

UNREIVISED HANSARD

NATIONAL ASSEMBLY

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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:01.

The House Chairperson, Ms M G Boroto took the Chair and requested members to observe a moment of silence for prayer or meditation

The CHIEF WHIP OF THE MAJORITY PARTY: House Chairperson, I move that this House extends the deadline by which the Ad Hoc Committee on the Review of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act has to complete its task to 29 June 2018.

Agreed to.

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE - ON
INSURANCE BILL**

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

Agreed to.

SECOND READING DEBATE - INSURANCE BILL

The CHIEF WHIP OF THE OPPOSITION PARTY: House Chairperson?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Steenhuisen.

The CHIEF WHIP OF THE OPPOSITION PARTY: House Chairperson, I did address some correspondences to the Speaker's office earlier this morning around the concerns we have around the Bill. The concerns are twofold: firstly, it is around the memorandum that was attached to the Bill which has not been amended to fit in with the memorandum objectives of the Bill itself.

Secondly, is the point relates to the circulation. I have a letter from the hon Frolick, saying that electronic copy was available yesterday. That may will have been served for the members of the committee but the Bill has not been circulated

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to members of this House and I would ask that you enquire when this Bill was circulated to all Members of the House because I would hate that there will be a situation where members of this House apply themselves to final piece of legislation that none of them have seen and that speaks to the problem that the high level panel identified in the report released last week. So, I would ask you to enquire into that and report back to the House. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): But you are not against us continuing with the second order?

The CHIEF WHIP OF THE OPPOSITION PARTY: House Chairperson, I think you should get clarity before that and I say to you it has implications because I don't think any member of this house can honestly say they are doing justice to their legislative duty if they are debating and passing a Bill that they haven't even read.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay. Hon members, the information received from the Chairperson of the committee and the senior legal advisor on the Standing Committee on Finance is that the processing of the Bill complied with the Rules and

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procedures applicable to the Bills. We have also been informed as you have been informed by hon Frolick that electronic copies of the Bill were available. What we can do is just verify that but the consideration of the Bill will proceed as scheduled. We will verify in the mean time.

The CHIEF WHIP OF THE OPPOSITION PARTY: House Chairperson, that is fine. We are accepting your ruling but we obviously would like our objections recorded on that because we don't believe it is procedural for Members of Parliament to vote for the Bill they haven't seen. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, hon Steenhuisen that is noted. I will now recognise the Minister of Finance.

The MINISTER OF FINANCE: Chairperson, I would like to take this opportunity formally to introduce and table the Insurance Bill of 2016 in the National Assembly. This Bill is a section 75 Bill. The Bill is part of a trench of Bills giving effect to the new twin pixy model that seeks to transform the financial sector and protect financial customers.

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The 2008 global financial and economic crisis highlighted the importance of having higher prudential and market conduct standards on both banks and insurance companies to enhance their financial soundness and ultimately support consumer protection and financial stability. It is lower income earners that usually suffer disproportionately when financial institutions failed.

Government policy priorities are to ensure that all South Africans have access to affordable and appropriate insurance coverage, and consumers are treated fairly and are protected from poor outcomes arising from market failures. Insurers must therefore be able to meet their long and short-term promises to consumers and must remain financial stable in order to be in a position to continue to pay claims.

In South Africa a new prudential framework for the insurance sector call the solvency assessment and management framework has been developed to improve policy holder protection and to contribute to financial stability through aligning insurers regulatory capital requirements with the underlying risks of the insurer.

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The Bill provides a consolidated legal framework for the prudential supervision of insurers that is consistent with international standards for insurance regulation and supervision and takes into account the specific conditions in South Africa.

It also seeks to replace and consolidate substantial parts of the Long-term Insurance Act, Act 52 of 1988 and the Short-term Insurance Act, Act 53 of 1998 relating to prudential supervision.

The Bill seeks to promote the maintenance of a fair, safe and stable insurance market by establishing a legal framework for insurers that enhances financial soundness and oversight through higher prudential standards group supervision and stronger reinsurance arrangement that increases access to insurance through a dedicated micro insurance framework strengthens the regulator requirements in respects of governance, risk management and internal controls for insurers and aligns with international standards and in accordance with South Africa's G20 commitments while taking into account the specific conditions in South Africa.

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As an important part of the overall transformation of the financial sector, the Bill seeks to encourage new entrance in the insurance industry and contribute towards transformation of the insurance sector. A robust consultation process was followed in processing the Bill.

Several amendments were made to the Bill taking into account public comments and these include the following: strengthening the focus on transformation by making transformation more explicit in the legislation; amendments were made to guide the conversion of licence process to provide greater certainty, and several minor amendments were made to the Bill so that it can be properly aligned with the financial sector regulatory Act.

The enhanced prudential framework for insurers forms part of Phase 2 of Twin Peaks reforms. Prudential supervision of insurers will be enforced in the new prudential authority under the South African Reserve Bank. Phase 1 was the passage of the Financial Sector Regulation Act, Act 9 of 2017.

These reforms seek to significantly enhance South Africa's regulatory and supervisory framework by also enabling an

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intensive, intrusive and effective system of regulating the financial sector. Thank you, Chairperson.

Ms T V TOBIAS: Hon Chairperson, hon Deputy President and members, the objectives of the Insurance Bill is to ensure financial inclusion in this sector especially the microlending sector. This Bill also merges short and long-term insurances respectively. The time has arrived, South Africans, to bring a microlending policy framework for low income households to benefit from the means of production. This Bill will also deal with market conduct through supervision by the Prudential Authority, namely, the SA Reserve Bank.

Hon members, let me say this upfront that government is regulating market conduct by ensuring financial inclusion of those that never benefited from the commanding heights of the economy. As we contend with these trade offs we need to avoid a market only driven approach to economic beneficiation. We need financial products that are fair and in the best interest of the client. We need to intervene against inappropriate financial advice that leads to consumers buying unnecessary financial products. Let me pause to say, hon Chairperson, if you know people have been sold insurance products that are not

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suitable for their day-to-day consumption. People end up realising that this is not what I really needed and they have not been explained because of the fine prints.

As we need to have this shared responsibility we need sufficient disclosure policies and we need to standardise terminology and consumer-friendly jargons. But above all we need to balance between understanding contextual obligations and full disclosure.

The Standing Committee on Finance had a vigorous engagement with the insurance sector and our attitude towards this issue is that new entrants in this sector should be encouraged as part of derationalisation and diversification programme towards this sector. We are also empowering the Prudential Authority to impose additional licensing conditions in the public interest which includes transformation of the insurance sector.

The developmental objectives of the ANC-led government should be taken seriously and insurers who don't meet transformational commitments need to be fined - and I repeat hon members - insurers who don't meet transformational agenda

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and commitments should be fined. The law must bite. We as the ANC also believe that new entrants in the sector should be taken into consideration in relation to lowering of fees and levies. This should be proportional and be addressed in the Financial Sector Levies Bill that will come before us.

We also need to align this to the Financial Sector Regulation Act, known as the Twin Peaks legislation. This will take into account international standards and will also introduce a new insolvency regime for insurers with a supervisory focus.

In conclusion, we as the ANC need to put it on record that we are not going to be apologetic about transformation. We were challenged by the DA that the amendments we make in relation with transformation in this Bill has changed the scope of the Bill. Having taken parliamentary legal advice we beg to differ with the DA. Rule 286, indicates that, and I quote:

If a Bill has been published for public comment in terms of Rule 276 or 295, the Assembly committee to which the Bill is referred must give interested persons and institutions an opportunity to comment on the Bill.

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Therefore, the purpose of the Rule is to ensure that new policy issues introduced in the Bill in the process before a committee are done with broad consultation between all stakeholders including the National Assembly. So, it is not only limited to the stakeholders. The DA's argument does not hold water.

In essence we also need to put it on record that the sector would have preferred stronger clauses to address transformation. The feeling was that our laws should be applicable locally and not just conform to international standards.

In conclusion, I hereby request your good souls to pass the Insurance Bill as it address financial inclusion in our country. I thank you. [Applause.]

Mr D J MAYNIER: Chairperson, the Insurance Bill is part of a suite of new legislation regulating the financial sector in South Africa. The Bill's objectives include promoting the maintenance of a fair, safe and stable insurance market for the benefit and protection of policy holders by establishing a

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legal framework for the prudential regulation and supervision of insurers and insurance sector in South Africa.

However, the Bill also requires the Prudential Authority, which is part of the SA Reserve Bank, to promote, licence, re-licence and monitor financial institutions in the insurance sector according to nonprudential criteria, including transformation, which, in our view, is not only beyond the scope of the Prudential Authority as set out in section 33 of the Financial Sector Regulation Act, but is also a clear and present danger to the independence of the Prudential Authority, and by extension the SA Reserve Bank.

We should all be doing everything to oppose the Prudential Authority, and by extension the SA Reserve Bank, being drawn into taking executive decisions which could be politically charged based on nonprudential criteria especially when those criteria are determined by another body which in this case is the Financial Sector Council by way of the Financial Sector Code which falls under the Department of Trade and Industry rather than the National Treasury. What we should be doing is protecting rather than exposing the Prudential Authority and

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by extension the SA Reserve Bank to being drawn into politics in South Africa.

The objectives of the Bill were amended following public hearings held on or about 07 May 2017, and which raised many perfectly legitimate issues including the high levels of market concentration in the insurance sector.

However, the specific provisions giving effect to the amended objectives of the Bill were not advertised or traversed in public hearings and were not properly considered.

