the above-mentioned members, the Ipid has an extremely important mandate to the people of South Africa. C

Criminal activity is a hydra with many heads as it is found at all levels of our policing services, which is a frontline service of peace and security, interacting with the populace of the activity itself but also because of the tangible negative perception this creates as to the way in which our citizens perceive the rule of law and policing in particular in the country.

Excessive use of force, criminal use of force, general neglect, misconduct and outright participation in criminal activity are on the increase within our services. To be effective, Ipid requires sound administration and efficient and capable management.

It is therefore of great concern that we note the qualified audit report by the Auditor-General, including audit reports that were not prepared in accordance with the prescribed financial reporting frameworks, the

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irregular expenditure and that the audit action plan was not fully complemented.

A 35% achievement in respect of annual performance targets set is extremely poor and must be prioritised and reduced going forward. [Time expired.] Thank you.

Mr A M SHAIK EMAM: Hon House Chair, the NFP welcomes the Budget Review & Recommendations Report of the Portfolio Committee on Police tabled here today on Ipid. Having scrutinised the performance of the directorate through regular oversight meetings, the committee also tracked progress throughout the year. The qualified audit opinion received by the department is a matter of concern. Not complying with the 30-day payment terms cannot and must not be tolerated.

The standard of financial statements submitted for auditing does not comply with sections of the Public Finance Management Act. Irregular expenditure was not prevented. Fruitless and wasteful expenditure continues unabated. The cost of litigation by or against Ipid

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involving individual members is of course a matter for great concern.

The audit action plan was not fully implemented. Being mindful of what I have just said, I think that Ipid has a very important mandate. It must not also forget the very difficult position under which police officers in South Africa work. So, they must be mindful of this when they are investigating matters against police officers.

[Interjections.]

Sometimes, and in terms often, that is exactly what my argument is: People on my left want to see the police do wrong. Whenever a police official shoots somebody, it is a problem, but when that individual shoots a police official, nobody comments here. Ipid only achieved 13 out of the 37 targets, less than 2015-16 financial year. What is clear is that Ipid cannot continue as going concern unless further funds are made available.

Once again, the lack of consequences and that's throughout all the departments is a matter of concern. The NFP calls on the department to fill the vacancy of

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the CFO as a matter of extreme urgency. The NFP supports the recommendation of the Portfolio Committee on Police in ensuring that: An audit action plan be developed and implemented; all funded vacancies be filled as a matter of urgency; and officials must face disciplinary actions for irregular and wasteful expenditure. [Time expired.] The NFP supports the report tabled here today. [Applause.]

Ms D CARTER: Chairperson, Ipid plays an essential role: In ensuring effective independent oversight of the SA Police Service and municipal police services; and in the provision of an independent authority to investigate an alleged misconduct of all offences committed by a member of the police service.

Given its role, Cope would expect Ipid to conduct itself in exemplary fashion in all aspects. As such, Cope is disappointed that Ipid has regressed with qualified audit opinion - the first in eight financial years. Cope calls on Ipid to ensure that key vacancies are filled and to ensure that it is capacitated to meet its performance targets.

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Cope further concurs with the Portfolio Committee on Police that Ipid is ideally positioned to have a positive effect on the professionalism of SA Police Service given its legislative mandate to oversee the behaviour of police members. As such, Ipid must realise the full potential of its mandate and address criminality within the police services of South Africa without fear or favour. Thank you. [Applause.]

Mr L RAMATLAKANE: Hon Chair, the ANC supports the Budget Review & Recommendations Report of the Portfolio Committee on Police as presented by the committee. As a committee we have engaged with Ipid on number of occasions around the issues that the Ipid has been struggling with. Therefore, we fully understand the constraint that the Ipid is faced with, particularly the issue about them being financially underresourced in terms of their budget, in a context of economic challenges that prevail. We understand the constraints.

We do say, and the committee agrees, that the Ipid has an important function to play in the architecture of South African Constitution that requires oversight onto the

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police in the function of their duties on a daily basis, particularly in dealing with corruption.

Ipid has demonstrated the fact that they are able to confront and investigate anybody in the police without fear and favour beyond the shadow doubt. They have done so, including the investigation of the recent Acting National Commissioner. They have done it.

What we have said as a committee is that we require further engagement with the executive around the issue of the budget, particularly to make sure that the filling of critical vacancies in Ipid is important. It is not just us making a slogan about filling all vacant posts because we understand the economy and the challenges that we have as a whole country in terms of the budget.

Therefore, we from the ANC support that we must continue to empower and capacitate Ipid in order to continue doing their functions without fear and favour. The rest that has been said regarding this topic is just politicking that they like. [Time expired.] They are welcome to politics. Thank you. [Applause.]

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The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, wed
move that the report be adopted.

Motion agreed to (EFF dissenting).

Report accordingly adopted.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION
REPORT OF PORTFOLIO COMMITTEE ON POLICE ON CIVILIAN
SECRETARIAT FOR POLICE**

Declarations of vote:

Mr Z MBHELE: Chairperson, I wish to echo the conclusion
of the Budgetary Review and Recommendation Report, BRRR,
in which the portfolio committee raises our concerns
about the ability of the secretariat to fully implement
its mandate.

While the committee has welcomed the turnaround on the
audit outcomes from the secretariat over the last two
financial years, there is still a lot of work that lies
ahead in order for the secretariat to become fully
effective.

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But, what does it mean for the secretariat to become fully effective in its mandate? Let us remember that the Civilian Secretariat is a constitutional mandate. Section 208 of the Constitution says that a Civilian Secretariat for the Police service must be established. Its key objects as contained in Section 5 of the Governing Act, amongst others, are to exercise civilian oversight over the police service to implement, promote and align the operations of the secretariat in the national and provincial spheres of the government.

Now, section 32 of the same Act says that the members of the police service must provide their full co-operation to the secretariat and to a provincial secretariat with regard to including but not limited to assisting with information, documentation and records for performing its monitoring function with oversight of the police service.

These two sections read together means that the South African Police Service, SAPS, is obliged to provide crime statistics to the provincial secretariat whenever they request them as part of their oversight mandate, whereas

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the SAPS has been filibustering the Western Cape Department of Community Safety on.

The SAPS needs to be compliance with its statutory obligations in this regard and give provincial crime stats to provincial secretariat as and when requested. Thank you.

Mr S P MHLONGO: Firstly, as the EFF, we actually acknowledge and accept the position taken by the Minister of Police with regard to abolishing the so-called transformation body that actually bloated the functioning of the Civilian Secretariat as a key policy developing organ that must guide and steer transformation within the SAPS. We welcome that and we think that is going to remove the question of the red tape in the main process.

However, as the EFF, we are very concerned that this very important body seems to be hamstrung by the question of federal outlook because the Civilian Secretariat of the Police, CSP, at a national level has no jurisdiction authority at a provincial level; hence provinces are just doing as they like.

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Secondly, you have a fragmented approach with regard to what needs to be done, for example, on the demilitarisation of police. Those in uniform from SAPS have their own theoretical level of understanding whilst the CSP develops policies that are not to be embraced by members in blue.

Now, this kind of a discord needs this House to actually then come up with the legislative framework that will ensure that we do away with this federal outlook, because it undermines the role of those people who at the centre of service delivery, for example, the community policing forums, CPFs.

If you go to KZN ... We were told for example in KwaNongoma area that there is an organisation called Diskepe, which is actually using every violation of law but then the structure of community service embraces these people. It is completely illegal and we actually reject this kind a federal approach to this.

Ms H O MKHALIPHI: Order, Hon Chairperson?

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The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, Ma'am.

Ms H O MKHALIPHI: Can at least the Minister look at the member at the podium when you talk about policing?

The HOUSE CHAIRPERSON (Ms M G Boroto): Continue hon Msimang.

Prof C T MSIMANG: Hon Chairperson, ... [Interjections.]

Mr T RAWULA: Order, Speaker!

Prof C T MSIMANG: In assessing the service delivery performance of the secretariat ... [Interjections.]

Mr T RAWULA: Speaker!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Msimang, please take your seat? On what point are rising hon member?

Mr T RAWULA: You are denying the Minister a chance to learn something very new.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, that is not a point of order, please don't waste our time.

Prof C T MSIMANG: ... one must take note of the ever present unauthorised, fruitless and irregular expenditure which continues to play at this office despite its unqualified audit opinion with findings for the 2016-17 financial year.

Internal control deficiencies of finance and performance remain a concern as do the slow responses by management to address findings which are rules during audit.

Vacancy rates must be addressed particularly within the highly skilled production level band. The achievement of 33 out of 41 key performance indicators is good and is a stacking improvement when compared against the previous year at 48% but there is still room for significant improvement. In this regard, the secretariat should not rest on its laurels but rather continue the good momentum gained and push for even greater achievement in the period to come.

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The nonalignment of the approved organisations structure with the mandate of the secretariat is a huge challenge as the capacity is not equal to the task at the moment. To this end, we encourage the speedy finalisation of the proposed organisational structure to address this.

Concern also remains, in view of the fact that the Auditor-General has made recurring findings on deficiencies in the procurement and contract management of this secretariat. This can't be tolerated and will not be tolerated going forward. I thank you.

Mr A M SHAIK-EMAM: House Chairperson, the NFP welcomes the unqualified audit opinion for the 2016-17 financial year. This is clearly an improvement from previous financial years and it must be commended. This will go a long way as the first step in trying to bring some control and success with regard to the civilian secretariat which has oversight role over the police.

The lack of internal controls and poor control mechanisms in procurement however and contact management including awarding of tenders not conforming to preferential

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procurement policy framework Act must be addressed. Consequent management to address financial and performance deficiencies must also equally be introduced urgently.

All forms of overspending and/or under spending must be avoided in the 2017-18 financial year and quarterly reports will prevent any further underspending. The service delivery improvement plan must be implemented as a matter of urgency in light of recommendations by the Portfolio Committee on Health.

Capacity constraints in internal audit must be strengthened if the department is to perform optimally in the next financial year. The material findings on nine indicators identified by the Auditor-General and are a cause for concern and we call upon the department to review the process in which performance is measured. The NFP supports the report tabled here today.

Mr W M MADISHA: Chairperson, the COPE notes the attainment of the police secretariat first unqualified audit opinion. Nonetheless, COPE notes that the

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financials statements submitted for auditing were not fully in compliance with the PFMA.

Further, the COPE notes that effective steps were not taken to prevent irregular expenditure amounting to R12,3 million and that there had been no consequence management applied.

The COPE notes that the audit and risk committee of the secretariat reported significant internal control deficiencies. The COPE agrees with the portfolio committee's concerns regarding the secretariat's inability to fully and effectively implement its mandate. And we believe that, yes, indeed, the committee will be able to take this forward. Thank you.

Ms M A MOLEBATSI: House Chairperson, hon members, the ANC supports the BRRR Report on the Civilian Secretariat for 2017. The report has been compiled after meetings with the Auditor-General and Civilian Secretariat for Police that was held on the 4 October 2017.

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The report was then adopted by the committee on Friday 6 October 2017. The committee made sixteen recommendations that focused on financial management, consequence management, service delivery improvement plan and the risk management strategy.

The committee highlighted the importance of the secretariat to fully implement its mandate as technical advisor to the Minister of Police.

The ANC welcomes the improvement on the secretariat's unqualified opinion from the Auditor-General. It showed an improvement in the financial management and governance of the secretariat. We are also of the view that partnership programme and legislative programmes must improve their performance in the current financial year.

Finally, the Civilian Secretariat must drive the policy and legislative framework for the professionalisation of the SAPS to ensure better policing and the improvement of the safety of all of our citizens in line with chapter 12 of the National Development Plan, NDP. I thank you.

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The CHIEF WHIP OF THE MAJORITY PARTY: Chairperson, we again move that this report be adopted.

Declarations of vote:

Mr Z N MBHELE: Chairperson, policing is not rocket science. It consists of two aspects. Half of the job is simply getting the basics of systems and organisational management right. The other half is then skilled, smart and specialised police work. If we could get just those two aspects fixed, crime in this country would plummet.

So, what are these basics of systems and organisational management to get right? Quite simply, there are human resource management, financial management, asset management, supply chain management, SCM, and information and records management.

If we turn to the recommendations of the portfolio committee in this Budgetary Review and Recommendation Report, BRRR, we see that many of these basics are not being done correctly.

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Recommendation 5, for example, recommends that the SAPS management must undertake a skills audit of the financial section. This is clearly a human resource management issue. Why were adequately skilled people not hired in the first place?

Recommendation 9 is for the department to provide a monthly report on the supply chain management deviations and transgressions. These should not be happening in the SCM environment.

Similarly, the recommendations go on and on. We have supply chain, human resource management and most astounding of all is recommendation 35 where we recommend for the Directorate for Priority Crime Investigation, DPCI, to finalise the establishment of the narcotics and firearm units within the next six months.

This was announced by the President in February 2016, more than a year ago. Yet, we see stalling and foot dragging all the way. Clearly, the SAPS will not come right as a crime fighting organisation until there is political will to fix these fundamentals. That political

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will has never existed under this current government.

Thank you.

Mr N S MATIASE: Chairperson, a few points must be highlighted from the perspective of criminality and the strategy of combating crime in this country.

The country does not have a comprehensive understanding of the levels of crime or the extent of the problem because of poorly collected data on reported cases - data collected methodologies on a reported case basis, Mr Mbalula.

The police are amongst the most unprofessional and unreliable public servants with inferior training and little ability to investigate and combat crime.

Improving the service conditions of the police and professionalising the police is not the real panacea to criminality and crime. The real panacea to criminality and crime is addressing the socioeconomic structural fraud of apartheid colonialism. The panacea to crime and criminality is to address the inhumane conditions of high

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unemployment, poverty and landlessness amongst our people.

Our people are trapped in the ghettos and townships where they have no prospects of life, and they resort to crime and criminality.

The last warning to those who are rich is that the poor will come and swallow you like a tsunami when it swallows the land of people who make themselves indifferent about the plight of the poor. We want to warn the rich that you better change your attitude towards the challenges that confront this country and embrace the demand for the return of the land, to do away with unemployment and poverty and to address the crisis that society is faced with.

That is the panacea to the crisis of criminality and crime in this country.

Prof C T MSIMANG: Hon Chair, in accordance with their constitutional mandate to prevent, combat and investigate crime, maintain public order, protect and secure the

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inhabitants of the Republic and their property and to uphold and enforce the law, this department remains at the coalface of law and order in South Africa.

Service delivery must be exceptional and this must be undertaken through efficient, effective allocation of resources. As the President correctly noted in his state of the nation address of February, earlier this year, our fight against crime must remain an apex priority for government.

However, an effective department requires effective leadership and where such leadership is not existing and not recognised by the rank and file of police officers, you will begin to see a breakdown of morale, cohesiveness and overall, no delivery on targets.

Not filling the post of the Divisional Commissioner of Crime Intelligence, a post which has been vacant for a period of six years is ludicrous and must be attended to immediately.

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A large number of acting appointments, vacancies and vacant senior crime detector positions negatively impact on service delivery and morale. No wonder, there is ill discipline, as evidenced by the high number of civil claims against the department.

Public order policing must be another priority and the training and skilling of police officers in crowd control is a necessity. I thank you.

Mr A M SHAIK EMAM: Hon House Chair, the core responsibility of the South African Police Services is to prevent, combat and investigate crime, maintain public order and protect our inhabitants. While the President touched on social difficulties experienced by communities, as a result of drugs and social ills, there are various factors contributing to the high crime rate in South Africa.

As the National Freedom Party, we believe that there needs to be a multipronged approach to fight crime. Unless we deal with the issues of inequality, high unemployment, poverty and the socioeconomic conditions of

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our people, the challenge in fighting and reducing crime will not go away.

Added to this is the management challenge at the South African Police Services, specifically in terms of the appointment of permanent commissioners, deputy commissioners, in terms of the crime intelligence, and the deputy national commissioner for crime detection. The number of acting positions has caused instability in the department and has had a negative impact.