Indeed, the SA Reserve Bank itself expressed reservations about the whole question of regulation according to nonprudential criteria. But any attempt to consider the matter was suppressed and drowned out in a torrent of abuse, thankfully not directed at the SA Reserve Bank. We warned that a delay is preferable to a disaster especially when it comes to matters relating to the SA Reserve Bank. However, again any attempt to consider the matter was suppressed and drowned out in a torrent of abuse, thankfully again, not directed at the SA Reserve Bank.

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We argued that amending the objectives of the Bill amounted to expanding the subject of the Bill which should have been dealt with in terms of National Assembly Rule 286(4)(b), and that further public hearings should have been convened. However, the argument was rejected and no further public hearings were convened. The fact is that, in the end, this Bill was a Cinderella Bill processed from time to time in a stop-start, stop manner and was never properly considered or deliberated upon by the Finance committee.

That is why this morning we drew the Speaker's attention to two possible flaws in the process. We drew the Speaker's attention in the first instance to the fact that the Bill has not been circulated electronically or in hardcopy to members of the National Assembly which means that members will be expected to vote on a Bill, but have had no sight of the Bill in the National Assembly.

Secondly, the memorandum on the objects of the Insurance Bill as adopted by the Standing Committee on Finance, has not been amended to give effect to the new objectives of the Bill as set out in clause 3(d) which now includes, and I quote:

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...promotes broad-based transformation of the insurance sector.

What this means is that the memorandum on the objectives of the Insurance Bill is at odds with the Bill itself in at least two respects, including, first, the section of the memorandum dealing with the objects of the Bill makes no reference to promoting broad-based transformation of the insurance sector, which is at odds with the Bill itself, that makes explicit reference to, and I quote:

...promotes broad-based transformation of the insurance sector in clause 3(d)

Although the objectives of the Bill were amended there is no reference, whatsoever, to the new policy objective which in this case is the transformation of the insurance sector in the memorandum on of the objects of the Bill.

What appears to have happened is that the committee adopted either the incorrect version or an unamended version of the memorandum of the objectives of the Insurance Bill, which is

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at odds with the Bill and which may now be adopted by the National Assembly.

We can only hope that the issues we have raised will be properly considered and deliberated in the National Council of Provinces. We will therefore be objecting to the Insurance Bill in the National Assembly. I thank you.

Mr T RAWULA: The Insurance Bill before the National Assembly is one of the most important components of South Africa's economy and a missed opportunity and to demonstrate that if South Africa was serious about financial sector transformation, Parliament will pass enforceable legislation to redress imbalances of the past.

The majority of insurance policy holders, particularly short-term funeral and vehicle insurance, are black people in South Africa, in particular workers, women, the poor and people with disability.

However, license conditions, high audits and actuarial fees, extremely demanding standards and a heavy regulatory burden has in the past excluded black people from participating

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meaningfully in the insurance sector. There are very few black-owned and controlled insurance companies in South Africa and they account for less than 1% of the insurance industry. This is while the biggest insurers, white-owned controlled more than 45% of the market share.

It is for this reason that the National Assembly could not just pass a legislation dealing with compliance only, but it had to decisively prioritise transformation, and inclusion of black people in the insurance sector as owners. Blacks are not only excluded from benefiting from the insurance industry at the ownership level, but also in policy benefits and downstream opportunities.

Insurance company is likely to reject your claim if you are black compared to when you are white male policy holder, and sometimes they do so even without reasons.

Panel beaters approved for repairs are mostly white-owned companies, while there is no mechanism to facilitate meaningful participation of black-owned panel beaters. Towing trucks companies approved are mostly white-owned companies, while the requirements for black-owned towing trucks are to

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discourage and prevent them from participating. In many other downstream opportunities, blacks are excluded. It is therefore correct and a step towards decisive and transformative legislation.

The attempts by the DA to remove transformation as the objective of the Insurance Bill is nothing, but a racist, antiblacks and a backward looking move. If we make laws according to the DA, South African economy will remain in the hands of a few whites, for their benefit, while the majority of black people remain in poverty and low paying jobs.

The EFF had initially made a concrete transformation proposal. We called for a minimum of 50% black ownership and a 30% women and people with disabilities in order to qualify for a license.

We further call for Prudential Authority to ensure that a minimum of 40% licenses issues is issued to black-owned and controlled insurers. Unless we legislate transformation in Acts of Parliament, the financial sector including the insurance sector, as a country, we will not be able to facilitate meaningful economic participation by the majority

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of the people in particular the workers, the poor, women and the people with disabilities. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon Rawula.

IsiNdebele:

Malunga ahloniphekileko, ngibawa bona nginganibizi ngamabizo lapho. Ngiyanibawa.

English:

It is just too much. Hon Hlengwa, it is your time.

Mr M HLENGWA: Hon House Chairperson, the Bill before us although not comprehensive enough to deal with all the issues, it is however, a necessary step in the right direction. For the financial sector needs to be protected from itself, so that it does not become a runaway train much to the detriment of the economy, we must create a safe environment for insurance companies and the insurance sector to be able to put forward the national interests.

The Prudential Authority under SA Revenue Service, Sars, whilst it is a necessary step also, we still believe more work

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still needs to be done in this area to ensure that the systems of checks and balances that are being proposed will be in the interest of what the Bill seeks to achieve.

The Sars as it stands right now is a compromised entity which even on in terms of its own core mandate has not being doing well. The added responsibilities may add a further strain to an entity which is already under duress.

Hon House Chairperson, the 2008 financial meltdown set into motion a necessary and an important duty to reflect on the financial sector and the economic sector of the country to ensure that what happened then does not happen again. So, corrective action must be instituted to ensure that we do not find ourselves in that situation again.

Therefore this Bill does seek to achieve some of those cautionary measures with regard to ensuring that the financial sector is insulated and protected from itself. We must guard against undesirable and unsustainable ill-informed and ill-advised financial purchases to ensure that consumers are protected and to ensure that the economy remains afloat. In

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this regard it cannot therefore be business as usual. This Bill seeks to address that.

Around the issues of broad based transformation that have been raised, it is important that transformation takes place, but it cannot be a cosmetic exercise, a thorough duty in this regard needs to take place and this means the generation of new work to ensure that we build up new assets for new players in order for them to compete favourably in the sector.

Although there are concerns about the Bill, it is rather to err on the side of caution than to pay the cost of inaction on our part. So, we believe that the NCOP, moving forward must consider some of the issues that have been raised, but let us not throw the baby out with the bath water.

We believe that the insurance sector itself fully understands that they too, need to undergo certain supervision and they too need to be protected from themselves so that they do not get carried away and you know sell to our people in a manner which is not desirable and which is not sustainable.

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So, let us take these baby steps forward in order for us to comprehensively address and finally once and for all in the coming future the ramifications of the 2008 financial meltdown. I thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, before the hon Shaik-Emam, I just want to acknowledge the presence of the Simon van der Stel Primary School with us today in the gallery. You are welcomed. They are with their teacher, Jacques Pratt. This is your Parliament. [Applause.]

Thank you, very much. The hon Shaik-Emam.

Mr A M SHAIK-EMAM: Hon Chairperson, the NFP welcomes the Insurance Bill tabled here today. The purpose of the Bill is to transform the financial sector to prevent any prospects of negative consequences in the event of a financial and or economic crisis.

In a financial or economic crisis it is the lower income earners that suffer the most and in South Africa it is the poorest of the poor who suffer the most.

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The Bill further provides supervision of insurers in line with the international standards. The Bill further seeks to promote a fair, safe and stable insurance market. It strengthens regulatory requirements. Insurance provides necessary protection for households and business against unexpected losses in the absence of such protection.

The NFP supports government's policy that ensures that all South Africans have access to insurance. The Bill further encourages transformation of the insurance sector in order to encourage new entrants and specifically black-owned businesses which is a rarity in South Africa today.

The insurance industry today is controlled by the white monopoly capitalist which has been having control pre-1994. Let us not all forget that it is these insurance companies some of whom, colluded with the apartheid regime and continued to benefit at the expense of the poorest of the poor of South Africans today.

The NFP welcomes the reduction in application fees for black-owned companies to be reduced; however it takes note of the National Treasury's response that fees would be decided in

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terms of the Financial Sector Regulation Act with black-owned companies being able to motivate why fees applicable to them should be reduced.

Hon Chairperson, another serious challenge that we face in the insurance industry is the collusion between the motor vehicle dealers, the financial institutions and the auction houses. What they do hon Chairperson, is this; you will find that they will buy the vehicle at the dealer, owned by the same people. The auction houses are owned exactly by the same people. Alright, financed through the bank the moment you default the vehicles are repossessed, taken through to the same auction places that belong to the banks in any event. They are then sold at very low prices. Then what happens, the debtors still and has to continue paying even though that the vehicle has been repossessed. However, who benefitted and laughing all the way to the bank for the financial institution who own all these companies? And I think some measures must be put in place to try and prevent this. The NFP supports the Bill tabled here today. [Applause.]

Ms D CARTER: Thank you Chairperson. Chairperson, Cope supports the aims and objects of the Insurance Bill.

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The Bill forms part of broader policy reform within the financial services sector. It ties in with the important Twin Peaks reforms through which government aims to establish a prudential regulator under the helm of the Reserve Bank that will be responsible for regulating all financial institutions be they banks, insurance houses and the asset management sector.

Coupled hereto, the Insurance Bill also gives effect to the Solvency Assessment and Management framework that aims to increase protection of policyholders, and to ensure that insurers' capital requirements are in line with their risk exposure.

The Bill aims to bring about a fair, safe and stable insurance market by strengthening oversight through higher prudential standards; making the industry more accessible for new entrants such as micro-insurers; and aligning the sector with international standards.

Now, though I do not serve on the committee, in doing research in preparing for this debate, I found absolutely no negative comment from the insurance sector. It is very sad that we are

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standing here today in this debate, and that we have some parties that are racialising the debate.

The Insurance Bill in terms of Cope is a baby step in the right direction. Therefore, Cope supports the intent of this reformist Bill. Thank you.

Ms B P MABE: Thank you very much House Chair. The Insurance Bill is part of the tranche of Bills giving effect to the new Twin Peaks financial transformation model.

Transformation in terms of the Insurance Bill means transformation of the insurance sector as envisaged by the Financial Sector Code for Broad-Based Black Economic Empowerment issued in terms of the Broad-Based Black Economic Empowerment Act of 2003.

Hon Chair, amongst others, this Bill seeks to reverse the unduly benefits of those who captured the economy since 1652, and still making sure that their monopoly is still taking over the current economy; and it is maintained.

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The spirit of the Bill recognises the overarching and central role the Broad-Based Black Economic Empowerment Act plays in facilitating transformation and aims to support this role. The proposal puts forward the inclusion of a clear reference to transformation targets entrenched and to be evolved over time, in the Financial Sector Code for BBBEE in the insurance Bill.

A major issue that emerged in the Insurance Bill public hearings was that the Bill does not deal adequately with transformation and that this needs to be addressed. Emerging black players in the industry argued that the Bill's crude conformity to international standards impedes their growth.

These views were taken much further in the subsequent extensive public hearings on Financial Sector Transformation held in the first half of this year.

Black entrepreneurs in the insurance sector expressed extreme frustration at the lack of transformation in the sector. The FST Report adopted by the Committee focuses significantly on the need to transform the insurance sector.

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As the Committees Report on the Insurance Bill notes in respect of the FST process, all the key stakeholders in the financial sector, including in insurance, participated and many of the issues around the need for transformation of the insurance sector raised at the Insurance Bill public hearings were repeated at these hearings and taken further.

The claim that the amendments on transformation did not emerge in the hearings is false and designed to mislead the public. The need for further public hearings in the wake of such extensive public hearings and such ongoing concerted engagement with stakeholders cannot be justified. Participants in hearings proposed changes to Bills, and were clear about the changes they wanted effected.

Hon Chairperson, the Committee gave concrete effect to the broad proposals on transformation that emerged in all the hearings from significant strata of the role-players in the sector.

The mandate and functions of the Prudential Authority are set out in sections 33 and 34 of the Financial Sector Regulation Act. Financial stability, financial inclusion and

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transformation are at the core of the Prudential Authority's mandate and functions.

Section 34(2) also imposes an obligation on the Prudential Authority to perform any other functions conferred on it in terms of any other provisions of the Financial Sector Regulation Act or other legislation.

Representatives of both the National Treasury and the SA Reserve Bank explained to the Committee that they believed that Prudential Authority would be best placed to balance both the financial stability and transformation objectives.

National Treasury said that if the Prudential Authority does not address transformation issues some other regulator will have to do so, and it is better that the Prudential Authority does this. Both the National Treasury and the SA Reserve Bank said that the Insurance Bill does not undermine the independence of the Prudential Authority.

The Insurance Bill builds on and supports transformation and empowerment legal architecture passed by Parliament and allows additional monitoring of implementation, and supervisory

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intervention. The Bill marks a huge step forward in the insurance sector. I thank you Chair. [Applause.]

**THE PRESENCE OF MEMBERS OF PARLIAMENT FROM THE ITALIAN
PARLIAMENT**

(Acknowledgement)

The HOUSE CHAIRPERSON (Ms M G Boroto): Before I call the hon Galo, I just want to acknowledge again the presence of Members of Parliament from the Italian Parliament. You are welcome to SA Parliament. Thank you very much for your presence. Thanks. [Applause.]

Mr M P GALO: Hon Chair, we wish to record before this House that we had a telephonic... [Interjections.]

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

Mr M P GALO: ... conversion with the Financial Services Board yesterday. The board's role in the adoption of the Solvency Assessment and Management, in conjunction with the insurance industry, cannot be understated. The current Insurance Bill is

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a by-product of the collective efforts by government, the financial sector and the Financial Services Board. The Financial Services Board oversees the nonbanking financial services industry, which includes short-term and long-term insurance. The insurance industry is rated as the biggest in the African continent. According to the study conducted by PricewaterhouseCoopers, both the short-term and long-term companies recorded steady growth in 2014 and beyond, in the region of 7% to 15% per annum. Turning back to the Bill, the Insurance Bill, among others, seeks to fulfil the following purpose; enhance financial soundness and oversight through higher prudential standards, group supervision and stronger reinsurance arrangements; increases access to insurance through a dedicated microinsurance framework. Hon members, there is restrained access to the insurance industry and the black majority of South Africans are still treated with circumspection. The Bill addresses this. The Bill is transformative in nature. The current insurance owners have to meet the so-called fit and proper requirements before the Registrar approves their licensing.

The AIC has always been bothered by the unregulated, often imprudent licensing of insurers. The AIC welcomes the enhanced

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prudential framework for insurers, especially the risk-based approach, which seeks to regulate and supervise the financial sector. Members, we have often scorned the lack of transformation in the make up of the insurance companies' board of directors. The Insurance Bill is tailored on our national transformation goals, especially the triple Broad-Based Black Economic Empowerment, BBEE, redress measures. We however support the Bill as the AIC. Thank you very much.

Mr Y I CARRIM: Comrade Chairperson, comrade Deputy President, comrades and friends, Hogarth with his or her characteristic wit refers to the DA as the "Desperate Alliance". This has never been truer than when it comes to this Bill. They lost out on all the policy issues so now they refer to remote and opaque and irrelevant Rules to block this Bill. It is not about process, it is about transformation and that is all they have got. They have no policy issues; they want to focus on this or that particular Rule that does not apply.

Now it is suggested that Mr Maynier was suppressed. I suggest, if you have the time, during the constituency period, to listen to the audio recording, that is not what happened. Absolutely every issue he raised here was in fact addressed by

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the legal unit of Parliament and by ourselves. He was not able to answer precise questions put to him and I regret that I, amongst other people, said a few things because it distracted from the need for him to respond. Now, on the matter of public hearings, we are the only committee in this Parliament that I know of that allows public hearings beyond what the Rules provide for. You can come on the day we vote on a Bill and you can have a say on that Bill. So what is the problem with our public consultation? If anything, there is overconsultation. In fact, this system benefits primarily the DA's constituency because who turns up to Parliament all the time; the big banks, the big insurers and the big players in the private sector, not the poor, marginalised communities. So, on public consultation, we are utterly clear, up until the day we voted on this Bill, anybody and everybody was free to come.

Now why it is particularly disturbing, what Mr Maynier is talking about, absolutely every issue that he raised was addressed and he is misrepresenting what is happening. Let us start with the role of the Prudential Authority, PA, paragraph 9 of our report; the Prudential Authority itself was there through the SA Reserve Bank. Their representative said, no, what you are provided for in the amendments the committee made

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to the Bill is exactly what we want to do and we are in fact doing. And in fact that is what we want to do because that is relevant to our role. So yet after being told he misunderstood by the representative of the SA Reserve Bank, he still insists that he knows better than that representative of the SA Reserve Bank actually thinks.

Now, let me read to you what in fact our paragraph 9 says, In respect of issues related to the role of the PA, Section 7 of the Financial Sector Regulation Act, FSRA, explicitly highlights transformation as one of the objectives of the Act. The mandate and functions of the PA are set out in Section 33 and 34, Mr Maynier, you were there all the time, you do not know what you actually opposed, and it is there in the Bill. The mandate and functions of the PA - let me repeat - are set out in Sections 33 and 34 to the Financial Sector Regulation Act.

Financial stability, financial inclusion - and let me stress - transformation - can I repeat that - transformation are at the core of the PA's mandate and functions when Sections 7, 33 and 34 are read together. Section 34(2) also - let me stress - imposes an obligation on the Prudential Authority to perform

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any other functions conferred on it in terms of any other provisions of the Act or other legislation. Representatives of both the Treasury and the Prudential Authority through the SA Reserve Bank said, no, we are fine with that, yet he disagrees. What is the aim here? You see, Mr Maynier had many, many months to bring his issues before the committee around process, he does not do so.

What he does is, on the eve of us voting on the Bill, last Monday; he comes with this long presentation. His views were not only rejected by just the Members of Parliament, MPs, they were rejected by, primarily, Legal Services Unit, by the lawyers that represent that unit and they made it very clear that Rule 286(4)(b) does not apply in this case and here is what our committee resolved, the Committee accepts that the subject or scope of Bill, if it is substantially changed, the Committee needs to abide by the National Assembly Rule. Based on Parliament's Legal Services Unit's interpretation of the Rule and the Committee's experience in processing the Bill, the Committee is decisively clear, National Assembly Rule 286(4)(b) does not apply in this case.

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If it were to do so, then it would mean that most Bills that are significantly amended will have to make use of the Rule and it will have the effect of discouraging Committees from making significant amendments to Bills and seriously diminish the legislative role of Parliament and subordinate Parliament to the executive. So here it is, the DA insists we should be a more vigorous Parliament, we should exercise more effective oversight, yet they want to subordinate us to the executive when we make amendments. The Committee believes that it is important that the Rule should not be used in a narrow and sectarian manner to settle policy differences and urges that the Rules Committee provides greater clarity on in what conditions exactly the National Assembly Rules should apply and the Rule needs to be amended or the National Assembly Guide to Procedure should provide the necessary clarity. No other party raises issue, why does the DA think they are policepersons of the processes of Parliament? No other party, in fact, member Floyd Shivambu, left the Public Enterprises Committee to turn up here and said very clearly - he was far harsher than any member of the ANC - why are you trying - as the comrade from the EFF said - to block transformation?