The specialised unit has not really given us the desired effect to date. We must also welcome the decision by the Minister, and he must be commended for addressing the issues of crime, especially in the areas like the Cape Flats, of wanting to bring the Defence Force to assist and beef up policing, in order to try and sweep off - if that is the term I need to use - the criminals from the area once and for all.

While we appreciate the difficulty that the SAPS face on a day to day basis, we must admit that it is their responsibility to protect our people.

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Achieving the NDP goals remains a dream unless we are able to fight crime and fight it to the extent that we get rid of the criminal once and for all.

The SAPS must, from time to time, engage the NPA and other role players. The National Freedom Party supports the report tabled here today.

REV K R J MESHOE: House Chairperson, the most important responsibility of any government is to keep its citizens safe. Unfortunately, this cannot be said of our own government. One of the reasons the ACDP believes that crime is increasing in the country is because crime fighting in South Africa is not intelligence-led.

People are not even willing to report crimes because they are being exposed by some corrupt cops, rather than being protected from criminals and appreciated for coming forward with information.

The crime intelligence division is almost nonfunctional because of internal divisions. The ACDP questions why this

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department overspent by R33,1 million while crime is continuing to increase. We asked the question: Where is the money going to? It is surely not to fight crime because there is no evidence.

For a number of years, members of the committee on police have been complaining about a top-heavy management at the police headquarters in Pretoria, which has resulted in a huge salary bill and it is using up valuable resources that should rather have been used on the ground to fight crime.

Reports that the number of police might be reduced are concerning. The ACDP believes that we need more visible policing to deter criminals from committing crimes. We believe that visible policing must be prioritised.

We therefore call on the Minister to ensure that the number of police is increased rather than reduced, especially as evidence proves that criminals are also increasing in their numbers and are mobilising more people. So, we need more police on the ground to fight crime. Thank you.

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Afrikaans:

Mnr P J GROENEWALT: Agb Voorsitter, ek wil vir die agb Minister sê dat hierdie verslag, die begrotingsoorsig en aanbevelingsverslag van die polisie 'n goeie verslag is. Ek wil dit met 'n kas apples vergelyk. In daardie kas appels van die polisie is daar 'n paar vrot appels.

Hierdie verslag van die portefeuljekomitee, wat hard daaraan werk om hierdie vrot apples te identifiseer sê vir u wat die vrot appels in die Polisie is. U moet daardie vrot appels tussen die ander appels - die goeie manne en vroue wat in die polisie dien, wat bereid is om hulle lewens vir my en u as die publiek op te offer - uithaal.

English:

Minister, you said in the portfolio committee meeting that we want a professional, well-disciplined and accountable police services. If you want that, hon Minister, and I said I support you, take out the rotten apples and use this report and do everything in this report and you will be able to remove the rotten apples.

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Then you are becoming a good Minister of Police. Thank you.

Ms D CARTER: Chairperson, the core functions of the SA Police Service, SAPS, are to prevent, combat and investigate crime, maintain public order, protect and secure inhabitants of the Republic and their property, and uphold and enforce the law.

If one looks at the latest numbers of the crime survey, it is clear that the SAPS has failed dismally. During the rogue era of Mr Zuma, we have been subject to two Ministers of Police and a flashy dresser who posts photos on Twitter, criminalises family members who were in a funeral entourage, and accuses the deceased of criminality. In the same period, we have been through six National Police Commissioners, either acting or permanent.

In addition, Cope notes that the post of Divisional Commissioner: Crime Intelligence has remained unoccupied for the past six years, as a result of the suspension of a keeper of the President, Richard Mdluli. All of the

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above cause instability, conflict and uncertainty in the management of the SAPS. It is simply unacceptable. It is evident that the SAPS and other entities in our criminal justice system have been purposefully castrated, compromised and repurposed for the benefit of a mafia syndicate centred on Mr Zuma. The SAPS is in a shocking, dysfunctional state, its hands tied behind its back.

Tweeting on social media and cavorting like a prima donna in drag is not going to fix it. Thank you.

The MINISTER OF POLICE: On a point of order, Chairperson: Is it proper for ... the answer for not dressing well means you must come to Parliament dressed in curtains.

The HOUSE CHAIRPERSON (Ms M G Boroto): That is not a point of order. Thank you. [Interjections.]

Mr F BEUKMAN: House Chairperson, hon members, and fellow South Africans, I rise on behalf of the ANC to support the budgetary review and recommendation report on the SA Police Service, in keeping with the Directorate for Priority Crime Investigation, DPCI.

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

Ms N V MENTE: Chairperson, on a point of order: Please rule on what the Minister of Police just said. It is very sexist. [Interjections.] He cannot say that. He cannot say we come to Parliament dressed in curtains.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I have said it was not a point of order.

Ms N V MENTE: No! It is very sexist. Ask him to withdraw! No, he must withdraw that. He has said it.

[Interjections.]

IsiZulu:

Nk M S KHAWULA: Sihlalo mina ke ngifuna ...

English:

Ms D CARTER: Thank you, Chairperson.

IsiZulu:

Nk M S KHAWULA: Ngeke ngikuvume ukuthi ... [Ubuwelewele.]

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English:

The HOUSE CHAIRPERSON (Ms M G Boroto): There is a person at the podium, hon Khawula, please. I have recognised the hon Carter.

Ms D CARTER: Chairperson, I would just like to explain to the Minister this is actually a brand, Ginger Mary.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please sit down. I have ruled on the matter. Continue, hon Beukman. [Interjections.]

Mr F BEUKMAN: The report has been compiled after meetings with the Auditor-General and the SAPS held between two and four ...

Mr M G P LEKOTA: Madam Chair ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Where are we?

Where are we?

Mr M G P LEKOTA: No, please. We have to appeal to you. We cannot allow members of this august House - they can have

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arguments with ladies and all of that, but when they become sexist, you are allowing something that is contrary to policy.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I have ruled. Can we continue?

Mr M G P LEKOTA: I think you must make a ruling from your position.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Lekota, please. Hon Khawula?

IsiZulu:

Nk M S KHAWULA: Ngiyabonga Sihlalo namhlanje kade sikhuluma ekomidini ngayo le nto yokuhlukunyezwa kwabantu besifazane. Ungqongqoshe le nto ayisho manje emntwini wesifazane azothi ugqoke amakhethini. [Ubuwelewele.] Ukudelela lokho ...

English:

... he must withdraw now!

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The HOUSE CHAIRPERSON (Ms M G Boroto): Being persuaded, I will seek advice on the matter. Continue, hon Beukman.

Mr F BEUKMAN: The report has been compiled after meetings held with the Auditor-General and the SAPS between 2 and 4 October 2017. The report was adopted by the committee on Friday, 6 October 2017.

The committee made 39 recommendations focusing on financial management and implementation of the Auditor-General's recommendations, the performance of Programme 2: Visible Policing and Programme 3: Detective Services, consequence management, ethical conduct, and the renewed focus on priority crimes. The committee highlighted the importance of the leadership of the SA Police Service as a prerequisite to take the fight against crime to the next level.

IsiZulu:

Nk M S KHAWULA: Sicela axolise sisashishelwa umzimba manje! Uyasihlukumeza lo muntu wesilisa.

English:

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you are out of order! Nobody recognised you, and I have twice said I ruled on the matter. Continue, hon member.

IsiZulu:

Nk M S KHAWULA: Indaba yamakhethini nje asifuni nokuyizwala. [Ubuwelewele.]

English:

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member!

IsiZulu:

Nk M S KHAWULA: Okokuqala uhlezi uphambanise izinyawo.

English:

The HOUSE CHAIRPERSON (Ms M G Boroto): Continue, hon Beukman.

Mr F BEUKMAN: The committee highlighted the importance of the leadership of the SA Police Service as a prerequisite to take the fight against crime to the next level and ensure that all communities in the Republic of South

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Africa experience safety and security in their daily lives.

The SAPS needs a competent, permanently appointed accounting officer who has the energy, strategic vision and innovative plans to fight crime and corruption. The filling of the post of Acting National Commissioner: Detective Services and the appointment of a permanent head for the Crime Intelligence division should be prioritised.

The committee made four very important recommendations about the DPCI. The committee highlighted the need for the executive authority to appoint a permanent head to the DPCI as a matter of urgency. Secondly, it highlighted the need that the DPCI be established as a separate Vote and that necessary discussions with Treasury be prioritised. Finally, the committee also recommended the DPCI intensify its links with Interpol training and investigations into cybercrime with a view of building its capacity to handle all forms of cybercrime.

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In closing, the SAPS needs to step up its action plans to ensure that violent crime is pushed back significantly in the next 12 months. Thank you.

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

Motion agreed to (Economic Freedom Fighters dissenting).
Report accordingly adopted.

**THE SCOURGE OF MURDERS AFFECTING ALL SOUTH AFRICANS ON A
DAILY BASIS**

(Subject for Discussion)

Mr Z N MBHELE: Chairperson, we welcome this opportunity for Parliament to debate the scourge of murder affecting all South Africans on a daily basis. The motion was proposed by the DA following last week's release of the annual crime statistics, which showed that violent and organised crimes continue to increase. This ongoing trend is a reflection of police ineffectiveness under the ANC

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and has brought the crisis of rampant criminality to the fore of the public mind, once more.

The recent crime statistics showed that all South Africans, irrespective of race or background, can become a target of violent crime. Every South African knows the feeling of fearing for their life and for the lives of their loved ones. Women and children are the most vulnerable, often being the targets of horrific rapes. It is shocking that seven women and children are murdered every day.

This is a trauma and a tragedy known to and felt by many families, including my own. In about two weeks, on 15 November, we will mark seven years since my mother was brutally murdered after sustaining multiple stab wounds. This was as a result of a labour dispute with her gardener gone horribly wrong. This, at least, based on what was revealed during court testimony of the accused, who pleaded guilty and received the maximum sentence for murder.

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In our case, we were luckier than most families, in that the suspect was apprehended within days of the murder. We were able to gain closure because justice was done, notwithstanding the year-long delay in the scheduling of the case at the regional court because it took that long for the DNA test results to come back from the SA Police Service, SAPS Forensic Science Laboratory.

The issues of processing backlogs, lack of capacity and inefficient administration in the forensic science laboratory environment affect the lives of people already in a traumatised state, in very real ways. At this juncture, I must pay tribute to the investigating officer in my mother's murder case, Detective W/O Jaco Wentzel of the Deneysville SAPS, whose help in providing regular feedback and progress updates to our family, despite the hindrances that plague the system, was laudable.

Now, I know that the ANC may come up to this podium and talk about how South Africa has always been a violent society; that centuries of violence have been perpetrated against communities through imperialism, colonialism and apartheid, and that cycles of violence perpetuate

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themselves as a legacy of our oppressive past. We do not deny or negate the role of history and how its effects play out in contemporary patterns of social dysfunction.

However, this reasoning, surely, loses its potency as time goes by? While no one can reasonably expect centuries of that history to be undone or reversed in 23 years, we can reasonably expect to have made faster progress than we have, under the ANC. As a country, we should have been further along and ought to have minimised the intensification of the problem, which has become the case in many contexts.

Cronyism, corruption and state capture have come to define ANC misgovernance, which started with the Arms Deal in the late 1990s and has culminated in the Zupta-saga revelations and politically motivated manipulation at state-owned enterprises. Were it not for this, we could have ensured that more of the poor and economically marginalised citizens were better provided for, had access to more jobs through inclusive economic growth, and enjoyed more opportunities for sustainable livelihoods.

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Had the ANC governed and delivered, as it promised and this country been able to realise more of its potential, we would have had better prospects to repair our damaged social fabric, which gives fertile context for domestic and interpersonal violence. We have seen, rather, a continued and exacerbated fraying of that social fabric.

Had the ANC governed and delivered, as it promised, perhaps a labour dispute would not have been escalated by desperation and despair over scarce economic resources into murder. Thus, the scourge of violence in South Africa is a damning indictment on the ANC-led government.

Social fabric issues aside, the fact is that violent and organised crime in this country have been a growing contributing factor towards the epidemic of murder. It has long since reached crisis point. Sadly, the SAPS has been losing the fight, largely as a direct result of the chronic undertraining, understaffing, underresourcing and underequipping - the four u's - of the Police Service. Combined with crime intelligence-in-crisis and detectives-in-distress, it means that the SAPS is unable to tackle organised crime and the syndicates who drive

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it. The four u's, combined with poor leadership, low professionalism and weak accountability in the Police Service, all mean that the SAPS is unable to get a grip on crime and bring it down successfully.

Enough is enough. Genoeg is genoeg. Kwanele kwanele.

[Interjections.] We need to take our country back from the criminals that are crippling our society with fear, who have hampered and hollowed out the capability of the criminal justice system, and bring them to book. The fundamental problem we face, as a country, in effectively tackling and reducing the murder epidemic and criminality that feed into it is a lack of political will within the ANC-led national government to do what is required to turn the Police Service around and make it an effective crime-fighting organisation.

We can no longer rely on the ANC to fix the problem. The hope for the reduction of unemployment, poverty and crime, resulting in safe streets and safe homes, lies only in a post-ANC South Africa. [Interjections.] The DA is committed to seeing violent crime being rooted out of our communities, and the realisation of freedom, fairness

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and opportunity for all. [Applause.] We stand with every South African who has been a victim of crime.

The only solution we have to stand a chance of having an effective Police Service and a more prosperous nation is for the ANC to be voted out of power; and for a DA-led government to be elected in 2019 that will have the political will to fix the fundamentals in the police and grow the economy for the benefit of all the people.

[Applause.]

Mr F BEUKMAN: House Chairperson, hon members, fellow South Africans ...

Afrikaans:

... die ANC wil met die aanvang van die debat beklemtoon dat die veiligheid van alle Suid-Afrikaners die prioriteit van die ANC en die regering is.

Die ANC wil graag sy simpatie uitspreek teenoor die families, vriende en naasbestaendes van alle persone wat as gevolg van misdaad gedurende die jaar gesterf het. Hetsy dit die Mudau-familie van Makhado, die Daniels-

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familie van Grassy Park, die Msimango-familie van Draaihoek in KwaZulu-Natal, die Hendricks-familie van Ravensmead, die Mkonki-familie van Khayelitsha of die Joubert-familie van Klapmuts – waar ookal in Suid-Afrika, ons treur saam met hulle.

Hierdie moorde moet die staat, gemeenskap en alle individue aanspoor om beter planne te beraam en oplossings te kry vir die aanspreek van gewelddadige misdaad wat die morele kompas van die Suid-Afrikaanse nasie verwater.

English:

The right to life is enshrined in section 11 of our Bill of Rights. Personal safety is a human right. When communities do not feel safe and live in fear, the country's economic development and the people's wellbeing are affected. The increase in the murder rate is totally unacceptable and we must find ways to deal with it head-on.

In the ANC's January 8 Statement of 2017, the NEC stated the following: We call on our people to work with the

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criminal justice system and to report all instances of crime. Let us unite in the face of these criminals who seek to undermine our freedom.

The responsibility to deal with this scourge lies with the South African government, the community and individuals. If we critically analyse the crime statistics that were presented by the Minister of Police and the SAPS management last week, we will see that the motives for murder arise in the first instance from social and, in the second instance, from criminal behaviour. Arguments or misunderstanding and domestic violence are still major contributors to the murder statistics. In many instances there was no intention to kill, but the offenders acted on the spur of the moment without foreseeing the outcome of their actions. For example, in the Wellington police area, 89% of the murders resulted from incidents of domestic violence and arguments. A docket analysis for the Western Cape for the period April to September 2016 revealed that 30% of all murders resulted from one or other argument or misunderstanding. An analysis of 50% of murder cases reported during the 2016-17 financial year in KwaZulu-

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Natal revealed similar trends to that of the Western Cape. Sixteen per cent of murders was linked to fights and arguments and 12% to revenge. In the Northern Cape 50% of all murders originated from arguments and in Mpumalanga that percentage is 28%.