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That is what it is about. The stunning thing though is that the private sector that they represent has come to terms with the transformation clauses but they have to be more private sector than the private sector itself. They have to be pro-free market than the free market itself. So, we want to make something utterly clear, we keep telling Mr Maynier, look at it, it is in black and white. At the very first public hearing as Mr Shivambu has pointed out, all four of the black insurers and insurance companies said, this does not go far enough, please transform further. Transformation is a fundamental aspect of the Twin Peaks Model. This is merely the second Bill and there is a whole number of other Bills coming, so there is everything that is there about transformation. All we did, as the lawyers confirmed, took what was there implicitly and put it the explicitly. What Mr Maynier is essentially arguing is, though we have extensive public hearings both on this Bill, where the issues first emerged about transformation and the financial sector transformation, if we bring in amendments, we must go back to the public, well, that must then be a Rule, I can predict what would be a ... [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Khawula, what is your point of order?

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IsiZulu:

Nk M S KHAWULA: Asinaye u-Floyd Shivambu la, sinomhlonishwa noma uMnu.

USIHLALO WENDLU (Nk M G Boroto): Mama uKhawula, ushilo wathi Mnu Shivambu.

English:

Mr Y I CARRIM: Okay, okay fine. Mr Shivambu! Mr Shivambu, that is acceptable, Mr Shivambu, I do not have to use the word "honourable" ... [Interjections.]

IsiZulu:

USIHLALO WENDLU (Nk M G Boroto): Ushilo ma!

English:

Mr Y I CARRIM: ... Which is a colonial term but fine we can have it for now because I can ... [Inaudible.] about it. [Interjections.] So let us be clear, this is about bad faith, it is about blocking transformation, it is about not dealing with policy issues but minor Rules. Can I plead with the subcommittee chair of Rules comrade Richard Mdakane, can you clarify that, otherwise we are going to end up here and let me

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tell you something else, what the lawyers have said this morning, they came again today, only today, they write to you Speaker, why did they not write to you last week? What does the Legal Services Unit say? It says no, you do not usually alter the memorandum of a Bill.

We rewrote the Municipal Structures Bill in 1998 completely. In fact we had to introduce it as a Committee Bill, we never changed the memorandum. If your Bill is about the colour of apples, there is nothing wrong in saying it is not just green and blue, what about red? But if the Bill chooses now to bring in the quality of sheep in the Karoo, that is something we have to come to in terms of that Rule. So please, do not delude yourselves. You really are blocking transformation and it is shameful. Thank you.

The MINISTER OF FINANCE: Hon Chairperson, we reject the view that transformation is only a political matter that doesn't belong in the realm of the Prudential Authority. Every institution must pay attention to transformation and make this a very part of its deoxyribonucleic acid, DNA.

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The interesting thing is that, whilst the DA alone opposes transformation everywhere, all others are agreeing on the need for transformation. In that regard, they are a lone ranger in this ill-fated adventure of hoping to reverse the tide of transformation and the hands of time.

I want to thank all the members of the standing committee as well as participants in the public hearings, for their abuse and support for this Bill. Thank you.

Mr M WATERS: Chairperson!

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, hon Waters.

Mr M WATERS: I am rising on a point of order. At the beginning of the debate hon Steenhuisen stood up on a point of order and raised an issue about the procedure on this Bill. You undertook to get clarity to report back to the House. Can you we get clarity before we vote on the Bill, please.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, thank you very much. What we had at the time is that what I said is confirmed

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to have been done, which means there were Bills electronically also. Thank you.

Mr M WATERS: Chair, may I ask? When was the Bill sent electronically to all the members of the House and when was it published in the Announcements, Tablings and Committee Reports, ATC? Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Waters, I think that what I said was that it was confirmed to us before we even started with this sitting that the electronic Bill is available. So, that is what has been reconfirmed or re-ascertained to me. Hon members ... [Interjections.]

Ms Z S DLAMINI DUBAZANA: Hon Chairperson, I rise on Rule 92(12) that if a Chairperson has made a ruling and that a member is aggrieved about the ruling, he needs to indicate in writing. I therefore request that they stop what they are doing.

Mr M WATERS: Chair, we obviously respect your ruling, but please note the objection of the DA to the procedure used for this particular Bill. Thank you.

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Debate concluded.

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

Division demanded.

The House divided.

[Take in from Minutes.]

Question agreed to.

Bill accordingly read a second time.

LABOUR LAWS AMENDMENT BILL

(Second Reading debate)

Ms C DUDLEY: Chair, it is such an honour and a great pleasure for me to stand here today to introduce the Labour Laws Amendment Bill, a Bill which has been in the making for the past four years. [Interjections.]

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Dudley ... please stop the clock. [Interjections.] Hon members, can I allow you to do your movements. Quickly! Let's be as quiet as we can be. Continue, hon Dudley.

Ms C DUDLEY: I would like to thank the Portfolio Committee on Labour for the serious work that they have done on the Bill, and thank all involved in getting it to this point – taking a good piece of legislation and making it great. You have served the people of South Africa with excellence and, although I'm always proud of this institution which does not often enough get the recognition it deserves, I am especially proud of it today.

I would like to start by recognising Desiree Swarts who was the drafter in Parliament's Legal Services who assisted me with the initial drafting of this Bill. I have been privileged to work with Desiree and her colleagues in Legal Services over the years, observing their dedication and genius in this area, an advantage which has helped me to be more effective in serving the people of South Africa.

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Desiree, who worked tirelessly on a number of Private Members' Bills during her time – Bills that did not progress to this stage – told me with some pride and satisfaction, "I do feel that this Bill that has gone this far, contains my contribution to the legislative reform of our country". I agree wholeheartedly.

This Private Members' Bill was drafted in line with ACDP policy on family values, the Green Paper on Family and as a result of appeals made to the ACDP by fathers who felt strongly that provision should be made in law for paternity leave.

It was also inspired by a radio interview that I heard in which Cosatu was arguing on behalf of working men and women for paternity leave. I would like to recognise the positive role of Cosatu in championing this initiative from the start. I would especially like to thank Matthew Parks for his tireless contribution to taking the voice of workers into the relevant forums and successfully paving the way for this Bill to get where it is today. [Interjections.]

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

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Ms C DUDLEY: Fathers play an important role in the upbringing of their children. The research done by the ACDP left us in no doubt that the provisions contained in this Bill will facilitate early bonding between fathers and their children and that stronger, healthier families would be one of the many potential benefits for society as a whole.

This Bill, which deals with parental leave and also provides for adoption and surrogacy leave, is drafted so as to harmonise it with current legislation and to ensure the provisions contained in the Bill are constitutional.

With this in mind, I would like to thank the leader of the ACDP, Rev Kenneth Meshoe, and ACDP members for their commitment to a shared future for the people of South Africa, and prioritising family values and the importance of strong healthy families in their support of this Bill.

Last, but not least, I thank my God who is not only able, but has done exceedingly abundantly above and beyond anything I could have hoped or imagined.

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The Bill amends the Basic Conditions of Employment Act and the Unemployment Insurance Act, and corrects obsolete references to the Acts. It provides that an employee who is a parent and who is not entitled to maternity leave is entitled to ten consecutive days' parental leave when the employee's child is born, and when an adoption order is granted. An employee who is an adoptive parent of a child who is less than two years of age is entitled to adoption leave and, if there are two adoptive parents, one of the employees is entitled to adoption leave and the other employee is entitled to parental leave.

The same provision is made for commissioning parents in a surrogate motherhood agreement. Family responsibility leave when a child is born no longer applies, and a collective agreement concluded in a bargaining council may not reduce an employee's entitlement to parental leave, adoption leave or commissioning parental leave.

The Bill also sets out the requirements for the rights to parental adoption and commissioning parental benefits as well as when the entitlements commence. It further provides for the application for benefits and the payment thereof. There will, of course, be financial implications for the state – in

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particular the Unemployment Insurance Fund, which will be required to pay the new benefits.

I will leave other comments to other colleagues who may want to comment on this Bill.

Declaration(s) of vote:

Mr M BAGRAIM: Chair, the DA supports the amendment to the Unemployment Insurance Fund. In particular, the DA supports and has been advocating for many years, for the recognition of adoption rights, same-sex marriage rights, and the various extensions in support of the rights of a newborn child. I want to thank Mr Henry Terblanche who, in fact, was the person who brought this to the attention of the community.

In particular, it is pleasing to know and understand that the rights of the child are enhanced by paternity leave and by the rights of commissioning parents in a same-sex partnership. It is pleasing to understand that all the parties have supported the same-sex rights and have supported the amendments to the Fund.

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However, the complete failure of the Fund to even administer and function within the existing curtailed rights of the moment must be noted. We have constant requests begging the DA to intervene to ensure that payments from the UIF are made timeously, if at all. We, in South Africa, have thousands ... hundreds of thousands of examples where the public, our friends, our families, our associates, have been failed by the UIF.

The administration of the Fund has ongoing problems and our Minister has been unable or unwilling to tackle these problems. We still read and hear about and witness long queues, lost papers, rude staff, non-functioning computer systems, non-accessibility of online systems and, unfortunately, the inability and non-availability of officials to give answers to the queries.