There is a clearly a huge responsibility on all individuals, families and communities to alter lifestyles, behaviours and social patterns that may escalate to the killing of individuals. In this regard, I want to quote from a speech delivered by President Nelson Mandela exactly 23 years ago on 15 October 1994 at the National Day of Safety and Security summit:

Let us take responsibility for freeing our communities of crime and violence. There is much that we can do now to end crime and violence. And it is essential that we do so together without delay. The solutions will not be found simply in our rules of criminal procedure or laws regulating immigration. The roots of the problem lie much deeper: in a partnership among all social structures to build a better life for ourselves and co-operation with our neighbours. To

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deal with crime and violence, a partnership between police and communities is central.

Murders originating from criminal behaviour can be categorised in four main areas: robbery-related murders, gang-related murders, illegal mining related, and murders of members of the police.

In Gauteng, 15% of the murders is robbery related; in KwaZulu-Natal 13%; in the Northern Cape 7%, and in the Western Cape 7%. The Eastern Cape reported that 84 murders in that province resulted from rapes and robberies. About 19,3% of murders in the Western Cape is related to gangs.

Illegal mining has been identified as a further cause of murder in Limpopo, the Free State, Mpumalanga and Gauteng. According to the SA Police Service, SAPS, report, taxi violence claimed the lives of 82 individuals in Gauteng. It is 23 years into the new democratic dispensation and 82 lives are lost in our economic hub due to taxi violence. South Africans should never accept such a statistic.

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Over the past year, 83 members of the SAPS have died at the hands of criminals. The majority of members killed were attached to visible policing and 18% were attached to detectives. A total of 79% of the members killed succumbed to gunshot wounds. Illegal firearms are a major driver of murders in South Africa, and should be the major focus of our law enforcement agencies. Loss and theft of legal guns which leak into the illegal pool is a major factor. An example of this is the case of former police Colonel Prinsloo who sold 2 400 firearms confiscated by the SAPS to Western Cape crime syndicates. A total of 1 066 of these guns have been linked to crime in the Western Cape.

In the 2016-17 financial year, 3 478 women and children were murdered, of whom 2 639 were women, 574 boys and 265 girls. In relation to women, firearms were used in 44% of cases. In the case of children, in 30% of the cases firearms were used. Again firearms, mostly illegal and dangerous weapons like knives were the instruments used to commit the murders.

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Our focus in this debate should be on policeable crime where proactive police action could foster deterrence and prevention.

The degree of organisation involved in trio crimes play a crucial factor in its policeability, as it determines the scope for crime intelligence tools. The increase in trio crime and aggravated robbery countrywide needs the urgent attention of the Crime intelligence Division, CID. The SAPS should focus on the main police functions - crime prevention, detection and crime intelligence -that will contribute to the reduction of the murder rate. Most murders occur over weekends, late at night and in the early morning hours, in open spaces and on the road and at residences of victims.

From the side of the ANC our message is very clear. Firstly, professionalise the police and strengthen the national leadership of the SAPS. Appoint a new permanent National Commissioner as soon as possible.

Secondly, fill the positions of Head of Crime Intelligence and Deputy National Commissioner: Detective

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Services to give direction to the units responsible for detecting and investigating serious and violent crime like murder.

Thirdly, the turnaround of the current performance of the detective services and crime intelligence will be key in bringing policeable crime down.

Fourthly, the new specialising unit of the DPCI focussing on illegal firearms should make a major headway in dealing with the illegal pool of firearms that are instrumental in murders and other violent crime.

Fifthly, cluster and station commanders of the SAPS should, from a tactical perspective, deploy visible policing and crime intelligence assets in such a way that house robberies, carjacking incidents and business robberies are dealt with in proactive manner.

In the sixth instance, more projects and networks operations from Crime Intelligence should be launched in priority areas such as informal settlements, rural settings and high density population areas.

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Technology is key to respond to emerging crime patterns and identify syndicates and gangs who are the main perpetrators of violent and gun crime in society.

Importantly and in closing, the importance of lifestyle education and the promotion of conflict resolution skills at interpersonal, family, community and local level should be at the top of our agenda. The role of the head of the family, churches, community leaders, traditional leaders, government departments, schools and educational institutions and civil society organisations is pivotal to this process. The moral regeneration of our society is at the core of any proactive effort to change the hearts and minds of South Africa Incorporated and its members. Moral regeneration and the focus on the sanctity of lives of all South Africans who live in this country, should be our clarion call.

The SAPS must implement the recommendations of the NDP to strengthen the criminal justice system, make the police service professional and increase community participation in safety. Only an integrated approach will make safety

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and security possible for all South Africans. I thank you.

Ms D KOHLER: There is a question that must be asked. Why are we as a nation no longer outraged by murder? At the very moment South Africans were protesting yesterday, two farmers were murdered, one in Deneysville, brutally beaten and then shot nine times. His 12 year old son, also terribly beaten, has survived. And yet another farmer was hacked to death on a farm in Vryheid.

Statistics show us that these are likely to be only tip of the iceberg. Fifty more people from our townships to our suburbs, from our farms to cities, throughout our country, might have met their end in gruesome murder yesterday and 52 more will lose their lives today and another 52 more will lose their lives tomorrow.

Yet the deaths of these 52 South Africans will remain virtually unremarked such as, for example, Andrew and Loryn Monakane. The Monakane's were brutally murdered on their farm Graigmont, near Dewetsdorp in the Free State. He was shot dead - probably not before she was gang

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raped, but certainly before she was shot in the face. She died the next day.

This attack on two upcoming black farmers slipped by barely making a blip on the radar and from the media's side there was little interest. Shortly before their murder, another black farmer from the Eastern Cape, and his housekeeper were also murdered. No one here knows about it.

Rural areas today are beyond unsafe and the refusal or inability of the police to institute proper rural security measures not only aggravates the situation but has led to the extraordinary pressure-cooker gatherings around the country yesterday during Black Monday protest. There were six attacks and three murders on farmers in the last 48 hours. But of course, farmers are by no means the only victims of this terrible violent scourge. Fifty two murders a day, our babies, our children, our teenagers, our husbands, our wives, our mothers, our fathers. One hundred and nine of them are raped each and every day, often before being murdered and 46 of them are

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hijacked each day, often before being raped and then murdered.

Our police are not even close to getting a grip on violent crime, despite a budget that has been increased by almost 50% since 2011-12 to R87 billion. How did we become a nation where, the Minister tells me, child murders in South Africa increased 14,5% totalling a truly appalling 969 cases in a single year. Three children murdered daily. What is worse is that this was a question put to various former Ministers of Police from 2014, we had so many of them and it wasn't deemed important enough to answer until three years later.

How is it possible that there is such a damning lack of urgency shown by the government in tackling the scourge of child murders? The DA has been trying to pin down statistics for child homicide rates in South Africa for the past decade and have been frustrated by a government that is either unwilling to address the crisis, embarrassed by it or indifferent to it.

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And how are our children dying? Mainly they are stabbed to death. Alternatively they are shot, cut with so-called sharp instruments, beaten to death by bare hands, by sticks, by stones and by bricks, strangled with string or wire, poisoned, or kicked to death. There's a lot more but you get the idea.

This is the reality our South African babies face from the moment they are born and this is the news every mother dreads hearing that this is what happened to their baby. Inconceivable but it happens. These gruesome statistics serve as clear evidence that this government is failing our children and is failing us.

It is a societal problem. Parents are perhaps only too keen to be hands-off, to leave even the most basic training all to the schools where our children are increasingly at risk as five predatory teachers could hold one of our daughters down and gang raped her. Inconceivable but it happened.

The problem is, such is fear and sometimes even loathing of our SA Police Service, SAPS, that people run from them

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when they should run towards them. Sadly when they do run to them, they often have no vehicles, no drivers' licences, no staff or they demand money. So, fewer and fewer South Africans bother to report crimes to the SAPS. This makes the annual crime statistics look good if nothing else. If they are able to afford it, citizens pay for private security and endless beams and alarms and bullet proof doors. If they can't, they don't sleep at night but lie awake terrified as shots ring out in the streets.

The damage done by Jacki Selebi, who shut down all specialised units to cover the fact that he wanted a specific one - the Narcotics Bureau shut down, saw all experts in child-related crimes dumped from the Family Violence, Child Protection and Sexual Offences, FCS, units to areas where their expertise wasn't wanted or needed. Inconceivable but it happened.

Finally, in the face of plummeting conviction rates, some Family Violence, Child Protection and Sexual Offences units were reopened but they remain Cinderella units, under-staffed and under-resourced and there simply are

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not enough of them. And of course, effective policing cannot be realised while many stations still do not have victim-friendly rooms and rape test kits.

Because of the disaster that is the SAPS Crime Intelligence still being run I gather by remote control by Richard Mdluli for the sixth or seventh year, sex trafficking syndicates and the stealing of our young girls will not be stopped and drug Lords remain free to lead our children into their dark and terrible lives. Death by drug overdose is now common place.

Because of the disaster that is the SAPS laboratory based in bits and pieces of Amanzimtoti in KwaZulu-Natal, with 456 drug-related samples swept out to sea in a flood, criminals are laughing all the way home. This laboratory is or was housed by Public Works in what is today a slum building that has been flooded four times.

Thousands of samples must now be shifted along with 120 staff to the other three national laboratories and that is a massive expense - transport, accommodation - what about their children? Who knows? And the SAPS wonders why

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the citizen of South Africa don't put them on the sort of pedestal as they stand on in countries like Germany or France and others. They are as highly respected there as doctors and lawyers, not here in South Africa.

We have had three failed National Police Commissioners, one Acting National Police Commissioner suspended and the second one on the way out I gather. Are we to wait until the ANC elective congress before another political appointment is made or we will finally see someone brought in who won't steal, money spend like water, oversee another Marikana or involve him or herself in internal politics? We need the highest possible qualifications wrapped around a spine of steel. If we're given another unqualified, unsuitable Commissioner, we may yet see our daily murder rate reach 60 a day. Inconceivable but it could happen. [Applause.]

Dr S S THEMBEKWAYO: Hon Chairperson, it is women who are killed everyday, mainly black women in townships and rural areas. It is children with disability, orphans and those who live in child-headed households who suffer the scourge of murder in South Africa. It is young unemployed

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and lost in the harsh world of insensible and oppressive capitalist society, and murder and crime is the outcome of this system.

We want to take this opportunity to deal with a much rather essential and central issue to the scourge of murders affecting all South Africans on a daily basis.

As things stands, more than 30 million South Africans are poor, living with less than R1000 per month. More than 9,3 million people cannot afford work and of those that work more than 54% of them earn what we call a working poor wage. It means that 54% of people employed on a full-time basis cannot afford to meet their minimum basic needs, they cannot feed themselves and their families, they cannot afford to clothe themselves and they cannot build or buy houses for themselves.

This is so in a society that has some of the wealthiest people in the world, a country that is amongst the richest in terms of mineral resources and a country that loses the most in terms of illicit financial flows robbing the country of its much needed revenue.

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At the centre of the scourge of murders and crime at all levels, is the inhuman condition of high unemployment and poverty in a country of first world proportions of wealth. These conditions of living amongst high levels of super wealth while millions suffer in poverty, in particular black people. It is a perfect and conducive cocktail mix of murders and high level of crime.

For South Africa's case, the problem of murders and crime including political killings, specifically in KwaZulu-Natal and everywhere in the country, is an incapable SA Police Service that fails to respond to adequately and speedy resolutions of reported crimes. Until there is economic emancipation of our people, in particular black people, the scourge of murder and crime in South Africa will remain a dominating feature in our society.

Our people will continue to die, and they will continue to kill each other violently until we deal decisively with patriarchal domination that privileges, make sexual power and pleasure, masculinities that continue to thrive, forms of sexual violence in South Africa will definitely continue to be part of the scourge of murder.

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Our people will continue to kill women and children violently. We must properly understand the source of the scourge of the murders to begin to honestly reflect and move towards concrete solutions. It is the economic emancipation that we will be able to build a better and save South Africa. It is when people have worked that we begin to solve the scourge of murder. Thank you Chairperson. [Applause.]

Prof C T MSIMANG: Hon Chair, it is common knowledge that ordinary South Africans are fast losing faith in our policing and our justice systems and as a result, crimes such as contact crimes of murder, attempted murder and rape are starting to go unreported.

The facts are that South Africa remains an extremely violent society and all indicators suggest that this will only increase as the rule of law continues to be eroded by a police service that is struggling with its mandate to a justice system that is buckling under the strain of the high volume of criminal matters.

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That our country has the highest gini-coefficient in the world only with only the world itself having a higher inequality index does not help the situation. Poverty, inequality, unemployment, social exclusion and marginalisation are all contributing factors and ones that we are not making any headway on as government continues to satisfy the interest of its political elite over those of the ordinary citizens.

Chairperson, yesterday we saw South African roads come to a standstill as protest action took place on atrocity of farm murders taking place across South Africa which is reportedly at the horrific rate of 156 murders per 100 000 farmers.

To the farmers we say: We feel your pain and mourn with you your losses as we mourn with all other families in South Africa who have lost loved ones through the heinous crime of murder.

With an already horrendous murder rate in South Africa of 34,1 murders per 100 000 people as against 2 per 100 000 in other countries around the world, the immensity of the

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scourge and violence in our culture becomes quite plain for all to see.

To eradicate this scourge will take concerted efforts, not only from our policing and judicial sectors, but more importantly from the norms and values that are inculcated in us as children in our educational and nuclear family structures. Thank you.

The DEPUTY SPEAKER: Hon member, your time has expired.

Prof C T MSIMANG: Hon Chair, many colleagues in this House have seen me coming to this podium time and time again. This was to claim my last ounce of my pound of flesh because this is my last day in this Parliament. [Applause.] Therefore hon Chair, please indulge me with one moment to say farewell to my colleagues.

At UNISA where I came from, we had a motto which talked about lifelong learning. That motto has been fulfilled in this Parliament since I came here in 2009. every day has been a learning curve because of a variety of matters

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that come before Parliament and our portfolio committees as well as the resolutions which we pass to resolve them.

I therefore leave this place an enriched person and for this, I thank you all. [Applause.] In particular, I would like to thank my own political leader in the IFP, Prince Mangosuthu Buthelezi as well as my Chief Whips, the former Chief Whip Mr Koos van der Merwe and in particular the present one, hon Narens Singh who never fail to encourage us to make the voice of the IFP heard in the House and in all the portfolio committees in which we serve.

I would like to thank all the hon members especially those that I came into contact with, in particular in the portfolio committees. I always appreciated the fact that here we prioritise the interests of the country before the interests of our parties. [Applause.] I leave this Parliament knowing that you are the last bastion to save this country from the scourges that confront it, from the downgrades, corruption, lack of good governance and in particular the breakdown of the rule of law.

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The DEPUTY SPEAKER: Thank you sir. On that note, thank you very much.

Prof C T MSIMANG: Please keep it up. We are relying on you. Thank you. [Applause.]

The DEPUTY SPEAKER: Hon Chief Whip of the IFP, you have done your member a disfavour; if you had alerted us in the front we would have given him more time. That is the only problem I wanted to raise with you. Next time anyone of you who plans to go, let us know in advance. Thank you very much hon Msimang. [Applause.] Thank you hon members for your generosity. Thank you. Hon Shaik, please proceed.

Mr A M SHAIK EMAM: Hon House Chair, allow me on behalf of the NFP to extend our condolences to all those family members who may have lost their loved ones as a result of crime in South Africa.

Deputy Speaker, indeed, any one murder is one too many be it a murder of a farm worker, a farm owner, a mother in the Cape Flats, an innocent child or any other member of

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our society. It is quite clear that crime in South Africa is at an uncontrollably high level.

Let me give you some statistics and I will quote the Western Cape. An average of 10 murders are committed every day in the Western Cape, 14 rapes a day, 20 sexual offences a day, 3 sexual assaults a day, 6 attempted murders a day, 70 serious assaults of bodily harm, 35 common assaults a day, 25 robberies a day, 20 cars are broken into every day, 110 thefts of vehicles, 43 shoplifting, 300 drug related crimes.