In light of the enormous unemployment ... the director-general now tells us it's 9,8 million ... In light of this and the future 750 000 jobs to be lost because of the minimum wage, it is the DA's belief that this department cannot cope, will not cope, and will collapse even further under the weight of the numerous complainants.

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The non-functioning system headed up by the non-functioning Minister must be read with growing unemployment and the inability to create an environment which would allow the private sector to create jobs.

Almost 10 million unemployed in South Africa is disastrous. Minister, you have failed. This 10 million unemployed under the watch of our current Minister of Labour has created all sorts of problems in South Africa. Minister, you have failed.

This enormous unemployment created by our current government and our onerous labour laws has resulted in people turning to crime and violence. Minister, you have failed.

This unbelievable shocking statistic of at least one in two of our youth is unable to get a job and has led people into drug abuse, violent personal relationships. Minister, you have failed.

These horrific and extremely sad tales of people who desperately want to work but who cannot find anything at all because of the Department of Labour's insistence of supporting

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only trade union demands, has led to parents being unable to look after their children. Minister, you have failed.

The Auditor-General has once again pointed out the Department of Labour's failures and persistent poor oversight. Minister, you have failed.

The Department of Labour has shown weaknesses and regression in the annual audit outcomes. This has been the same for the last four years. Minister, you have failed.

The Department of Labour has shown weaknesses, many weaknesses. We were promised integration of the IT system over three years ago, and now we get the same promise again without any integration whatsoever. Minister, you have failed.

The Department of Labour has reported to us that the majority of jobs that have been created – minimal, of course – are short-term jobs that were created through outsourcing and labour brokers, despite the fact that the Minister has done everything in her power to ban outsourcing and labour brokers. Minister, you have failed.

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The DA has been calling for more and better equipped inspectorates. Despite this, the budget has remained static and we note that the department has identified over 12 000 non-compliant workplaces. Minister, you have failed.

This utter failure by the Ministry shows that no matter what laws we put in place, they are unable to manage it. This is an urgent and desperate call from the public and the DA to remove our Minister, to have a complete change of control, and at least to have a new-found confidence in the business community to create jobs.

Come 2019, we call upon the vast army of the unemployed and the disgruntled claimants of UIF and Workmen's Compensation to vote with their feet for complete change. The DA has strong plans for job creation and will indeed listen to the desperate cries of our people. [Time expired.]

Declarations of vote (cont):

Mr S P MHLONGO: the EFF support the broad spirit of the Labour Laws Amendment Bill. We are very concerned about the perpetuation of parental binaries in law and in practice in a manner that seeks to entrench predetermined perspectives of

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parenthood that are discriminatory in nature and oppressive to women in practice.

The responsibility of raising children and of creating a solid family environment for children raring res on both parents, the father and the mother. It should be a tried point therefore, that fathers must also be given time to partake in parental responsibility at the formative stages of their children's lives.

The 10-day parental leave period proposed in the Bill is, thought a step in the right direction, not nearly enough to engender the parental spirit needed in a solid foundation for children. We would have liked to see a period of up to a month of parental leave made available to fathers to allow them time to bond with their children and to help their spouses with the daily chores associated with caring for newborns.

Further, we argue that the present condition that fathers are allowed a three-day family responsibility paid for by the employer should be amended, only in terms of length of the leave period. But, the responsibility to pay must still reside with the employer not with Unemployment Insurance Fund, UIF,

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as proposed in the amendment Bill. The same should apply to general maternity leave benefits. Women on maternity leave are paid half or two-thirds of normal salary by UIF and this surely negatively affects their ability to take care of their children's material needs. Therefore, we would have liked to see in the amendment Bill that salaries of parents on parental leave must be paid out in full for both mothers and fathers.

We are particularly pleased that the Bill extends parental responsibility to both adoptive parents and to parents who assume this responsibility through surrogacy and that this will apply to parents in same-sex marriages or civil unions. This is progressive; in light of the fact that this Bill is authored by ACDP, a party known for its conservative and unbending views on the question of homosexuality.

Despite some of the misgivings we have highlighted, we are of the view that this Bill is a positive step forward in the struggle for equal parental responsibility for raising children.

The EFF therefore supports the Bill. [Applause.]

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Mr X NGWEZI: House Chair, the IFP is in full support of the objects of the Labour Laws Amendment Bill; specifically as it seeks to amend the Basic Conditions of Employment Act, 1997. So as to provide for parental adoption and commissioning parental leave to employees as well as other associated relief.

Parental leave, which would include leave for same-sex adoptive or surrogate using parents, must be supported. Of special importance is that this amendment would apply to parents in the same-sex civil unions, not just those in the heterosexual relationships.

Chapter 2 of the Bill of Rights of our Constitution expressly states amongst others that discrimination against any person directly or indirectly on the grounds of race, gender, pregnancy, marital status, sexual orientation, religion, conscience, belief, culture, will not be tolerated.

The IFP therefore supports this amendment Bill. I thank you.

Mr S C MNCWABE: Chair, the Bill is progressive in that it gives expression to the right to equality. We have long moved

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past the stage where parenthood was strictly interpreted and defined as biological in nature, and contained within the nuclear family.

The NFP believes that the Bill has to expand the ambit of parenthood, so as to recognise the reality of our modern society and as such, must be welcomed.

A founding principle of the NFP is that we place high value on family life. One of our four aims and objectives as set out in the Constitution of the NFP is "to restore, retain and enhance the belief in a strong family unit, with particular emphasis on respect for different cultural values and ethics of all our people."

Our interpretation of the Bill is that it will contribute to building strong family units. Historically and though I say traditionally, child birth was almost exclusively as a women's affair and men were typically not part of the birth process. In modern times men and fathers are increasingly present during birth and take an active role in the care and the rearing for the child.

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We believe it is important for fathers to be given an opportunity to bond with their newborn children; and as much the provision for parental leave is to be welcomed.

Equally important is that the same provision is extended to adoptive parents of infants and children under the age of two years, and commissioning parents; thereby giving effect to the principles of equality.

We also welcome the provision of parental and commissioning parents benefit, which can be claimed from the UIF. However, we believe that the Bill should have included benefits for adoptive parents as it does in the amendment to Basic Conditions of Employment Act.

As much as we welcome the Bill, we do have one concern. In our African customary law, adoption is not formalised and documented, yet widely recognised within the communities and it has since been timely immemorial. Well, legislation refers to adoption it acknowledges both formal adoption and customary adoption in line with our country's constitution. However, very often giving effects to provisions relating to adoptive requirements documentation, which is not part and parcel of

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our African customary law. Our concern is that employers and the UIF may well demand documentary proof of adoption when considering parental leave and benefits.

Accordingly, the NFP believes that any regulation formulated on the basis of amendment proposes this Bill, should take cognisance of these effects and make suitable provisions for the adoption in terms of African customary law. We support the Bill.

Rev K R J MESHOE: Hon Chairperson, hon Deputy President and members. The ACDP has worked for many years to protect and defend children; their right to life; their well-being; their right to be free from maltreatment, neglect, abuse and degradation; and their right to have a home and a loving family.

The ACDP values families and the important role they play in shaping a stable society. And we are grateful for this opportunity to inspire legislative reform, which we believe will positively impact on the lives of children of South Africa.

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I would like to thank my colleague, hon Cheryllyn Dudley, on her vision and work in bringing this important piece of legislation into being. It is a remarkable achievement in that she is the first opposition member of our democratic Parliament to have a private member's proposal reach this point in the legislative process.

As hon Dudley pointed out, this Bill, which deals with parental adoption and surrogacy leave, is drafted in a manner to harmonise it with current legislation and to ensure the provisions contained in the Bill are constitutional.

Hon Chairperson and hon members, democracy is a fragile and a complex matter which needs constant scrutiny and the involvement of all in society. It is important for legislators to stay in tune with people in all sectors of society and take steps to ensure legislation keeps pace with and addresses the needs of the people in a way that is meaningful to them.

While this Bill will not be a solution to all ills in society or remedy all challenges facing families, the ACDP believes it is a step in the right direction.

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In a country where fathers have historically been separated from their families and survival necessitated an acceptance of not being able to bond and be hands-on in their day to day upbringing. Initiatives that facilitate the involvement of fathers in their children's lives are welcomed and encouraged by the ACDP.

Once again, our congratulations to hon Dudley and congratulations to Parliament for recognising this important legislation and for bringing it this far. Thank you.

[Applause.]

Mr M P GALO: Hon Chair, the South African Labour Relations and Employment Scheme Policy Framework is informed by the values that define an open democratic society based on equality, human dignity, freedom of association and the right to religious freedom.

The draft Bill seeks to amend the current Basic Conditions of Employment Act and the UIF Act, so as to allow paternity, adoption and commissioning leave.

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Hon members, the controversy of these proposals are not so much about their very unique postulations but their ability to identify long-standing issues post our constitutional settlement.

The Bill is critical of the current leave scheme which does not recognise the rights that accrue men during the birth of their children. It deprives adopting and commissioning parents of their human dignity as it does not provide for the right to claim parental and commissioning parental benefits under the UIF.

Hon members, the South African labour law landscape has to be realigned with the scheme of our constitutional settlement. The Constitution was designed to migrate our society from terrible past into a new future. South Africa cannot afford to have a fragmented, bias and exclusionary labour regime.

The AIC calls upon this House to further look into the rights of traditional healers in the workplace. Once Mrs Moledi had to undergo traditional ritual training as a sangoma, this happened while she was still in active employment, she produced a letter to this effect requesting her employer to

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grant her sick leave since she had exhausted her annual leave days. The employer rejected the letter; in that it was not a sick note as defined by the Basic Conditions of Employment Act. Members, this House has to dissect these issues with clarity and deep appreciation of the historical injustices that the labour relations scheme was visited upon. I thank you. We support the Bill.