It is the evils of apartheid that continue to haunt the country. The brutality of apartheid, the inequality the policy gave rise to and the demoralising effects of racism are some of the contributing factors responsible for the violent crimes today.

The harassment and humiliation and violent prison system during apartheid days is one of the causes of crime today. The rule of law which was undermined when the apartheid sponsored township violence; this negative culture of violence, the influence of apartheid regime on

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families, leaving children to grow in single parent families because of the migrant labour system resulting in many children in poorer sections growing up with absent parents resulting in problems such as alcoholism and violence. The psychological legacy of institutionalised racism resulting in low self worth and in inferiority complex are some of the contributing factors of the high levels of crime today.

We all know and it is clear that apartheid had its roots in the Western Cape that is why it seems to be affected so much. But let us not forget what apartheid has done to millions of South Africans Country wide.

The issues of alcohol abuse, drug abuse are also serious challenges, yet you would see in the townships, and let me not forget the challenges in the Western Cape in terms of what the community had received as a result of the alcohol fetal syndrome as a result of farm owners, have not today compensated our people and that it why we suggest a fine should be put in place so that those funds can go along a way in addressing the challenges our people face every day especially in the Western Cape

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where you would find a lot of this crime connect is either as a result of alcohol or drug abuse which is very clear.

On behalf of the NFP we support the report tabled here today but I think a process should be put together where our people must be compensated as a result of what apartheid has done to our people especially in the Western Cape by the farm workers in terms of the wine. Thank you very much. [Time expired.]

Mr M L W FILTANE: The UDM condemns in the strongest terms any and all form of violence, whether it is political, social, commercial and racial.

According to the CPLD response to crime statistics 2017; the murder rate is five times that of Mexico and 10 times higher than India. For example, in the Eastern Cape, 56 people out of every 100 000 are murdered annually. So much for the statistics, let us deal with the consequences.

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In it incidents such as those arrogantly and stupidly referred to as the "festival of chairs" that perpetuate political violence as seen in the KwaZulu-Natal.

Furthermore, it sends the most immature message to the youth who look up to leadership under trying circumstances.

Crime interferes with our daily life, compromises our sense of safety and destabilises our ability to trust both government and society. It challenges the fabric of our society, our way of life. Lives are forever changed when parent are gunned down, bread winners are murdered, and youth killed prematurely. My own brother was murdered exactly four years ago in his sleep, in his own bedroom, cold bloodedly, one bullet, gone. We still feel the effects.

Effectively, respect for human life and sense of right and wrong is eroded. Crime and violence also impact psychologically whether one is directly exposed or involved as a human being, a family member or friend or indirectly exposed through community or the media.

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Numerous research results show that violence results in cognitive and behavioural changes, especially among the youth. It triggers and arouses a state of fear. Medical research shows that excessive exposure to violence will alter the development of the central nervous system.

Primary focus should be on prevention which includes, but is not limited to develop an array of strategies to address the root causes, including education, employment, treatment for alcohol and drug addiction, implementation of preventative plans that will ensure that our children can grow in a safe environment. Community programmes, sports programmes and recreation programmes should be the order of the day.

This approach flows from the basic constitutional right to safety of person and property to ensure that freedom, dignity and respect of all South Africans are not violated by criminals.

Equally and in the context of social crime prevention, the police must be charged with the creation of a safe

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and productive environment through integrated and co-ordinated work with other government departments.

In closing, we say as the UDM, organised crime and gangsterism should be fought through specialised criminal justice response focusing on high quality intelligence. Throughout its evolution, the UDM has shied away from any form of violence despite provocation. Under the strong, moral, ethical and balanced leadership of UDM, we are certain that we can guarantee a peaceful environment for South Africans so that we can live side by side in peace and harmony. Thank you.

Afrikaans:

Mnr P J GROENEWALD: Agb Adjunkspeaker, die moordsyfer van die wêreld is 'n gemiddelde syfer van 6,4 per 100 000 van die bevolking. In Suid-Afrika is die moordsyfer 34,3 per 100 000 van die bevolking. Met ander woorde, die kans dat jy in Suid-Afrika vermoor sal word is basies vyf keer meer as die wêreld gemiddelde.

Wat die VF Plus betref is elke moord in Suid-Afrika een moord te veel. As ons gaan kyk na die trio-misdade wat

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motorkapings, rooftogte by woonhuise en dan ook rooftogte by sakepersele insluit, dan sien ons dit is die vyfde agtereenvolgende jaar wat hierdie trio-misdade toeneem. In die geval van motorkapings met 77,5%. In die geval van rooftogte by woonhuise met 33% en in die geval van rooftogte by sakepersele met 43%.

Dit is 'n gewelddadige land waarin ons bly maar ek wil spesifiek praat oor plaasmoorde omdat dit elkeen van ons raak. Of jy nou wit, swart, indiër of bruin is, dit raak jou, want jy eet. As die boere nie meer daar is nie gaan jy nie ontbyt kan eet nie; gaan jy nie middagete of aandete kan eet nie. En as ek soms so om my kyk sien ek daar is 'n paar agb lede wat nogal daarvan hou om te eet. U moet uself dié vraag afvra. As 'n boer vermoor word, raak dit jou?

Agb Minister, u sê dat ek politiek van plaasmoorde maak. U is verkeerd. Plaasmoorde is 'n prioriteit vir Suid-Afrika want dit moet voedselsekerheid daarstel. U moet maar 'n blaai by u kollega, die agb Minister van Landbou, gaan uitskeer, want hy het gister gesê dat hy vir die

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mense van Suid-Afrika vra om vir die boere en hul plaaswerkers te bid.

Wat doen u? U gaan versprei boodskappe op u Twitter profiel wat vals nuus is. U gaan versprei fotos van die ou Suid-Afrikaanse vlag wat vals is en wat niks met gister te doen gehad het nie.

Ek wil vandag vir u sê dat gister se opkoms was spontaan. Dit was nie georganiseer deur enige politieke party nie. U moet kennis neem, want die boere en die mense, wit, swart, indiër en bruin sê, genoeg is genoeg. U moet ophou om politiek daarvan te maak. Ek dank u. [Applous.]

English:

Mr M G P LEKOTA: Deputy Speaker, the issue that confronts our nation with regard to the loss of citizens' lives is a huge, huge problem. We see people in the countryside, we see people on the roads of our nation ... vehicles that are not roadworthy, killing them in scores, in tens, in very big numbers.

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In the countryside farmers and workers are losing their lives. It's reducing food production. It's affecting the security and the psyche of the people as a whole ... levels of alcoholism in the townships and all of that. This is a very serious problem that we are faced with. Part of it is the outgrowths of the old order. We need to pull the nation together, to think together and to work together.

In the process of all of this we have to be extremely cautious because there are extremist elements in our society that take advantage of the difficulties we are faced with and use this to create a state of anarchy in which everybody is terrified of everybody else, because they want to destroy the revolutionary process of uniting South Africans, of working to create an atmosphere in which we can raise the levels of living of the people.

I made this point not so long ago. We saw how a small group calling itself the Black First Land First, BLF, went to the homes of journalists and went to the courts, and when some of us were holding press conferences, they

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attacked us to try and create the impression that it was a colour issue.

Yesterday, workers and farmers in Klapmuts ... and I say this advisedly because I spoke to Schalk Burger senior who is an old friend. He used to be a Springbok. He said he was unable to go there but his workers whose homes have been burnt and who have been attacked have been released to go there. The people that were in Klapmuts ... a mixture ... the people that were saying enough is enough ... workers, farmers, the lot, went there, and knelt and prayed ... and all the things. They had gone to the police and asked for permission to move and march to the stadium. They did that within the law, not like the BLF that used to go to the homes of people without asking for permission.

I want to say ... I must say that the tragedy is the photos with the flags, Mr Minister. People that are in those photos have now come forward and phoned to say that they were not there yesterday. Those are old photos. They are ready to make affidavits saying this and so on. The

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tragedy is that it was first posted by the police.

[Inaudible.] [Time expired.]

The DEPUTY SPEAKER: Hon Lekota, your time has expired.

Hon Lekota, I'm switching off your microphone. No hon Lekota, don't insist, no matter how you feel about this.

[Interjections.] Hon Maila?

Mr M S A MAILA: Hon Deputy Speaker, hon members and guests in the gallery, the ANC condemns any form of murder or violence affecting various sectors of the society including women, children, farm workers, farm owners and policemen and women.

In order to adequately address the matter before us, we need to continue to strengthen the criminal justice system. The criminal justice system comprises of the police, the prosecution, the courts, correctional centres and aspects of the welfare system. Overlooking the role to be played by the community in strengthening the criminal justice system would be a grievous mistake. Integration of all these aspects is key to the attainment of the ideals of Vision 2030.

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The National Development Plan identifies the following priority areas relevant to the criminal justice system: Strengthening the criminal justice system; building safety using an integrated approach; and building community participation in community safety. The ideals consolidated in the Constitution of the Republic of SA are a reflection of what the ANC has advocated for since its formation in 1912.

The Freedom Charter recognises the courts as an important branch of a just and democratic society. The Charter declared that all people shall be equal before the law. In 1989 the ANC adopted the Harare Declaration which laid the foundation for the establishment of democratic institutions. Great emphasis was placed on the independence of the judiciary.

In the *Ready to Govern* document the ANC concerned itself with the creation of legitimate security institutions which are today a far cry from those which were employed by the apartheid state. At the 50th Conference of the ANC, the ANC resolved to endorse and support the initiative to transform the prosecuting authority from 12

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fragmented authorities into one national structure headed and controlled by the National Director of Public Prosecutions with one prosecuting policy applicable throughout the country. Emphasis was on the authority to perform duties without fear, favour or prejudice.

The rationalisation and re-demarcation of the boundaries of magisterial districts allow for greater access to the courts. Previously, courts were only accessible to those living in urban areas. Those living in rural areas and townships were completely disregarded. Today, there has been an increase in the construction of police stations and courts. There is at least one High Court in each of the provinces in the country. This is a further enhancement of access to justice.

The ANC resolved to shift emphasis in the criminal justice system into a more victim-oriented approach to ensure and restore a more equitable balance between the rights of the accused and those of the victims; and to classify violence against women and children as a social and not legal problem.

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South Africa's approach to the criminal justice system is contained in the 1996 National Crime Prevention Strategy which still influences the criminal justice sector. This strategy was adopted by Cabinet and it motivated a shift from crime control to crime prevention because crime is not only a security issue but also a social issue.

We encourage the establishment of effective community safety forums so that they can oversee the implementation of multisectoral crime prevention and community safety initiatives. Often communities complain that alleged offenders are released on bail or acquitted due to lack of evidence while they have proof that a crime has been committed. This often results in communities taking the law into their hands and thus causing even more problems. The challenge here is that those who have evidence do not collaborate with the police.

We urge people with evidence to come forward. We commend people like Mr Delton Sithole who, despite fear of victimisation, was able to come forward and testify in the case of Mr Victor Mlotshwa who was forced into a

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coffin by two unruly individuals. We encourage people with evidence to come forward and testify.

Hon Kohler, I suggest that you avail your speech as an addendum to a book called *The Lamentations of Jeremiah* because you came here with just lamentations and offered no solutions. That is exactly what the DA is known for. Yours is just to cry foul but never offer solutions. You stand here thinking that you will make it in 2019. You are in for it. The ANC is coming, and very sharply.

[Laughter.] [Interjections.]

Rev K R J MESHOE: Deputy Speaker, on behalf of the ACDP I wish to convey our heartfelt condolences to all our people who lost their lives to crime in the country. I also wish speedy recovery to the 12-year-old boy that hon Kohler Barnard spoke about, who is recovering after he survived the car attack.

According to 2016-17 Crime Statistics released by the SAPS last week, crime has decreased marginally. However, the ACDP would argue that most South Africans feel no safer today than they did last year. Crime, especially

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violent crime seems to be more prevalent today than ever and affects everyone in one way or the other.

Of great concern is the apparent under-reporting by victims, which many argue is due to lack of faith in the police. A clear indicator of this is the increase in cases of vigilantism where, instead of turning to the police for help, communities choose to take the law into their own hands.

Deputy Speaker, it is an undeniable fact that brutal attacks, murder and rape have reached crisis levels in some of our townships, informal settlements and on our farms. Speaking at the Rural Crime Conference in March 2010, former Minister of Police, Nathi Mthethwa said that his department was reviewing its Rural Safety Plan and that the revised plan was nearing completion. The ACDP would like to know when is that plan going to be implemented.

The former Minister also promised that there would be a boost in police reserves in rural areas. We want to know when is that going to happen. How many more must die

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violent, senseless deaths before government takes strong and effective action? It is time for government to urgently consider reintroducing capital punishment for those found guilty of violent crime and rape.

Deputy Speaker, a Boland farm worker of more than 30 years by the name of Andre Jacobs reportedly joined in yesterday's Black Monday protest against crime in general, but specifically farm murders because:

There are so many murders and children are being raped in these areas. We are not here today to only support the farmers; we are here for all of us who are affected by crime in our area. As farm workers, we are being murdered too.

The ACDP repeats the call we made in February this year, that commandos or rural security forces should be brought back to increase security on the farms and small holdings because to date, government is not doing enough to improve security in these areas. Criminals who prey on farmers and farm workers must be stopped to protect our food security. Targeting food producers is tantamount to

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targeting the livelihood of our nation and should not be allowed to continue.

The ACDP also calls on the SA Police Service to do all they can to win the confidence of our people so that the people can confide in them and tell them when crime is about to happen. Thank you.

The MINISTER OF POLICE: Hon members, as a matter of fact, all murders matter. The farmers' road protests we experienced yesterday dealt a blow to the façade that we have common purpose as South Africans. [Interjections.]

The lawless, racist insurgency by hood rat racists, who hijacked a serious civic topic for a racist political insurgency agenda, was open for all to see. Rural safety is a very important matter, and the level of crime in rural towns and on farmlands is indeed a serious security issue that is being attended to with the organised farmers whom I have met.

These farmers who, I will say, are white, speak Afrikaans, are Boers and proud boere, are not racist.

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They agree with me on a programme of action on what needs to be done. And, I'm open, hon members, together with the opposition in this country, in particular the FF Plus, to discuss with them their own fears and concerns - and not to end there as they must be part and parcel of our plan of action.

Speaker, there were racists in the midst of those who were protesting yesterday, and we need not be apologists. [Applause.] The old flag belongs in the dustbin of history, not on our streets. That is subversion. For anyone to come and demonstrate with cheeky audacity with an old, racist flag ... And I expect, hon Lekota, and all patriots in our country - as much as we support what is happening and that we need to work together - we must be upfront against racists.

The truth is that the poor are often the victims of crime, be it on farms, in villages, in townships, in cities. I want to draw the attention of hon members to the list of the top 20 murder areas in South Africa. These are Nyanga, Inanda, Umlazi, Delft, Khayelitsha, Harare, Phillipi East, Kraaifontein, Guguletu, KwaMashu E

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Section, Plessislaer, Mthatha, Mfuleni, Ivory Park, Bethelsdorp, Lusikisiki, Kwazakhele, Mitchells Plain, Kagiso and Bishop Lavis. Other areas like Ravensmeid, Manenberg and Ivory Park also have alarming rates.

The theme of these areas is that they consist of poor and very poor South Africans and are often not adequately serviced by their municipalities. I've been to these places. I've met with our people. As we speak, we are taking action.

When 18 people were murdered in Marikana in the Western Cape, the noticeable thing here was that humans are not supposed to live that. Our government services our people irrespective of the fact that we lost elections in the Western Cape. We don't play politics with our people. We service our people. [Applause.]

I work with Dan Plato here in the Western Cape. I work with everybody who wants to work with us in securing our people and making South Africa a safer place. There is no time to waste time.

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Our common purpose should be about bringing dignity to our people. Last year, we had 19 016 murders, of which 74 were in rural and farm areas. The 74 includes black farm workers and passersby and white farmers in those farm areas. All murders matter where common purpose lives.

Ladies and gentlemen, hon members, I repeat: A total of 19 000 murders occurred in South Africa, of which 74 were farm-related murders - this is too much for our country - some of which were committed by some who were masquerading and undermining the topic of the day yesterday. This is an important topic as it needs all South Africans to roll up their sleeves and fight the scourge of crime and murder in our country.

Farmers must stop employing illegal immigrants, who subsequently turn on them after they are abused on the farms. [Applause.] The short-circuiting of the labour laws of this country brings about criminality. We cannot make arrests when the perpetrators are foreign and undocumented. I need to emphasise that it is important to protest and you will be protected.

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But for those who closed down the roads and ran down the rule of law in this country yesterday it will not be open season next time. I say this because our people are saying to me as Minister of Police: When taxi drivers commit unlawful acts on the streets, you are very soft on them. When white people and in particular farmers close down the roads with tractors and graters, you don't do anything against them. [Interjections.]

I will never allow this country to be polarised by criminal acts. I want to assure all of those who acted outside the law yesterday that we will respond decisively in ensuring that the rule of law prevails in this country. [Applause.]

We cannot have a law for some and a law for those whom we don't understand how they understand a law. Many people yesterday protested, and they protested peacefully - and they were protected. Some of them gathered in places which we did not have to go to. They did not disrupt. They drove their message home about what their cries were and how they felt unsafe. And, I am saying as the Minister of Police in this government, we will work with

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them. We will work with them on the farms; we will work in all areas to ensure that our people are safe.

Criminality and murder know no colour. South Africa was and remains a class-divided country, with the majority of its people subjected to continued economic oppression, whose roots can be traced back to 1652 when Jan van Riebeeck landed at the Cape. There was clearly no common purpose at this time.

Our people's social dignity was removed through lynchings, slavery, theft of their property including land, and murder and rape. The law was made to assist in the commission of these crimes. With this history and its pain and mayhem, the majority of South Africans are required to forge reconciliation with their oppressors. And we all are required to keep our promise to build a united nation, with a common vision, a common purpose, and a common doctrinal philosophy on at least that which is of national interest.

National security is a national interest, a common purpose. President Mandela said: "Out of the experience

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of an extraordinary human disaster that lasted too long, must be born a society of which all humanity will be proud." The apartheid disaster left deep scars on the socioeconomic landscape of this Republic. It left no national interest or shared national security. And, yesterday, we saw the social trauma running along racial and class lines. The racial superiority protest we experienced yesterday betrays the reconciliatory stand of the majority of our people.

I want to echo the sentiments of those people, black and white, on Twitter and Facebook - everywhere else - who condemned the racist acts that characterised the happenings of yesterday. Some of them came from the benches of the opposition. Some came from our media - those who were brave enough to condemn the acts of racism.

Hon Lekota, I want to reiterate to you: I don't know which fiction movie you were watching, but ...

The DEPUTY SPEAKER: Hon Minister ...

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The MINISTER OF POLICE: ... what we saw yesterday ...

The DEPUTY SPEAKER: Hon Minister ...

The MINISTER OF POLICE: ... was the reality that engulfs ...

The DEPUTY SPEAKER: Hon Minister, please take your seat.
Hon Lekota? What are you rising on?

Mr M G P LEKOTA: Through you, Deputy Speaker, I am rising on a point of a question. [Interjections.] I just want to make a request. [Interjections.] I want to ask the Minister: Could he please produce the photos that they took yesterday? Can they produce them? [Interjections.] Not now. Can he produce them? Can we get them from his office? [Interjections.] Because we have people that have pointed out that those pictures were old pictures. I want those pictures. [Interjections.]

The DEPUTY SPEAKER: Hon Lekota, take your seat. Hon Minister? [Interjections.] Order! Order! Hon Lekota,

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don't engage in shouting matches there. Order, please, hon members.

The MINISTER OF POLICE: Hon Lekota, your militancy must be directed to the right cause, and that cause is the cause of racism that characterised a noble cause of men and women who took to the streets, the majority of them with the firm belief and experience in their communities that they are being murdered. Now, I cannot, as an hon Member of Parliament and a Minister, come here - or go to any other platform - and post things that are not truthful. [Interjections.] We need to be united in our attack and resolve against people who want to take us ...

Ms D CARTER: Hon Speaker? [Interjections.]

The DEPUTY SPEAKER: Yes, what are you rising on, hon member?

Ms D CARTER: Hon Speaker, it is time for the Minister to come clean. He needs to be honest with South Africans. He used footage from an Afrikaner Weerstandsbeweging funeral

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that had recirculated on social media to cause racial divide in this country.

The DEPUTY SPEAKER: Hon Carter, that's not a point of order.

Ms D CARTER: The Minister wants to cause racial divide. He took photographs from a funeral of five years ago.

The DEPUTY SPEAKER: Hon Carter ... Hon Carter, I am switching off your mic. What are you talking about now? [Interjections.] Go ahead, hon Minister.

The MINISTER OF POLICE: Yes, thank you very much, hon Deputy Speaker.

The questions of poverty and inequality need priority attention, and we do not need Thomas Piketty to educate us about the life we lead. National interests in this Chamber are in deficit. We have toxic politics, like those who defend racism. We actually saw it yesterday. Security and foreign policy ought to be regarded as specific sociopolitical areas where we converge and forge

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a united voice so that we can indeed make this a nation. This unity is crucial to our survival as a people under one flag.

I stand here to make an appeal to all political parties represented here and to all our social counterparts and stakeholders to join hands with me in the fight against crime in this country. Let us not fight over what we should be uniting against but, rather, confront crime with a strong united voice. I ask you to join me in the redesigning of a new national crime-fighting strategy to restore national security to all our people in common purpose. Common purpose means that that we should agree that crime is essentially a social phenomenon in our country and that it also reflects in negative developments in the socioeconomic sphere: rapid population growth; influx of economic refugees; accelerated urbanisation of South Africa; an increasingly younger and restless population at risk; insufficient economic participation and inequality; technological industrialisation, which is exploited by criminals; and, very importantly, crime in South Africa is driven by

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constant themes, such as alcohol abuse and illicit drugs and guns. These contribute heavily to the reported cases.

Hon members, on which political party do we cast the blame for alcoholism in our nation? Common purpose will insist that we stop blaming each other and confront that which is the enemy.

Minister Motsoaledi informs me that South Africa is the 10th most drunkard nation in the world. The Minister also informs me that billions of rand go towards attending to injuries sustained from drunken fights between our people. Minister of Transport hon Maswanganyi confirms that his biggest issue is alcohol abuse and drug abuse on the roads, which cause many fatalities. Minister Dlamini gets most of her challenges from the abuse of alcohol and drugs. [Interjections.] The murder of children and rape are often associated with drug abuse. Our national interest is in combining our forces to eradicate these naked threads to our national security.

We must have common purpose to deal with the high levels of crime in the country and we must support several

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practical initiatives, such as Operation Festive Season, Operation Paseka and the Rural Safety Priority Committee. The successes of the family violence, child protection and sexual offences units and the tactical response teams, amongst other things, show that a focused and specialised Police Service is essential.

Speaker, hon members, this past August, months into this job, I introduced a policy on reducing barriers to the reporting of gender-based violence. We know that most battered women do not report their abuse. We know that more and more rape victims do not report the dehumanisation that visits them. Common purpose is about removing the barriers to reporting these crimes and creating victim-friendly rooms in every police station. Thank you very much, hon Deputy Speaker. [Time expired.] [Applause.]

Mr Z N MBHELE: Thank you, Deputy Speaker. I would like to start by complementing the Minister on his shoes; hopefully he will put them to good use and stamp out crime and criminality in the police services. My I also say that I was quite glad to see that a member of his

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office must have intervened in his preparation for today's speech because earlier on today he twitted that this afternoon at the National Assembly I will be part of the debate on state capture. But he seems to have rectified his speech, perhaps he was just preoccupied with how much capture of the police services there has been by corruption. [Applause]

The majority of those top-20 police precincts that you mentioned as being the worse crime hotspots were natural in the province that has been the most severely and chronically understaffed and under-resourced over, at least, the past eight years. And because policing is purely a national competency, only you, Minister Mbalula, have the power to address this problem.

We don't need a new crime-fighting strategy, we need three things: address the fore used; fix crime intelligence and capacitate the detective services. That would be the end of this - done.

Deputy Speaker, when I said in my speech that the ANC would likely come up to this podium and blame colonialism

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and apartheid, I forgot to add that so might the ANC in disguise in the person of the hon Shaik Emam, because on the issue of the Dop system that he brings up, the hon Shaik Emam, is reminded that labour inspections like policing are purely a national competency. And it is for the labour inspectorates of the national labour department to address this problem, whose responsibility is that? It is the ANC government.

Similarly, the hon Maila said that the ANC condemns murder and he spoke about the matter of an effective criminal justice system. If an effective criminal justice system is so central to the ANC's agenda, why were specialised units disbanded by the ANC deployee? Why did the ANC disband the scorpions in this very House, almost eight years ago?

I mean, I was actually reminded a face book post that I would very much like to read out - I wrote this post on 15 February 2008; and it said: "All future performance of the proposed amalgamated units will have to be measured against the scorpion's performance as a baseline standard". In other words, would have to be and do better

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than the scorpions which the then Minister Nqakula had promised would be the case.

We, the public, need to remember this promise and hold government accountable to it, if the new unit performance is not up to par and crime worsens after its desolation then we have to weep and say against the ANC governments, you promised improved performance in the fight against crime and you have lost.

So, to the hon Maila who said that the ANC is coming in 2019, yes you are coming – you are coming in for a jolly good threshing.

Debate concluded.

MADAGASCAR PLAGUE OUTBREAK KILLS 120

(Draft Resolution)

Ms H H MALGAS: Hon Deputy Speaker, I move without notice:

That the House –

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- (1) notes with concern the plague outbreak in Madagascar that killed over 120 people so far and left more than 1 000 infected;
- (2) further notes that universities and schools have been closed, and people are now using masks to avoid infection;
- (3) realises that almost every year between September and April, Madagascar records cases of the plague, mainly bubonic plague in the highlands of the central and northwest of the country;
- (4) recalls that South Africa is one of nine countries which have been prioritised by the World Health Organisation to prepare itself for possible Black Death plague cases, due to its trade and travel links with Madagascar;
- (5) remembers that from 2010 to 2015, there were 3 248 cases reported worldwide, including 584 deaths; and

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(6) conveys its condolences, fine.

Agreed to.

SCOURGE OF MURDERS IN SOUTH AFRICA

(Draft Resolution)

Mr Z N MBHELE: Ngiyabonga Sekela Somlomo, [Thank you Deputy Speaker] I move without notice:

That the House -

- (1) notes that yesterday, hundreds of thousands of South Africans across the nation came together to call for an end to the brutal attacks and murders of farm workers and farmers in our country;
- (2) acknowledges that the safety and security of our people is indeed a great cause for concern, particularly those who live in isolated rural areas;

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(3) further acknowledges that the scourge of violent crimes and murders affects all South Africans equally;

(4) condemns any and all forms of murder and violent attacks on South Africans; ... [Interjections.]

Ms N V MENTE: Point of order!

The DEPUTY SPEAKER: What is there ... hon Mbhele, just hold on, what is the point of order about?

Ms N V MENTE: Sorry soldier, Deputy Speaker, on a point of order: I want to check with you, are we doing motions without notice?

The DEPUTY SPEAKER: Yes.

Ms N V MENTE: But you did not subject that motion to the House. [Interjections.]

The DEPUTY SPEAKER: You are right.

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Ms N V MENTE: You did not do it.

The DEPUTY SPEAKER: You are right. That was a terrible omission ... [Interjections.] and is that a joke?

[Interjections.] What is funny about that? Hon members, if there are no objections I put that motion ...

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker ...

[Interjections.]

The DEPUTY SPEAKER: We will restart the process, hon Mbhele will get an opportunity, yes.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, on a point of order: May I just make a point to you.

The DEPUTY SPEAKER: Yes.

The CHIEF WHIP OF THE OPPOSITION: We have time limits on these motions and motions of notice on purpose.

The DEPUTY SPEAKER: Yes.

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The CHIEF WHIP OF THE OPPOSITION: Now you are putting a motion to the House that is not finished. I do not know what the remaining paragraph says. So how on earth am I to say I agree with the motion or not without knowing what of it says. It could say something terrible about me or my party and whereas you are expecting us to simply agree with it. If a member does not do it in the timeframe, the motion falls away.

The DEPUTY SPEAKER: No, we are putting across what was not put before the House will not be ... [Interjections.] [Inaudible.] No! No! No! Hon members please do not scream and stop talking when I am speaking. Hon Khawula ...

IsiZulu:

... awuthule uvale umlomo. [Ubuwelewele.] Awuvaleki yini lomlomo wakho? [Ubuwelewele.]

English:

Hon members, you have a democratic choice to indicate whether you agree or not, exercise that choice. I have put ... if there are no objections I put the motion ... no objections ... [Interjections.]

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Mr M WATERS: Deputy Chairperson, on a point of order:

The DEPUTY SPEAKER: Yes.

Mr M WATERS: If I can get clarity, what are we supporting or objecting to exactly?

The DEPUTY SPEAKER: What was placed before the House in the numbers that the member read out in her motion without notice, that is what she did, so that is what I am putting across. [Interjections.] No, no, no.

Ms M S KHAWULA: Chairperson, I have a point of order.

The DEPUTY SPEAKER: Hon members, if you do not object I put the motion to you. Is there any objection? If there is no objection we move ahead. Hon Mbhele, please go ahead.

Ms M S KHAWULA: Sihlalo, [Chairperson] I have a point of order.

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The DEPUTY SPEAKER: Hon members, can you sit down please. Take your seat please hon members, there are two of you on your hind legs, can you please ... [Interjections.]
Hon member?

IsiZulu:

Nk M S KHAWULA: Uxolo, ngisacela ukukhuluma.

English:

The DEPUTY SPEAKER: Hon member, what are you talking about? What are you rising on?

IsiZulu:

Nk M S KHAWULA: Hawu, ngiyabonga. Uyabona nje indlela okhuluma ngayo kumina ngiwumama omdala ... [Ubuwelewele.]
ngicela uxolise lento oyishoyo manje ngoba yilungelo [right] lami lento engiyishoyo lana.

English:

The DEPUTY SPEAKER: Hon Khawula! Hon member ...

IsiZulu:

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... ngicela uhlale phansi ngoba abantu abadala abazenzi lezinto ozenzayo. [Ubuwelewele.]

English:

Ms M S KHAWULA: You must withdraw what you said to me now.

IsiZulu:

USEKELA SOMLOMO: Ngicela uhlale phansi. Ngikuhlonipha kabi ma, ngicela uhlale phansi ngoba lezi zinto ozenzayo, yindlela okhuluma ngayo la ngaphakathi eNdlini akuzona izinto ezenziwa ngabantu abadala abangangawe. Ngicela uhlale phansi ma.

Nk M S KHAWULA: Yebo [Yes] ngiyalalela ...

English:

... but you must withdraw what you are saying ...
[Inaudible.] [Interjections.]

The DEPUTY SPEAKER: No! I am not going to withdraw because I am suggesting to you that your conduct is unparliamentary, incorrect and I have ruled on it and you

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are not supposed to contest what I am saying here. If you want to contest it, write it down, give it to your Chief Whip and let us talk about it please.

Ms M S KHAWULA: No, Rule 45 ... [Interjections.]

The DEPUTY SPEAKER: No, no, no, no.

IsiZulu:

Nk M S KHAWULA: ... uyasho ukuthi ...

English:

... you are wrong. I must call a bouncer to take you out now because you are not respecting what I am saying to you now. [Interjections.]

The DEPUTY SPEAKER: Hon Steenhuisen, what are you rising on?

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, on a point of order: Before you are taken out by the bouncers I would like to make this point. Rule 123 (2) (c) (ix) says... [Interjections.]

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The DEPUTY SPEAKER: Yes, hon member.