Ms D CARTER: Hon Chairperson, Cope notes that this bill, the Labour Law Amendment Bill was initiated as a private member's Bill by the hon Dudley of the ACDP on the pretext that provision should be made in law for paternity leave. However, it is noted that the Bill seek to provide for parental leave, adoption leave and commissioning parental leave. It also provides for the payment of parental benefits as well as commissioning parental benefits from the Unemployment Insurance Fund.

The Cope notes that the Portfolio Committee on Labour redrafted the Bill and made amendments that enable a prospective adoptive parent to access the adoption leave and adoption benefits, which are paid out by the Unemployment Insurance Fund. It also amended the bill to align it with the

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amendments contained in the recently passed Unemployment Insurance Amendment Bill.

The Cope notes and appreciates the ACDP's ideological and religious outlook, but agrees with the committee that the Bill must pass constitutional and legislative muster and as such the right of same-sex couples to adopt children and the implications hereof on the Bill had to be catered for. Nonetheless, Cope expresses its appreciation to the hon Dudley, ACDP, the committee and all other stakeholders. Cope supports the purport of the Bill. Thank you.

Ms F S LOLIWE: Hon Chair, what a time to discuss a Bill that is affording fathers an opportunity to be part of their children. We must remember that we are at the period of 16 Days of Activism and the committee, where are participating as the ANC, has in a way guided processes to an extent that we are giving women something to smile, bringing their partners closer to them during this period.

As the ANC, we are ambassadors of strong, happy and stable families; that is why we want each partner to be part and play a pivotal role in bringing up the children. That is why we

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support this Bill. What we also want to indicate is that the processes of this Bill have taken quite a time. However, despite that, the commitment that was shown by all the parties in the committee is the indication that the South African communities are, in essence, supporters of stable families. Even when there was a typographical error, where 17, 3 two weeks was captures as 17 to 32 weeks of benefit, we resolved that amicable because we wanted this to succeed.

As the ANC, when we go to church we know that in church we go and do praises; when we go to a celebration, we go there to ululate; when we go to war, we go there to fight. That is why even when the hon Dudley was becoming a bit impatient on processes, we drew to her attention that law has to be followed to the latter.

My colleague, hon Bagraim when you board a plane or a bus to Cape Town, if your intention is to visit your family, don't shout at neighbours because they are not at the level of your family. I'm raising that because

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... apha sixoxa ngemvume yomzali yokungabikho emsebenzini ukuze afumane ithuba lokunakekala umntwana wakhe asandu'ukuzalwa [parental leave], kodwa ngoku uthetha ngenkqubo zengxowa-mali ye-inshorensi yaxa uphelelwe ngumsebenzi [Unemployment Insurance Fund] ...

English:

The UIF is the by the way, it was impacted on by the processes of parental leave.

IsiXhosa:

Asikaxoxi ngayo ngqoo.

English:

However, you are saying in your focus - away from the Bill - focusing on the Unemployment Insurance Fund, UIF. The department is not creating jobs. Yes, the department is not making much as we would love them to do but there are labour activation programmes that are aimed at creating jobs. What are you saying about that? Why are you not telling the South Africans? Why are coming with critique without a remedy?

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DA, you have failed to appreciate the work done by the ANC. What we also want to draw to your attention is that if for instance we can all, as members of this House, go out on a mission, who would be found in the fold of labour brokers? The answer is that you will find members of this side of the House. Therefore, why is it that when we are at the podium some of us pretend as if they are against labour brokers, whereas it is only this side of the House that is always fighting the issue of labour brokers.

As the ANC, we don't read about suffering, we have experienced it. That is why when we talk of parental leave, with fathers involved; remember we are products of fathers that were working in mines who never had an opportunity of appreciating us at birth. Now that we are creating an opportunity, why is that not uniting us as South Africans? Sometimes let us become Members of Parliament more than being people who always carry a red pen to criticise every effort.

Hon Dudley, came up with a clear Bill and we all supported it as members as well as parties in the committee. However, because as opposition, some people think that their role is always to criticise, you turn to focus on UIF.

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Fathers, the leave we have adopted there or the one that we are supporting is for you not to take the opportunity for your other commitments. Focus on supporting the women during the early days of her child birth so that the child can bond even with you as the father and during the 16 Days of Activism, rather than crying. We state issues that are making us proud of fathers for our own children.

Mme [Ms] Carter travelled the route with us throughout all the delays - I am sorry Mme Dudley walked the route with us. That is why I was a bit confused when the hon Carter was in way saying the committee has changed the Bill. Every change we have effected here was communicated with the initial sponsor, no time for you to cry, but rather say well done ANC. That is why we support the Bill. I thank you. [Applause.]

Bill read a second time.

Agreed to.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HEALTH ON
MEDICAL INNOVATION BILL**

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Isizulu:

USOSWEBHU WEQEMBU ELIBUSAYO: Sihlalo wale Ndlu, ngicela ukuthi lo Mbiko wekomidi wamukelwe yile Ndlu, wena wekunene. Ngiyabonga.

English:

Mr N SIGNH: Hon Chairperson, I take the podium today in tribute to and on behalf of a brother, a comrade, a great legislator, legal mind and extraordinary member of this honourable House, Dr Mario Gaspare Oriani-Ambrosini. Dr Ambrosini's odyssey into medical innovation and integrative medicine began in May of 2013, when he was diagnosed by his physicians with stage 4 lung cancer. He was advised that by western medical standards and protocols, that all hope was lost, that this was a terminal condition and offered comfort only in the various forms of palliative care that were available at the time.

As those of you who knew the man, Dr Ambrosini, was not one to quietly accept this fate. He started to question, to research and to investigate alternative forms of cancer treatment protocols. As he stated on many occasions, this was not a fight that he had gone looking for; it was a fight that had

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found him. His research led him to look into various innovative and cost effective treatments, many of them though being unable to be administered by medical doctors in South Africa, as it was unlawful.

Chairperson, note here must also be taken of the current costs and efficacy of western chemo-therapy treatment protocols which I am advised are in excess of R500 000 per patient and have less than a 15% success rate in eradicating cancer. Dr Ambrosini was therefore not only searching for his own cure but also for a cure that would be easily accessible, affordable and efficacious to all South Africans. Such medicines would additionally lower the burden on the public health fiscus whilst simultaneously, possibly improving treatment efficacy.

This was then catalyst for the genesis of the Private Members Medical Innovation Bill we have before us today. It is about innovative medicine, it is about providing a platform for ongoing research into new medicine. Dr Ambrosini, in consultation with Adv Robin Stransham-Ford and assisted by Adv Anthony Mitchell, were determined to develop the Bill along similar lines of the Saatchi Medical Innovation Bill which was

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before the UKs House of Lords, introduced by Lord Maurice Saatchi after His Lordship had lost his wife to cancer.

The draft Bill was then tabled before the IFP parliamentary caucus and received unanimous support from the all members most notably being that of His Excellency, Prince Mangosuthu Buthelezi. Thereafter the Private Members Bill was gazetted and introduced in the National Assembly by a then very ill, Dr Ambrosini, on 20 February 2014.

In Dr Ambrosini's own words before this house at the time, and in his plea directly to President Zuma who was seated there, he stated and I quote:

I am here today not to oppose you, but to plea with you to provide a voice to the many people who are in my condition, who do not have a voice. Cancer is the greatest pandemic this country is facing. People are dying because of bad policies and because of bad laws which we can change.

There are available cancer treatments which are not made available from a legal viewpoint. I was supposed to die many months ago, but I am here because I had the courage of

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taking illegal treatments in Italy in the form of Bi-Carbonate of Sodium and here in South Africa in the form of cannabis ... otherwise, I would be packed with morphine and would not be able to speak with you Mr President.

Dr Ambrosini went on in his plea to the President to state that it would be crime against humanity not to allow the provision of innovative treatment protocols such as the provision of medical cannabis not to be allowed to our people. He went on to say that:

I have introduced a simple Bill to enable doctors to make decisions in respect of terminal cases of cancers and other diseases.

This is an enormous opportunity for the country as is the opportunity for the cultivation of hemp in terms of commercial and industrial purposes. The Chinese government is making huge investments on hemp as a fabric and as a construction material. We need to turn the page here in South Africa.

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Dr Ambrosini passed in August of that year without having had the opportunity of presenting the Bill to the Portfolio Committee on Health. That honour was bestowed upon me by my caucus, as I took up the fight on his behalf after I adopted and re-introduced the Bill. I delivered the first briefing to the Portfolio Committee on Health on 17 September 2014, and I must say there was a fair amount of initial opposition to the Bill and particularly, to the idea of decriminalising cannabis for medical treatments.

Further engagements were held with a variety of medical experts, some in favour and some being against the Bills objects. In credit to the committee members of the portfolio committee though, open minds were kept, the committee being fully intent on interrogating the merits of the private members legislation and the intention being set on how we could take a great medical step forwards for and on behalf of all South Africans.

Many background discussions and meetings were held and special thanks must go to the Portfolio Committee Chairperson, hon Dunjwa, the whip of the committee, hon Mahlalela, the Department of Health represented by the Director-General, Ms

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Precious Matsotso, Prof Shabir Banoo, Dr Joey Gouws and Mr Griffiths Molewa, as well as parliamentary law adviser, Mr Michael Prince.