The CHIEF WHIP OF THE OPPOSITION: ... because 123 (2) sets out the criteria for a valid motion without notice. Nine [ix] is very clear, may in any event not take any longer than 90 seconds to read out. That motion was not completed within the 90 seconds so it fell foul of that Rule. Now, it is too late, we have passed it and we accepted. Now, I think that you do need to tighten this up in future because you cannot simply have a situation where we are expected to pass things that we do not know what is actually being moved ... [Interjections.] and no, I will not sit down. It is my right to take a point of order.

The DEPUTY SPEAKER: Hon Steenhuisen, I like what you are saying because one of the requirements is precisely that members, time is allocated to them. They know about it. There is a clock here that you must look at, it guides you. I can be very mechanical and scream blue murder in your ear, some of you have continued to speak, I enforce it, and I do it regularly here. Some of you have had to

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be thrown out because you behaved as if you did not know or if you knew you do not care, I do enforce it.

I insist that hon members, you leave those decisions to the Chair and only if you think I am wrong, you know what the Rules say you must do. You do not come and make noise and challenge it as if you are going to finally get your way out. You will not get it, please. The Rules are very clear about that, I do wish that, for example, the exception I made this morning - and I should have ruled about that - that it is absolutely appropriate sometimes for a Presiding Officer to use the discretion. The member surprises us, is leaving, so we cannot just let him go out of here as if he has not been with us and provide him with time that he can say bye-bye to us appropriately and so on and I will say that the Whips forum must go and sit and agree that we will not have members just disappearing when they have been public representatives. Part of the enforcement of Rules is to recognise that sometimes people do things they should not have done and we have to allow them because we think it is appropriate.

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This is a political institution. We are not mechanical enforcers of inflexible Rules. This is why this is provided for here so that we apply the Rules, thinking, and that is what we are trying to do to the best of our ability. Hon Mbhele, you were on the floor sir.

IsiZulu:

Mnu Z N MBHELE: Ngiqale phansi?

USEKELA SOMLOMO: Hayi, bathi bakuzwile baba, awuqedele nje. [Laughter.]

Mnu Z N MBHELE: Kulungile [Okay], bangiphuzile?

English:

The DEPUTY SPEAKER: Go ahead, bakuzwile. [they heard you]

Mr Z N MBHELE: ...

(5) conveys its sincere condolences to the thousands of families who have lost loved ones from the length and breadth of our nation;

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- (6) commits itself to doing anything in our power to act against these senseless killings and violent attacks;
- (7) calls on the SA Police Service ,SAPS, to urgently reinstate specialised crime units and rural safety units; and
- (8) implores the Minister of Police to provide us with regular updates on how crime fighting initiatives around the country are being implemented. [Applause.]

Agreed to.

**EFF STAND AGAINST BALFOUR DECLARATION'S CENTENARY WHICH
IS A BLUEPRINT OF APARTHEID ISRAEL**

(Draft Resolution)

Ms H O MKHALIPHI: I hereby move without notice on behalf of the EFF:

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That the House -

- (1) notes that on 2 November, 100 years ago, the blueprint of the apartheid Israel was signed into existence, known as Balfour Declaration.;
- (2) further notes that the declaration was a letter signed by the foreign secretary of the imperialist British Empire addressed to Lord Rothschild. The letter reads as follows:

His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country;

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- (3) recognises that the first object was realised with the creation of Israel in 1948, the same year apartheid started while the second was not;
- (4) acknowledges that since Israel has existed, it has oppressed the people of Palestine, taking away their civil, religious, economic, political and human rights; and
- (5) finally commits to fighting oppression in Africa and the rest of the world as a generational mission.

Not agreed to.

**ANC WELCOMES RE-ELECTION OF PRESIDENT XI JINPING AS
GENERAL SECRETARY OF CHINA'S COMMUNIST PARTY**

(Draft Resolution)

Mr P J MNGUNI: I hereby move without notice on behalf of the ANC:

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That the House -

- (1) welcomes the re-election of President Xi Jinping, as general secretary of the Communist Party of China Central Committee and at the 19th National Congress of the Communist Party of China on Wednesday 25 October 2017;
- (2) notes that under the leadership of President Xi Jinping and his Central Committee collective, the Chinese economy has advanced to the second world largest national economy;
- (3) further notes that internationally there is an increasing interest in China's success model in the development and governance of China;
- (4) believes that China provides a real potential for a way out of the colonial cycle of underdevelopment and imperialist exploitation;
- (5) further believes that President Xi Jinping will remain committed to a people-centred philosophy

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that make steady progress in realising common prosperity for all Chinese people; and

- (6) finally wishes President Xi Jinping more success in his second term as a general secretary of the Communist Party of China.

Thank you.

Agreed to.

**WORLD MEDICAL ASSOCIATION'S CALL FOR NATIONAL GOVERNMENTS
TO STRENGTHEN HEALTH SYSTEMS TO HELP COMBAT CLIMATE
CHANGE**

(Draft Resolution)

Mr N SINGH: I hereby move without notice on behalf of the IFP:

That the House -

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- (1) notes that there has been a call from the World Medical Association for national governments to provide designated funds for the strengthening of health systems to combat climate change;
- (2) further notes that this is particularly important for us as a nation as we have recently seen the effects of climate changes that have had a widespread impact on human and natural systems in the country;
- (3) recognises that these include the recent floods in both the KwaZulu-Natal and Gauteng areas and the water shortages and droughts experienced in parts of the Eastern and Western Cape;
- (4) acknowledges that human influence on the climate system is clear, with recent emissions of greenhouse gases being the highest ever in history;
- (5) further acknowledges that compelling evidence proves numerous health risks which threaten all

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countries and these include more frequent and potentially more severe heat waves, droughts, floods, storms and bushfires; and

- (6) finally urges our national government to provide for the health and wellbeing of people displaced by environmental causes, including those that become destitute as a direct consequence of climate change.

Agreed to.

**INVESTIGATING AND PROSECUTING AUTHORITIES CONGRATULATED
FOR ENSURING THAT JUSTICE WAS DONE FOR HEINOUS CRIMES**

(Draft Resolution)

Mr M L SHELEMBE: I hereby move without notice on behalf of the NFP:

That the House -

- (1) notes that on Friday, 13 October 2017, the Pongola Regional Court convicted and sentenced

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Ayanda Khumalo, aged 25, and Siyabonga Buthelezi, aged 34, to five terms of life imprisonment each on five counts of murder;

(2) also notes that the conviction of Khumalo and Buthelezi arises from an incident in April 2016 when they attacked and killed Khululiwe Buthelezi, Mpandla Zondo and his wife Philisiwe Zondo, as well as their two grandchildren Vangeli Zondo and Simphiwe Zondo aged two and four years respectively, in the Empakelweni area near Ceza, and setting the home of the victims alight after the attack;

(3) finally notes that Khumalo and Buthelezi were also sentenced to an additional 10 years imprisonment for attempted murder, five years for arson and a further 15 years for being in possession of an unlicensed firearm;

(4) calls upon the House to welcome the heavy sentences meted out to Khumalo and Buthelezi for the heinous crimes they have committed; and

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- (5) congratulates the investigating and prosecuting authorities for ensuring that justice was done swiftly and effectively.

Agreed to.

**WESTERN PROVINCE RUGBY TEAM CONGRATULATED FOR BEING THE
2017 CURRIE CUP CHAMPIONS**

(Draft Resolution)

Ms H H MALGAS: I hereby move without notice on behalf of the ANC:

That the House -

- (1) congratulates Western Province for being the 2017 Currie Cup champions after beating the Sharks 33-21 in the final on Saturday, 28 October 2017;

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- (2) notes that the Sharks were the favourite team going into the final after being the top performing team of the last three months;
- (3) believes that the Western Province was exceptional and played brilliant rugby and deserved the victory; and
- (4) wishes the Western Province Rugby Team much more success in their future matches.

Agreed to.

CONDOLENCES TO LEGENDARY SOUTH AFRICAN REFEREE IAN

MCLEOD'S FAMILY FOR HIS PASSING

(Draft Resolution)

Mr M L W FILTANE: I hereby move without notice on behalf of the UDM:

That the House -

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- (1) notes with great sadness the passing of the legendary South African referee, Ian McLeod, on Thursday night 26 October 2017;
- (2) further notes that the 63-year-old McLeod died with his boots on whilst returning from duty in Thohoyandou on Saturday 14 October;
- (3) acknowledges that McLeod brought great prestige to South Africa when he became the first South Africa referee in 1998 Fifa World Cup in France, which was preceded by his officiating the 1997 Fifa Confederations Cup in Saudi Arabia;
- (4) further acknowledges that McLeod was heavily involved in restructuring SA Football Association, Safa's referees' department and was also responsible for the appointment of all the lower division's match officials and was in the process of putting together a panel of officials who handle indoor and five-a-side football;

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(5) further believes that his work will leave a legacy in South Africa and in the words of the chief executive officer of the SA Football Association, Dennis Mumble, he said, "Ian was a perfect gentleman, never angry with anyone and always smiling, he will be extremely missed by the entire football family..."

(6) expresses its condolences to the McLeod family, Safa, his friends and colleagues in the global football fraternity.

Agreed to.

**CONCERN OVER ELECTRICITY CUTS DUE TO NONPAYMENT OF DEBT
TO ESKOM IN THREE MUNICIPALITIES IN MPUMALANGA**

(Draft Resolution)

Mr T R W CHANCE: I hereby move without notice on behalf of the DA:

That the House -

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- (1) notes that three municipalities in Mpumalanga are experiencing electricity cuts due to nonpayment of their debt to Eskom;
- (2) further notes these municipalities have repeatedly proven that they cannot keep up with their debtors and this contribute to their inability to generate revenue through the sale of electricity;
- (3) also notes that the local economies are negatively impacted and their right to trade is limited as a result;
- (4) acknowledges that the provincial department of co-operative governance and traditional affairs is failing in their mandate in assisting municipalities in implementing a sustainable solution;
- (5) also acknowledges that the MEC of Co-operative Governance and Traditional Affairs must ensure

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that the provisional intervention answers to the unique situation facing each municipality to guarantee trade as usual;

(6) further acknowledges that the protection of the right to trade by government is crucial for small businesses to be successful, and therefore create jobs and fight poverty; and

(7) encourages government to seek alternative strategies that can be implemented to assist businesses to protect their right to trade.

Agreed to.

EXCLUSIVE ACCESS GRANTED TO THE OPPENHEIMER FAMILY

(Draft Resolution)

Mr T RAWULA: I hereby move on behalf of the EFF:

That the House -

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- (1) notes the exclusive access granted to the Oppenheimer family to run a customs and immigration service at O R Tambo International Airport through its company called Fireblade;
- (2) further notes that this is a sign of how the Oppenheimer family seeks to use its ill gotten wealth to continue enjoying the apartheid set up of exclusive access and exits points for Europeans only;
- (3) acknowledges that this is consistent with many gated neighbourhoods that have been used by white people to keep themselves in the same enclaves of white only or dominated spaces that apartheid used to guarantee politically;
- (4) further acknowledges that in substance this is no different from the use of Waterkloof Air Force Base by the Gupta family, and must be condemned in the same manner;

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- (5) acknowledges that equally, the ruling ANC cannot escape our condemnation for it is the bodyguard of white interest and privileges while arrogance racist bigotry and white barbarism is on the rise because of the ANC;
- (6) further acknowledges that the true equality will never be achieved without economic equality; and
- (7) if that falls upon the current generation of fighters to bring an end to this inequality by fulfilling our generational mission of economic freedom in our lifetime for Africa and the poor, and the working class, so be it.

Ms H H MALGAS: The ANC objects. Thank you.

FEMALE SA NATIONAL DEFENCE FORCE DIES

(Draft Resolution)

Mr P J MNGUNI: Hon Deputy Speaker, the ANC move without notice:

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That the House -

- (1) notes with sadness the passing on of a female SA National Defence Force, SANDF, soldier, who was shot and killed by a colleague in the Democratic Republic of Congo, DRC, on Friday, the 27 instant;
- (2) understands that she was based at 5 South African Infantry Battalion in Ladysmith, KwaZulu-Natal, KZN, and joined the SA Army in 2011;
- (3) believes that the suspect is in a critical condition in hospital in Goma after trying to commit suicide by shooting herself following the incident;
- (4) urges the relevant authorities to prioritise the investigation of this case and put the matter to rest ultimately; and
- (5) conveys its heartfelt condolences to the family, friends and loved ones of the deceased soldier.

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Mr T RAWULA: We will never object condolences but they must be warned.

Agreed to.

CONGRATULATIONS TO OWAM AMEY

(Draft Resolution)

Ms D CARTER: Hon Deputy Speaker, I hereby move on behalf of Cope:

That this House -

- (1) congratulates Owam Amey on her achievements in dance;
- (2) considering that this 11-year-old girl from Khayelitsha was taken into foster care at the tender age of eight months by a same sex couple when doctors at Groote Schuur Hospital held little hope of her survival at all;

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- (3) further notes that Owam is a dancer with tremendous talent in the modern and acrobatic disciplines;
- (4) recognises that at this year's Theatre Dance Association Eisteddfod of the Performing Arts held in September, Owam:
- (a) was awarded nine diplomas from nine performances which is 90% to 100% achievement;
 - (b) received the award for the highest score in the Improvisation Category with a score of 99,17%, the second year in a row; and
 - (c) received a special award for best overall dancer in the Junior Category.
- (5) further recognises that since she has started at the tender age of four, Owam has excelled with 36 diplomas to her credit so far, and she has travelled to Croatia in 2015, to take part in

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the World Dance Star competition, representing South Africa with pride; and

- (6) wishes Owam and all the other young dancers well for their upcoming Theatre Dance Association, TDA, and World Class Dance Tours to Los Angeles.

Agreed to.

SIPHIWE TSHABALALA LEADS THE NATIONAL TEAM

(Draft Resolution)

Rev K R J MESHOE: Deputy Speaker, on behalf of the ACDP I move without notice:

That the House -

- (1) notes that Bafana Bafana coach, Stuart Baxter, has once again called the 33-year-old Siphiwe Tshabalala to lead the national team, and hopefully inspire them to too wins over the Senegalese national team, the Lions of Teranga;

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- (2) further notes that Siphiwe Tshabalala has been a brilliant performer for Kaizer Chiefs for the past two seasons, and he is regarded by many as the most influential player at the moment;
- (3) acknowledges that Stuart needs Shabba to inspire the young Bafana Bafana team to win the game in order for them to qualify for Russia next year;
- (4) calls on sports fans to be at Peter Mokaba Stadium on 10 November to support our national team;
- (5) wishes Bafana Bafana coach, Stuart Baxter, and his team all the best; and
- (6) hopes that they will qualify for the Federation of International Football Association, Fifa, World Cup in Russia next year.

Agreed to.

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DR NOMVUYO NOKWE APPOINTED AS THE NEW INDIAN OCEAN RIM
ASSOCIATION SECRETARY GENERAL

(Draft Resolution)

Mr P J MNGUNI: Hon Deputy Speaker, I move on behalf of
the ANC:

That the House -

- (1) welcomes the Indian Ocean Rim Association Council of Ministers' appointment of Ambassador Dr Nomvuyo Nokwe, as the new Indian Ocean Rim Association, IORA, Secretary General;
- (2) understands that Ambassador Dr Nokwe will succeed Ambassador K V Bhagirath as Secretary General, SG, after two successful terms in the post;
- (3) further understands that she will take up her new post in January 2018 for a period of three years;

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- (4) recalls that Ambassador Dr Nokwe is a dynamic African woman who was previously South Africa's High Commissioner to the Republic of Mauritius and also accredited to the Republic of Seychelles;
- (5) further recalls that prior to this, she served as South Africa's Consul-General in Milan, Italy;
- (6) believes that Dr Nokwe is a seasoned diplomat and possesses the requisite skills to sufficiently manage the Secretariat of IORA, and to further lead the association to greater heights;
- (7) further believes that her appointment presents a historic milestone as the first female Secretary General of IORA, and gives direct expression and impetus to IORA's efforts to promote women's economic empowerment; and

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- (8) congratulates her on her appointment and wishes her all the best in her new responsibility.

Agreed to.