Chairperson, the net result of our ongoing discussions has led to the objects of the medical Innovation Bill as tabled, being met under already gazetted Department of health and MCC regulations. For that reason we as the IFP and promoters of the Bill do not see the need for a separate Bill or Act. Since 06 November this year, South Africans can apply to the Medicines Control Council for the licenses to grow, cultivate and manufacture medicinal cannabis.

Our wish as the IFP is that this should not be the preserve of only large pharmaceutical companies and growers but that small growers and co-operatives should be encouraged to also apply to grow cannabis. This is one way of economic empowerment; the so-called radical economic transformation that must take place.

South Africans can now access medical cannabis or any other innovative but unregistered medicine via a section 21 application, when properly motivated by their medical

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professionals. Cannabidiol which is a compound from the cannabis plant is now rescheduled from schedule six to schedule four.

Finally, the discussions around the benefits and industrialisation of commercial hemp are now centre stage with the Department of Health and the Medicines Control Council undertaking to engage their counterparts in the Department of Agriculture Forestry and Fisheries and Trade and Industry.

In conclusion, this report is a win-win for all parties and gives credence to freedom of choice to people and with credible regulation I think that we have made a giant step in the healthcare sector in South Africa. Thank you to everybody that was involved. [Applause.]

Mr A F MAHLALELA: Hon Chairperson, Minister, Deputy Minister, MPs and distinguished guests, on 19 February 2014, the IFP, MP, Mario Oriano Ambrosini made an impassionate plea to President Zuma in this Parliament to legalise the medical use of cannabis. The President responded by indicating that he had asked the Minister of Health to look into the matter.

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Subsequently, former member Ambrosini introduced, as hon Signh has indicated, a private member's Bill, called Medical Innovation Bill that provides for the following: innovation in medical treatment; legalising the use of cannabinoids for medical purposes; and legalising commercial and industrial use of cannabis.

The purpose of the Bill is: firstly, to allow in medical treatment, where medical practitioners depart from traditional treatment regiments, when existing evidence - based treatments are no longer supportive of patients; prevent reckless, illogical and unreasonable departure from standard practice; legalise and regulate the use of cannabis for medicinal purposes; legalise cannabis for commercial and industrial use.

Cannabis is classified as a narcotic drug under Schedules I and IV of the 1961 United Nations Single Convention on Narcotic Drugs, making it subject of special restriction. South Africa is a signatory to this UN Convention and is therefore required to ensure that drug-related activities, such as cultivation, production, trade, possession and use are prohibited by law. Article 2 of the 1961 Single Convention

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provides for the following, in reference to schedule IV drugs and I quote:

A party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession or use of any drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the party.

According to this provision, member countries are allowed to determine the most appropriate measures required to protect public health by providing usage of cannabis for medical and scientific research purpose only.

Cannabinoids worldwide have been shown to be useful in a few medical indications, research in this area therefore, is still ongoing and its use for this purpose is already enabled in current South African legislation provision.

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There is current small but growing body of evidence that has emerged claiming that cannabis may have medical value for some patients in conditions where treatments have failed.

In terms of Section 21 and 22(9) (a) (i) of the Medicine Act, medical practitioners can apply to the Medicines Control Council, MCC, for permission to access and prescribe unregistered medicines, which may include the substance cannabis, when intended to treat their patients.

The Medicines Act allows for the acquisition, use, possession, manufacture and supply of medicinal use cannabis in order to provide a medical practitioner, analyst, researcher or veterinarian therewith for the treatment or prevention of medical condition in a particular patient, or for purposes of education, analysis and research, provided that a permit is obtained from the Director-General of Health.

As a result of the introduction of this private member's Bill, we managed as committee working closely with hon Singh, as he has indicated, to persuade MCC to create an enabling environment for easy access in line with the Medicines Act.

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Since the engagement, we are pleased to announce to this House that MCC did develop guidelines and timeframe for cultivation of cannabis and manufacturing of cannabis related to pharmaceutical products for medicinal and research purposes.

In order to ensure availability of standardised quality and assured medicinal cannabis grown locally for the manufacture of suitable pharmaceutical products, the Department of Health and the MCC will permit the cultivation of cannabis for medicinal and research purposes locally so that we are able to produce it in the country. This framework is intended to control the cultivation and manufacturing of cannabis products for medicinal use in South Africa.

Licensed domestic cultivation of cannabis for medicinal use is aimed at ensuring sufficient local supply for cultivation, medical, scientific and clinical research purposes and implementation control measures so that we are able to prevent diversion and misuse, as well as to ensure patients safety.

Consumer and patient access to medicines and scheduled substances in South Africa is dependent on the schedule of the substance. Cannabis is a prohibited substance listed under

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Schedule VII of the Schedules of the Medicines Act. We are however pleased to announce that as a committee to report to this house that medicines which have been registered by the MCC containing cannabis, cannabis extracts and cannabis-derived substances, such as Cannabinoids, which are intended for therapeutic use, may now be rescheduled and listed in Schedule 6 to align these products with the schedule status of other restricted medicines.

This measure allows patients to access medicinal cannabis products by means of a prescription issued by a medical practitioner where the product may be dispensed at pharmacy level. The MCC in its meeting of July this year, further recommended to the Minister of Health for the rescheduling of cannabidiol CBD as a Schedule IV substance, with the Minister's approval last month, it was then gazetted to be published by the last weekend of 17th November 2017, which is now law.

With regard to Schedule IV, all substances referred to in schedules are excluded when specifically packed, labelled, sold and used for industrial purposes, including manufacture or compounding consumer items or products which have no

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pharmacological action or medicinal purpose. Based on the extensive work, engagement, as well as the adoption and gazetting of the guidelines by the Department and the MCC, the committee has arrived at the conclusion that the Medical Innovation Bill is no more desirable.

Firstly, since innovation in medical treatment is already addressed by the Medicines and Related Substances Act, 1965 and specifically section 71 of the Act that allows for the use of an unregistered medicine by medical practitioners; secondly, for a specific patient, for a specific period and under controlled conditions; and lastly, includes the use of investigational products in clinical trials.

It's therefore our view that the current legislative framework already provides for the legislation of the use of cannabinoids for medical, research and clinical trials purposes as well as industrial use for hemp production.

The Medicines Act, for example, requires that in the case of the commercial and industrial cannabinoids use, the cannabinoids content in the case of hemp fibre be below 0,1% tetrahydrocannabinol and that the product does not contain the

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whole seeds; and in the case of processed products made from cannabis seeds containing not more than 10mg per kilogram that is 0,001% of tetrahydrocannabinol and does not contain whole cannabis seeds.

Hon members will recall that recently we have passed the Related Substances Amendment Act, 2015, which allows for the licensing of manufactures of scheduled substances. As a result of that amendment, the department is now given powers to license producers and growers of cannabinoids.

In conclusion, while in principle there's consensus to the idea of using cannabis for medicinal purposes, there's however a need for continuous research in order to strengthen the empirical evidence-based in support of the benefits derived from such use while at the same time finding ways to minimise the risk of harm that might be associated with the use and the availability of cannabis and cannabinoids, we therefore based on these, support the view that has been presented by hon Singh that the object and the purpose of the Bill as it was introduced, is therefore ... as a result of the framework and the guidelines that the MCC has developed, there is therefore no need to proceed the Bill hence we are tabling the Bill in

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this current form based on the guidelines and the rescheduling of Schedule VII to Schedule VI and Schedule VI to Schedule V, therefore the Bill is no more desirable. Thank you very much.

Ms L V JAMES: Hon House Chair, the Bill was brought at a time when our health treatment sector was lagging behind global trends. For many years, even decades, cannabinoids have been taboo in the mainstream medical community due largely to the stigma attached to recreational use of cannabis. This Bill has been enormously valuable in helping to shed that stigma.

The Medical Innovation Bill was introduced to the Portfolio Committee on Health after the passing of hon Dr Mario Gaspare Oriani-Ambrosin and was then championed by hon Narend Singh for the legalising of the use of cannabinoids for medical purposes and for commercial and industrial uses. At the core of the health policy or Bill there is a need for treatment of patients with respect; to afford them the dignity afforded to them by the Constitution and most of all to ease their suffering.

Any avenue that allows us to achieve these goals, that does not cross boundaries or morality or law simply must be

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explored. Our job as the legislature is not simply to observe or to oversee the laws enforcement but we are entrusted by the people of South Africa to develop the legal framework in accordance with our nation's founding principles.

The withdrawal of the Bill should not be seen as a failure. Its withdrawal is in the face of seeking legal changes including the prescriptions and regulations that have the effect of rendering the Bill unnecessarily. Yet we must not lose the sight of the fact that none of those changes should have taken the place were it not for this Bill.

While the Bill, itself might disappear from our programme And from the public eye, let us never allow it disappear from the institutional memory of this Parliament. This Private Members Bill has shaped our laws without even being promulgated and its effect will be long lasting. The Portfolio Committee on Health received inputs from the Medicines Control Council, from the Department of Health on 11 March 2015 to the 27 May 2015 and again on the 12 August 2015. The Portfolio Committee on Health received further briefings from the clinician experts, medical researchers and also from the Central Drug Authority.

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After all the briefings and deliberations, the committee acknowledged the significant development in the use of cannabinoids and other medicines for medical research purposes that the Bill seeks to achieve. This Bill was not passed in committee because it did not need it to be passed not because it was undesirable but has achieved its objectives without passing and it has done what it was intended to do.

This is victory for minority parties and victory for the health sector, for the patient and a victory for South Africa. On 15 November 2017, the Medical Control Council opened applications for licenses to cultivate; manufacture or import cannabis for medical and research purposes provided that are subjected to certain requirements. Let this Bill be a reminder to all members of this House that we are all legislators and that we all have the power to and indeed the duty to right the wrongs when we see them present in our statute books. For now, the changes may be slight and indirect but the day is soon approaching.