THE PROTEAS BEATS BANGLADESH

(Draft Resolution)

Ms H H MALGAS: Hon Deputy Speaker, the ANC moves without notice:

That the House -

- (1) notes that the SA Cricket Team, the Proteas, beat Bangladesh by 83 runs in the second game of the two-match series at Senwes Park on Sunday 29 October 2017 to clinch the series 2-0;
- (2) welcomes that they won the first match by 20 runs at the Mangaung Oval;

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- (3) believes that this is another important step forward for the new leadership team headed by national head coach Ottis Gibson, Faf du Plessis as well as stand-in captain J P Duminy;
- (4) acknowledges that the Proteas left-hander, David Miller, scores the fastest century in an international T20;
- (5) recalls that the Proteas won all seven international matches across the three formats on this tour, and it is a remarkable achievement; and
- (6) congratulates the Proteas on this wonderful performance and wishes them well in their future matches.

Mr T RAWULA: Deputy Speaker, we are objecting that motion.

HERMAN MASHABA'S A RE SEBETSENG CAMPAIGN

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(Draft Resolution)

Mr C MACKENZIE: Hon Deputy Speaker, I hereby move on behalf of the DA:

That the House -

- (1) notes that Saturday, 29 October, marked the second month of Johannesburg Mayor Herman Mashaba's A Re Sebitseng campaign, a volunteer-driven initiative aimed at cleaning up the city;
- (2) acknowledges the success of a similar campaign in the Rwandan capital Kigali, a city-wide clean-up that started in 1998 with the participation of senior government officials using wheelbarrows, hoes, spades and brooms to clean mounds of rubbish in a city that today ranks as one of the cleanest in Africa;
- (3) accepts that a clean city acts as an accelerant for a better quality of life for all, bringing improved economic growth, greater environmental

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awareness, and in fostering a sense of pride, responsibility and inclusive ownership across Johannesburg;

- (4) further acknowledges the participation and contribution of many of Joburg's people in the campaign, including its first citizen Herman Mashaba and his team of members of mayoral committee, MMCs, and officials, local nongovernment organisations, NGOs, and residents' associations as well as ordinary women, men and children from their communities who pitched up and pitched in to help;
- (5) recognises the contribution and support of the SA National Taxi Council, the Security Association of South Africa, the Eyakho Environmental Forum, the Greater Johannesburg Environmental Forum, Okuhle Waste Management, the organisers of the Miss Earth competition, and the University of Johannesburg; and

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- (6) further recognises the exceptionally positive impact that an engaged and active citizenry can have on the environment in which we all live, work and play.

Agreed to.

The DEPUTY SPEAKER: Hon members, I have five slots. No, I see I'm getting gesture ... instructions. I understand what they mean but they are horrible, if I may say so. That concludes Motions without Notice. The next item on the Order Paper is Member Statements. Does any member of the ANC wish to make a statement?

SASCO WINS CONTROL OF NELSON MANDELA UNIVERSITY SRC

(Member's Statement)

Mr M JOHNSON: The people's movement, the ANC, congratulates the biggest student movement in Africa, the SA Student Congress, Sasco, for taking its rightful place and reclaiming the student representative council, SRC, of Nelson Mandela University following elections on

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Thursday 19 October 2017. It is befitting that Sasco wins these elections when the country is celebrating the centenary anniversary of the birth of the revolutionary and international icon, president O R Tambo. This victory represents the relaying of the foundation to reclaim and cement the ANC's place as the leader of society in the Eastern Cape in general and in Nelson Mandela Bay in particular.

The ANC is confident that come 2019 the people of the Eastern Cape will retain the ANC to govern the Nelson Mandela Metro in the next election. Watch out! The ANC urges Sasco to continue being at the forefront of the struggles for the fundamental change of tertiary education, and serve the best interests of students in general. Thank you.

SHOCKING EXPOSE ON ZUMA ADMINISTRATION

(Member's Statement)

The CHIEF WHIP OF THE OPPOSITION: Thank you very much Deputy Speaker. This week, following hot on the heels of

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Redi Tlhabi's book *Khwezi*, saw the publication of Jacques Pauw's book, a new shocking exposé on the Zuma administration entitled *The President's Keepers – Those keeping Zuma in Power and out of Prison*. It makes for a riveting read and is highly recommended reading for those amongst us heading towards a certain elective conference later this year. Ministers Mbalula, Cwele and Van Rooyen all have very special mentions in this book.

The book highlights once again how far back the state capture phenomenon goes. It was not, as the Deputy President tried to tell us last week, something that has recently come to light. The book also lays bear how a rich businessman and benefactor based in KwaZulu-Natal, kept a very, very, very senior political office bearer on his payroll at R1 million per month. When questions were asked about this by the Public Protector, this certain individual refused to answer. Sounds familiar.

It also exposed how organised criminal syndicates and underworld figures, through proximity to and support for the ANC and key players in the Zuma administration, were shielded and protected from proper scrutiny by the SA

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Revenue Service, Sars, the Hawks and the SA Police Service, the SAPS.

The book confirms what we all know; that a massive rotten core exists in the Zuma administration that continues to infect our body politic, undermines our national interest and funnels huge amounts of public money away from the service of our people and into the pockets of rich politicians and the criminals identified in this book.

[Time expired.] [Applause.]

WHITE PROTESTORS PROTEST KILLING OF WHITE FARMERS

(Member's Statement)

Mr M N PAULSEN: Thank you Deputy Speaker. Yesterday thousands of white South Africans throughout the country protested the killing of white farmers in South Africa. Why is it that when black South Africans protest they get shot at, tear gassed and arrested, but when whites protest they are left to bring traffic to a halt throughout South Africa while the police sit back and do nothing? Why did these protesters only condemn the murder

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of farmers and not the exploitation, abuse and killing of farmworkers which outnumber the killing of farmers? Why did these protesters carry the old apartheid flag?

The answer to all of these is that the protest yesterday was not about the killing of farmers but a chance for right-wing racist nationalists to be racist and demand the return of apartheid and special treatment. The ANC government let them do this with no consequence.

The racism of these idiots has made them blind to their own hypocrisy. Those who protested yesterday and disrupted traffic prevented, from among others, matrics from accessing schools to write their final exams. Yet, these are the same people who will always say that protests must never infringe on the rights of others.

Crime in South Africa stems from the unequal distribution of resources in this country, particularly land. Until land is redistributed, murder, including murders on farms, will continue. [Time expired.]

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The DEPUTY SPEAKER: Hon Paulsen, your time has expired.

The ANC?

Mr M N PAULSEN: Deputy Speaker, is it parliamentary for that white man to tell me I'm talking kak [sh*t]? That white man. He said it. [Interjections.] That white man.

The DEPUTY SPEAKER: Hon Paulsen?

Mr M N PAULSEN: That rude white man there.

The DEPUTY SPEAKER: Hon Paulsen, before we attend to your question can you please withdraw how you referred to him as? You know members must address each other appropriately in the House.

Mr M N PAULSEN: Okay, that hon white man ...

The DEPUTY SPEAKER: No, no, that's not how we say it.

It's nowhere in the Rule Book. You know that.

Mr M N PAULSEN: Okay. That ...

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An HON MEMBER: Member of the FF Plus.

Mr M N PAULSEN: ... member of FF Plus ...

The DEPUTY SPEAKER: Hon member, end it there. What are you ... Honourable ...

Mr M N PAULSEN: He told me I'm talking kak [nonsense] ...

The DEPUTY SPEAKER: No, no ... Hon member, did you say that?

Mr M N PAULSEN: ... and if you don't force him to withdraw I'm going to moer [beat up] him outside.

[Interjections.]

The DEPUTY SPEAKER: No, no, you can't make such threats in the House please. Hon Paulsen, please withdraw that. That is a threat. You can't ... and the way you say it as well ... is using rough language.

Mr M N PAULSEN: No, he told me I'm talking kak.

[nonsense.]

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The DEPUTY SPEAKER: No, but I haven't ruled. You can't ...

Afrikaans:

... vloek terug. Jy mag nie. [Gelag.] Jy mag nie terug vloek nie. Trek dit terug asseblief.

English:

Mr M N PAULSEN: Deputy Speaker, out of respect for you and the other good members of the House, I withdraw.

The DEPUTY SPEAKER: Thank you very much. Hon Mulder, please rise and explain to the House whether you said that.

Dr C P MULDER: Hon Deputy Speaker, I've been a member of this House since 1994, and members who know me know that I do not use that kind of language. I would suggest that the hon member get a hearing aid. I did not say those words. It's untrue. It's a blatant lie.

The DEPUTY SPEAKER: Hon member, you know you may not say another member is lying. You know, in the way you said

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it. The rules are important. You said I must enforce them.

Dr C P MULDER: Yes, then I apologise for saying it's a lie. I withdraw that.

The DEPUTY SPEAKER: Hon members, I'm going to look at the Hansard and then ...

Mr M N PAULSEN: No hon Deputy Speaker, that guy has been here since 1994.

The DEPUTY SPEAKER: Honourable ... don't debate this matter.

Mr M N PAULSEN: He's going to be finished. Soon. There will be no seats for him there. He can go to Orania.

The DEPUTY SPEAKER: No, no, no, no, hon Paulsen, don't do that. Hon Paulsen, I requested you to take your seat. Don't go there. Don't go there. Hon members, we will look at the Hansard to reflect on that matter. The IFP? No, the ANC was on their feet. Go ahead hon member.

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UN CALLS FOR END TO ISRAEL'S OCCUPATION OF PALESTINE

(Member's Statement)

Ms D D RAPHUTI: The ANC is unapologetic about its unequivocal support for the Palestinian people in their struggle for self-determination. Our view has always been that the Palestinians are the victims and the oppressed in the conflict with Israel.

We therefore welcome the UN commission's finding on the illegality of Israel's occupation of Palestine. This is included in the findings of the special rapporteur ... about the Human Rights Council, who has submitted his latest report to the General Assembly in New York.

The report argues that Israel's occupation has deepened and thickened over the last 50 years. It further mentioned that, "the laws of occupation are very clear that the occupying power cannot treat the territory as its own, nor can it make claims of sovereignty."

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It also called on the government of Israel to bring a complete end to its 50-year occupation. The ANC could support the Palestinian people in any efforts to support their struggle for self-determination. I thank you.

FAREWELL TO PROF C T MSIMANG

(Member's Statement)

Mr N SINGH (IFP): Deputy Speaker, it is with heavy hearts that the IFP parliamentary caucus bids farewell to one of our political giants, the hon Prof Christian Themba Msimang, Thabizolo.

As he takes his permanent leave as a Member of Parliament today, we would like to take this opportunity to express our most sincere gratitude and appreciation to Prof Msimang for his tireless dedication and diligent service to this Parliament and the country during his period of service from 2009 to 2014 and again from 2015 to date. He competently served on numerous portfolio committees throughout the years, most recently Police, Basic and Higher Education and Training, Justice and Constitutional

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Development, as well as being a sitting member of the Magistrates' Commission.

In case hon members did not know, he leaves a lasting legacy in this Parliament, for it was he who certified this Parliament's emblem in his capacity as chairperson of the Heraldry Council in 2007. When you walk out, look at the display, and you will see his signature there.

Our Nkandla-born comrade is an attorney by profession and is the former head of African Languages at Unisa. He is a widely published and accomplished author and playwright who has contributed immensely in the IsiZulu literary space. He currently serves as the IFP's deputy secretary general and was the caucus chairperson. He leaves us to assume a full-time role in the office of the secretary general of the IFP and will bring his formidable political talent to the fore as he plays a major role in guiding the party to better fortunes and victory in the 2019 national election. We wish you well. Thank you.

The DEPUTY SPEAKER: Hon member, with that expression of your wishes and dreams, I do wish to point out to you

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that this reads and sounds strictly like a motion without notice, but we will let you go because you have chosen to make it a statement. This is another case of ... but you did explain to me what happened, so I will let it go for that reason alone.

**SOUTH AFRICANS FROM ALL COMMUNITIES COMMENDED FOR
PARTICIPATING IN PROTEST AGAINST VIOLENT CRIME AND MURDER**

(Member's Statement)

Afrikaans:

Dr C P MULDER (VF Plus): Adjunkspeaker, vandag is Dinsdag. Vandag 'n week gelede, verlede Dinsdag, het die lewe van die Conradie-familie van Klapmuts vir altyd ingrypend verander. In daardie nag het drie boewe dit goedgevind om die huis te betree van 'n familie wat hulle niks gemaak het nie, en hulle het Joubert Conradie doodgeskiet en soos lafaards weggehardloop in die nag.

Saterdag was die begrafnis in die Paarl; ek het dit bygewoon. Ek het daarna met die familie gepraat in Klapmuts. Daardie gebeurtenis was die katalisator vir

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gister se optog en protes regoor die land wat deur duisende mense bygewoon is. Vroeër vandag is daarna verwys, en ek is jammer die agb Minister van Polisie, lyk my, is nou weg.

English:

Two days ago, he retweeted a tweet - or he himself tweeted on his Twitter account, saying the following, "The Minister of Police, Mr Fikile Mbalula, warns the public against the circulation of false, staged gang violence footage". "False news," he says, two days ago! However, yesterday, the Minister himself did exactly that.

Yesterday, the Minister retweeted a tweet by a person on Twitter, Mpondo and Proud!, that says the following, "I will not wear black on Monday because it is a race-based campaign predicated on a lie". Hon Minister, to that family, it is not a lie. It is a reality - their father was murdered in their home a week ago.

Afrikaans:

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Ek wil hulde bring aan duisende Suid-Afrikaners uit alle gemeenskappe - wit, swart, bruin, en Indiër - wat gister daaraan deelgeneem het. [Tussenwerpsels.] Ek wil vir u sê minder as 1% het die ou vlag gebruik. Ons moet daardie mense respekteer en daarteen optree. Baie dankie. [Tyd verstreke.]

RACIST BEHAVIOUR BY #BLACKMONDAY PROTESTORS CONDEMNED

(Member's Statement)

English:

Mrs Y N PHOSA (ANC): Deputy Speaker, whilst we condemn the farm killings and all the South African killings in general, the ANC condemns the behaviour displayed by some participants in the #BlackMonday protests in the country yesterday. This proves that, for those, it was never a protest against the real problem of crime that we are facing as a country; it was about white privilege and the indefensible apartheid ideology. [Interjections.] The singing of the apartheid anthem and the brandishing of the old South African flag, which is a symbol of apartheid, leave a lot to be desired.

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A video posted on social networks showing a white woman saying she felt more protected under the old flag than the new one should be condemned harshly. The ANC calls upon the relevant authorities to investigate and take action against those who undermined our hard-earned democracy by displaying this kind of conduct, including the burning of the national flag and the blocking of roads with trucks and tractors. The ANC calls on everyone to allow police investigations to be conducted expeditiously into all the farmer-related murders so that offenders can be prosecuted. The ANC remains committed in protecting not only white farmers but also farm workers, as well as all South Africans, regardless of colour, race or creed. I thank you. [Applause.]

CALL ON GOVERNMENT TO IMPROVE MATATIELE ROAD

INFRASTRUCTURE

(Member's Statement)

Mr W M MADISHA (Cope): Deputy Speaker, roads lead to development. They are the arteries through which our

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economy pulses, through which we access services, and through which we interact socially.

The farming and business sectors and society of the greater Matatiele region have suffered from unacceptable and deteriorating road conditions, despite representations and protestations to local and provincial government authorities. As many in the country - including us - know, Matatiele has lost many of its community members as a consequence of those deplorable road conditions. Many industries in Matatiele, including the dairy industry, are under threat as bulk purchasers threaten to pull out unless road access is improved.

The Matatiele community calls on national government to intervene and ensure the immediate rehabilitation of the region's road network, create a plan to ensure ongoing maintenance, and placate the angry community. Thank you very much.

SENTENCING OF SERIAL RAPIST MKAVU WELCOMED

(Member's Statement)

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Ms H V NYAMBI (ANC): Deputy Speaker, the ANC welcomes the sentence of 228 years and a further 13 life sentences handed down to convicted serial rapist Mzikayise Mkavu by the Port Elizabeth High Court on Thursday 26 October 2017.

The 27-year-old Mkavu was convicted earlier last week after pleading guilty to a total of 36 counts. The string of charges included 17 counts of rape, eight counts of assault with intent to cause grievous bodily harm, one count of attempted murder, two counts of assault, three counts of attempted robbery, and five counts of robbery with aggravating circumstances. In total, there were 14 complainants in the matter, with nine rape survivors who testified at the trial. Mkavu's DNA was linked positively to the rape incidents before the court.

We call on the South African society to unite in action against these crimes. This is a major victory for our criminal justice system - the police in particular. The entire criminal justice system should be congratulated for compiling a watertight case that led to a successful conviction. Perpetrators of crimes against society's most

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vulnerable should know they cannot operate with impunity.

I thank you. [Applause.]

**THE ANC OFFICIALS CONTINUE TO STEAL MONEY IN BELA-BELA,
LIMPOPO**

(Member's Statement)

Ms D VAN DER WALT: The real reason for poor people not having houses in Bela-Bela, in Limpopo is because the ANC officials continue to steal the money. In July 2010, 72 hectares of land in Extension 25 was bought by Housing Development Agency, HDA, from a crony for R65 million, until today, not a single house has been built for the poor people.

At the time, the ANC municipality was warned that the ground was solid rock and unsuitable for building low cost houses. They ignored the warning. No houses were built but the money was paid out.

Last month, on 6 September 2017, the Mayor, councillor Ngobeni wrote again to HDA to buy the Roodekuil farm,

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number 496KR for R80 million. The problem is that the municipal valuation of the land is a mere R7 000 097. So, who is benefiting? The nearby Tarumba farm belonging to the Department of Public Works is ideal for housing. Why this land is not transferred to the municipality to cater for the housing backlog of the poor and the R80 million rather spent on houses and proper quality infrastructure instead of enriching corrupt cronies of the ANC-run municipality and HDA officials in Kokstad.

PHOENIX HOUSING FRAUD

(Draft Resolution)

IsiZulu:

Nk M S KHAWULA: Ngiyazibongela kuSihlalo, Ngiphakamisa isethulo ngaphandle kokwazisa:

Ukuthi leNdlu -

Izwakalise okukhulu ukukhathazeka ngokuqhubekayo laphaya e-Phoenix esigcemeni-48 [ward 48] eThekwini lapho ekuphethe khona ikhansela le-DA. Kunomphakathi ohlala

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endaweni okuthiwa yi-Brookdale Park khona e-Phoenix. Lo mphakathi uhluke kakhulu ngangokuthi awuziboni unakiwe ngoba lolu daba ludala ngisho nomeya uZandile Gumede uyalazi. Lo mphakathi iningi lawo abantu besifazane kanye nabantwana. Kule ndawo bangena kuyona ngo-1996 befakwa wumlungu.

Lo mlungu laphayana ebaqashisa [rent] ngalento ebizwa nge-rent to own. Okubuhlungu kakhulu wukuthi izindlu azaziwa imali yazo futhi [and] abanayo nento ebizwa ngokuthi yi-PTO nala ezakhiwe khona ngaphansi kunamapayipi, indle iqhumele kuzona izindlu ayizange lubekhona ucwaningo [survey] Okubuhlungu kakhulu kuyimanje lo mlungu akazilungisi izindlu, ugesi bazenzela bona ngangokuthi kuyimanje uyazidayisa lo mlungu izindlu. Uma ezidayisa uzidayisela abanye abantu, uyakwazi futhi ukubanikeza amatayitela [title deed] Kuyimanje lemindeni isenkingeni ngangokuthi iyakhishwa ezindlini ingazi ukuthi izoshonaphi. Lento yimbi kakhulu, siyi-EFF besicela uMnyango Kahulumeni Wokubambisana kanye Nezindaba Zendabuko ulisukumele lolu daba ngoba abantu abahlukumezekayo ngabantu bakithi futhi ubahlukumeza ngomantshingelane [security guards] nangezinja.

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Bengizocela lezi zingane odadewabo kaDuduzane baziphathe kahle noma sekukhona umawabo kaDuduzane ayisihloniphi, niyaphapha nina.

NKANTOLO COMMUNITIES BENEFIT FROM OR TAMBO PROJECTS

(Member's Statement)

Ms Z C FAKU (ANC): Chairperson, the villagers of Nkantolo in Mbizana took part in celebrating one of their own, Oliver Reginald Tambo, in Nkantolo in Mbizana, on 27 October 2017 to mark his 100th birthday under the theme: Life and Legacy of OR Tambo.

Many positive developments has taken place in that area, most notable, a housing project of 1000 houses, with 500 of those houses completed and handed over to the people of Nkantolo.

A 13 km stretch of road from Ludeke to Nkantolo was upgraded and completed, as well as the construction of Ludeke dam, also with the Nkantolo Multi-Purpose Community Centre construction currently underway.

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The residents of Nkantolo have thus had much to celebrate whilst acknowledging one of their own - a giant leader from their village, a solid and principled leader, who sacrificed everything to liberate South Africa and African people from colonialism and imperialism.

The ANC calls upon all South Africans to remember and honour the life of OR Tambo and also to draw lessons from his exemplary leadership and advance his ideals and his belief in a peaceful, equal, nonracial and nonsexist democratic and prosperous South Africa. The ANC wishes to thank the community of Nkantolo. Thank you.

THE ANC ACKNOWLEDGES THE 2016-17 CRIME STATISTICS

(Member's Statement)

Tshivenda:

Ms L MABIJA (ANC): Ndo livhuwa Mulangadzulo. Ndi khou **toda** u amba uri ...

English:

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... the ANC acknowledges the 2016-17 crime statistics and it is of the view that the crime statistics reflect a fairly general decline of 1,8% in crime over the past 10 years, as well as a drop in the number of rapes reported to police in 2016-17 compared to the previous year.

These indicate a drop in contact crime, as well as the decrease in assault with the intent to cause grievous bodily harm.

However, the ANC recognises that whilst progress has been made in crime fighting efforts, we still note with serious concerns, the increase in crimes such as murder and robbery which remain exceedingly high.

With the rise of 1,8% in the murder rate and 0,4% in attempted murders, the shocking increase of 6,4% in aggravated robbery and 14,5% in car hijacking countrywide raises a cause for concern, as well as an indication of a society that is increasingly becoming unsafe and more violent.

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**THE SOUTH AFRICAN AIR FORCE BORDER PATROL AND MARITIME
SURVEILLANCE**

(Member's Statement)

Mr S J F MARAIS (DA): House Chairperson, the South African Air Force can no longer do maritime reconnaissance. The 35 Squadron based on Air Force Base, Ysterplaat is tasked with our sea border patrol and maritime surveillance of our offshore protected areas ensuring compliance with our international treaties and supporting Operation Phakisa, but it has no planes.

The Shackletons and the eighty-year-old Dakotas are no more. The ANC government missed the great opportunity to replace the Dakota with the effective value for money surveillance aircraft available from the Australian Maritime Safety Authority. Given the fiscal constraints, the Dornier 328 aircraft used for certain rescue was available for purchase or lease with the full local maintenance service capability including spare parts which is certified as approved aircraft maintenance

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organisations by the South African Civil Aviation organisation.

But the air force ignored this option and the deal was lost at sea. This will jeopardise the safety of our citizens and our sovereignty, as well as the potential of the ocean economy to contribute potentially R170 billion to the gross domestic product, GDP, by 2033.

The Minister and the ANC must wake up and address this challenge. I thank you.

#BLACKMONDAY PROTESTS DISPLAYED RACISM TENDENCIES

(Member's Statement)

Ms B P MABE (ANC): The ANC welcomes the announcement made by a leading United States investor ambassador Harold Doley Jr, the Governor of the African Development Bank, who plans to invest over US\$1 billion in South Africa over the next few months.

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The ambassador made this announcement during a question and answer session on SABC Morning Live on Thursday, 26th October 2017, less than 24 hours after the Minister of Finance delivered his Medium-Term Budget Statement.

His announcement was motivated by the Minister's frank assessment of the state of the fiscus and the economy, which he believed had sent a signal to a group of investors that he represent to commit resources to South Africa and invest over the next several months in technology, education and agribusiness, as well as creating employment for young people.

The ANC acknowledges that the economy has not shown sufficient growth but believes that the situation can be turned around.

We welcome the level of interest shown by the foreign investors in South Africa and therefore urge the private sector to become more involved and partner with ANC government to stimulate the economy towards the positive path. I thank you

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INCIDENTS OF CRIME IN THE COUNTRY

(Minister's Response)

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you, House Chair. I would like to welcome all the colleagues who raised a number of issues relating to the incidents of crime in our country; but also to thank them for alluding to the very clear and firm stance that our courts have taken to ensure that crime does not go unpunished.

However, let me start by indicating that all life is important, black or white. The life of farmers is just as important as the life of farmworkers or farm dwellers.

We, as the ANC government we will never support and we will always condemn any form of crime especially violent crime perpetrated against our people; and this includes the violation of our women.

I must say that the sentence that has been muted out which a colleague from the ANC alluded to, over 200 years

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to this serial killer, is an indication firstly that both our investigative authority and our prosecuting authorities will stop at nothing to ensure that heinous crimes are just those that do not go unpunished.

I can just indicate that our prisons are full. We would love to see fewer South Africans committing offences because we no longer know where to put them; but everybody who chooses to come to prison, we will welcome them. We have no choice and we will have to create space for them; but it is not a nice place to be.

So we really encouraging South Africans to seriously do everything in their power starting with parents, with schools to educate children whilst they are still young that crime does not pay. Thank you very much.

RESPONSE ON JACQUES PAUW'S BOOK

(Minister's Response)

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The MINISTER OF TELECOMMUNICATIONS AND POSTAL SERVICES:

Thank you hon Chairperson. Let me respond to the Chief Whip of the DA about a certain Jacques Pauw's book.

Firstly, I was the Minister of Intelligent Services and at some stage Minister of State Security, I'm no more the Minister since 2014.

Secondly, I'm not aware of any member of the intelligent services with the name of Jacques Pauw; neither knows whether he was a source or not a source - I'm answering you. I hold as a matter of principle, I do not read or respond to fiction books. [Applause.]

This House has the Joint Standing Committee on Intelligence as the mechanism to make the Ministers who were responsible or the members of the intelligence services to account. That's the mechanism we should use and I stand ready to account in that committee for this House. Thank you very much. [Applause.]

PRIORITISED PROJECT IN ALFRED NZO DISTRICT MUNICIPALITY

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(Minister's Response)

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Thank you very much, House Chair.

House Chair, Our own Back to Basics programme findings established that the most common causes of the failure or maybe dysfunctionality of our infrastructure is mainly as a result of neglect of our routine maintenance. Hence it is crucial that as we celebrate the good work that has been done "in die kantoor"... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Van Rooyen, you can take your seat for a while. On what point are you rising hon member?

Mr T RAWULA: no, every time he responds he starts from there, even if the question is different, Back to Basics programme of Salga. No, he asked a different question. He can't be having a memo to answer questions ...

[Interjections.]

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, that's not a point of order. Can you sit? I'm going to switch off your microphone, mike now. Can you sit? Continue hon member.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Now, as much as we welcome and appreciate the good work that has been done in Kantolo, it is equally important more especially in honour of O R Tambo to urge our municipalities in Kantolo or in the Alfred Nzo District Municipality to try and prioritise a provision for maintenance of such a project in their budget processes.

The CHIEF Whip of the Opposition: Madam House Chair, on a point of order, the rules and the oversight mechanism have member's statements as a way for us to hold the executive accountable.

Now, I heard the powers of Minister Van Rooyen, but he surely can't be a mind reader. How is he reading out a response that has been written down for him? So it is a member's statement that was read in the House.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member that is not a point of order. Continue hon Minister.

Mr N S MATIASE: House Chair, is it parliamentary for the Minister to mislead the public? He says ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, can you please take your seat you are not recognised in the first place; and that is a statement that you want to make, it is not apppoint of order.

Mr N S MATIASE: Madam Chair, on a point of order, the Minister is misleading the public. He says the municipality iNkantolo, there is no municipality iNkantolo. INkantolo is a village in Bizana. So he is misleading.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you. Thank you very much. Continue Minister.

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The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: I was very clear, I said INkantolo in Bizana in the District Municipality of Alfred Nzo.

Now, hon House Chair, we also want to urge the municipality to bolster each maintenance capacity as well as to develop a clear maintenance plan for the existing as well as for the new developed infrastructure.

Equally important, we want to urge our community in the sited municipality to make sure that they also play their part in terms of ensuring that this infrastructure is properly preserved.

There were two issues that have been raised around eThekweni housing services problem as well as housing problem in a municipal land related to housing. I think we don't have details of those problems, and we are more than ready to receive those details and follow up on those problems. Thank you very much. [Time expired.]

NOTICES OF MOTION

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Mr M JOHNSON (ANC): Chair, I move on behalf of ANC that in its next sitting the house debates acceleration of the implementation of a regional industrialisation agenda to ensure Africa becomes a manufacturing and industrial power.

Mr M S MALATSI (DA): I hereby move on behalf of the DA that at its next sitting, this House debates the failure of the Ethekwini Municipality to provide houses to residence living in transit camps throughout the city.

Mr N PAULSEN (EFF): I hereby rise on behalf of the EFF that at its next sitting the House debates the criminalisation of all apartheid symbols and colonialism symbols including the old national flag.

Ms D D RAPHUTI (ANC): I move on behalf of ANC that in its next sitting the house debates need for disaster management in rural areas and how this can mitigate vulnerability of the rural poor.

Inkosi R N CEBEKHULU (IFP): I hereby give notice that I shall move on behalf of the IFP that this House debates

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the gross failures of the Department of Water and Sanitation to comply and adhere to its mandate of delivering water to all South Africans.

Prof N M KHUBISA (NFP): House Chairperson, I hereby move on behalf of the NFP that at its next sitting, this House debates the high incidents and prevalence of road accidents all over the country and ways and means of curbing them. Thank you very much.

Mrs Y N PHOSA (ANC): Chair, I hereby rise on behalf of ANC that in its next sitting the house debates exploring mechanisms, particularly in the social programme, in order to ensure universal access to quality service.

Mr M L W FILTANE (UDM): Hon Chair, I hereby move on behalf of the UDM that this House at its next sitting debates the skills development model of black farmers on the context of the great need to increase the amount of successful black farmers.

Mr K J MILEHAM (DA): Chairperson, I hereby move on behalf of the DA that at its next sitting, this House debates

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the ongoing electricity debt crisis in municipalities, the failure of the ANC-led government to address this and possible solutions which can be implemented as a matter of urgency.

Tshivenḡa:

Mr T E MULAUDZI (EFF): Mulangadzulo, ndi ima ndo imela lihora la EFF, ndi tshi dzinginya uri kha dzulo li tevhelaho, Nḡu ino i vhe na khanedzano nga u tambudzwa na shengedzwa ha vhashumi vha mabulasini nga vhorabulasi.

Ms Z C FAKU (ANC): I move on behalf of ANC that in its next sitting the house debates strengthening of measures to combat erosion of the tax base in practices like profit-shifting and transfer pricing.

Ms L MABIJA (ANC): I move on behalf of ANC that in its next sitting the house debates speeding up the implementations of projects and investments aimed at the upgrading and expansion of the country's rail, port and pipeline infrastructure as part of our effort to shift freight transport from road to rail.

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Mr P P MABE (ANC): I move on behalf of ANC that in its next sitting the house debates fast tracking the implementation of measures to reduce high bank fees and charges on consumers and businesses.

Ms D VAN DER WALT (DA): Chair, I hereby move on behalf of the DA that this House at its next sitting debates the appointments in the office of the Minister of Public Service and Administration and her unwillingness to respond on the detail thereof.

Ms Z C FAKU (ANC): I move on behalf of ANC that in its next sitting the house debates the role of Traditional leaders in the decision making of food security and skills development in the ITB Areas.

The House adjourned at 19:11.