When the majority can no longer pretends that opposition parties have as much claim to introducing and even passing laws as the executive does. The Department of Health,

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Agriculture, Forestry and Fisheries, SA Police Service, SAPS, will work together to explore the commercial and industrial uses of medicinal cannabis.

IsiXhosa:

Siyayazi ukuba kudala abantu bethu beyilima okanye beyikhulisa intsangu, ingakumbi phaya eMampondweni naseLesotho. Intsangu ibithengiswa ngaphandle komthetho kodwa namhlanje baza kuyikhulisa besebenzisana neSebe lezeMpilo, elezoLimo, amaHlathi nezokuLoba kuquka namapolisa ukwenzela ukuba bayilime ngokusemthethweni. Kufuneka bayazi ukuba abasayi kuyithengisela ukuba itshaywe kodwa beyithengisela ukuba isetyenziswe ngokweyeza lezempilo.

Yiyo le nto irhangqelwe ngemithetho yokuba awuvumelekanga ukuba uyithengisele ukuba mayitshaywe. Ngoku baza kuyithengisela urhulumente oza kuyisebenzisa njenge yeza ukuze ancede kwaye aphilise abantu bethu. Ndifuna ukuba ndiyitsho into yokuba lo Mthetho oYilwayo ngomnye weempumelelo ekumele ukuba singamalungu ale Ndlu yoWiso-mthetho siziqhwabele izandla. Abantu bethu bebesoloko bezenzela ekhusini ezi zinto kodwa ngoku baza kuyenza ngokusemthethweni belandela imigaqo ebekiweyo yokuyilima. Mandibulele kakhulu, enkosi.

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Ms S S THEMBEKWAYO: Hon House Chair, the EFF remains supportive of the intention of the Bill introduced by the late Dr Ambrosini and later taken on by the hon Singh. The Bill would have allowed for broader medical, industrial and commercial uses of marijuana to advance our medical science and to help those producers currently harassed by the police to produce it in a protected environment. The excuse that most of the proposals of the Medical Innovation Bill are currently being addressed through amendments to other legislations such as the Medicines and Related Substances Act, Act 101 of 1965 is not sufficient to conclude that this Bill is no longer desirable.

We are also aware that the state engineered and corporate sponsored criminalisation of dagga production is an attempt by the capital to destroy the informal dagga production industry of Pondoland and elsewhere so that these functions can be taken over by the whites when legislative hurdles for commercial production have been dealt with. We call on all state and law enforcement agencies to resist the temptation to abuse the vulnerable people of Pondoland whose livelihoods depend on the production of marijuana.

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While we welcome further developments in this area, since the introduction of the Medical Innovation Bill, we submit that the Bill should have been allowed to pass because it represented breakthrough in our conceptualisation of health provision. Therefore, EFF rejects the report of the committee. I thank you Chairperson.

Mr A M SHAIK EMAM: Chairperson, the NFP welcomes the report by the Portfolio Committee on Health tabled here today.

I need to deviate a little. Whilst I was not here on Thursday, there was some grandstanding by my corrupt colleagues on the left-hand side. [Interjections.] Let me tell you that yes, indeed, there is a harassment warrant. [Interjections.] Why? There is harassment because I want to stop people from stealing; they don't want me to do that. Whether there is a harassment order, whether there is an interdict, my job is to stop and prevent the looting of taxpayer money. I will continue doing that.

Mr M WATERS: Chairperson, on a point of order: What is the relevance of this - the topic?

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The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, I was just going to tell the member that the Rules allow that, when a matter was raised in the absence of a member, you can ask for an opportunity to address the House. This is, however, not the time to do so. Continue, hon member. [Interjections.]

Mr A M SHAIK EMAM: Chairperson, I see my colleagues don't want me to talk about it because they know they have been misleading members of this House. However, I will continue to protect the interests of the taxpayer and make sure nobody abuses it. No person is going to go and get paid for not working. What is the difference between one person and the two ladies sitting in the House? They get paid for the work that they do, so why should somebody get paid for nothing? Why should one steal at the expense of others? [Interjections.]

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

Mr A M SHAIK EMAM: The committee, after having received its briefing on the Bill, received input from various organisations, including the Medicines Control Council of the Department of Health, from clinical experts, medical researchers and the Central Drug Authority. Further inputs

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were received from the Department of Health and other role players. The Bill makes provision for the legalising of cannabis for commercial and industrial purposes, legalising the use of cannabinoids for medical purposes, and regulating the use of cannabis for research.

With regard to innovation in terms of medical equipment, the Medicines and Related Substances Act provides substantially for a person to seek authorisation to initiate a clinical trial. Furthermore, as a result of the introduction of the Bill, the scheduling status of registered cannabis products for medicinal use has been amended.

The department also finalised the guidelines for the manufacturing of cannabis products. License application forms for cultivation, manufacture and import of cannabis for medicinal and research purposes have already been published. The NFP is satisfied that provisions currently exist for the use of cannabis for medical purposes. The NFP is further of the opinion that the objectives of the Bill have already been provided for through the amendments to the legislative framework. As such, it is of the opinion there is no need to further proceed with the Bill.

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In my personal capacity and on behalf of the NFP, I want to wish the ANC well at its conference - since it is my last discussion and debate today before I leave for a conference. I want the ANC to understand that whatever happens in December impacts on the entire country, and we hope and pray that you unite in the interest of South Africa. I wish all members of this House well over the festive season. [Applause.]

Whilst the DA is going to be celebrating Christmas, they have evicted hundreds of people in Steenberg who are suffering - all as a result of them. There will be no water in the Western Cape because of their negligence. [Interjections.] They have failed the people of the Western Cape. Thank you very much. [Time expired.]

Adv A de W ALBERTS: Chairperson, this Bill is the culmination of work initiated by the late honourable Mario Oriani-Ambrosini and finalised by the hon Singh.

The honourable Oriani-Ambrosini was a fearless thinker who knew the answers to our existential problems are to be found beyond the daily paradigms of our existence. It is unfortunate that the Bill is only now given birth to by Parliament.

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Perhaps, had we acted earlier to seek answers to our vexing questions on healing, the honourable Oriani-Ambrosini would have been with us today to celebrate the saving of so many other lives.

Afrikaans:

Ek het voorheen in 'n debat die kwessie aangerak oor die gebrek aan mediese navorsing in sekere velde, omdat dit eendersyds 'n taboe sou wees en andersyds omdat daar nie eintlik finansiële voordele daarvoor sou wees nie. In talle gevalle dui informele getuienis op die waarde van 'n bepaalde geneesmiddel, maar omdat geen of min navorsing daaroor bestaan, word dit eenvoudig geïgnoreer of, nog erger, as kwaksalwery afgemaak. Op dié wyse word mediese vernuwings beperk en bly ons vasgevang in die paradigma voorgeskryf deur die groot farmaseutiese reuses van die wêreld. Daarmee word nie gesê dat die farmaseutiese bedryf nie mediese oplossings bied nie - intendeel - maar dat hulle wel 'n raamwerk het wat nie alle wysheid in pag het nie. Ons moet dus ook dapper wees om deur daardie paradigmas te breek. Dis presies die pad wat die agbare Oriani-Ambrosini vir ons voorberei het en wat verder gevoer is deur die agb Singh.

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English:

This Bill gives credence to the mantra that the absence of evidence is not evidence of absence. Scientifically, we should not be deterred by governmental and corporate agendas on what research should be performed, especially if people's quality of life and, more importantly, their lives are at stake. We are therefore of the view that this Bill takes us a few steps forward in facilitating medical research that may save people's lives in future, research that otherwise would not have taken place.

Afrikaans:

Die wetsontwerp bevestig ook die selfstandigheid van die individu om te besluit oor watter medisinale ingrypings hy of sy wil toelaat, veral as dit gaan oor pynbehandeling en die moontlikheid om daardie mens se lewe te red. Ons is groot dank verskuldig hiervoor aan die agbare Mario Oriani-Ambrosini en ook aan die agb Singh. Baie dankie.

English:

Ms D CARTER: Chairperson, the Mario Oriani-Ambronisi-Singh Private Member's Bill on Medical Innovation sought to make provision for innovation in medical treatment and to legalise

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the use of cannabinoids for medical purposes and beneficial commercial and industrial uses.

Cope notes that the introduction and consideration of the Bill resulted in significant developments in the area of the use of cannabinoids and other innovative medicines for medical and research purposes. The party also notes that, as the objectives of the Bill, and its purpose, have been addressed through amendments to the broader legislative framework, the Portfolio Committee on Health is of the view there is no need to continue with the promulgation of this Bill.

Cope supports the view of the committee. However, it makes the following observations. The cultivation of cannabis for whatever end purpose has, in the South African context, generally taken place in our most rural of environments where poverty and unemployment are at its most endemic. More than just anecdotal evidence points to the economic and poverty-alleviating role the cultivation of marijuana historically has played in such communities. The cultivation of marijuana and the extraction of cannabinoids for medicinal purposes represent the establishment of a new industry in South Africa, one rural communities should participate in and benefit from -

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if we are committed to transformation and a reduction in inequality.

In this regard, Cope is concerned that the conditions for the cultivation of medical marijuana, as set out by the Medicines Control Council, are so stringent that it will invariably result in the exclusion of our rural communities in favour of large, capital-rich pharmaceutical companies. Cope calls upon the Medicines Control Council to address this issue.

Finally, Cope is satisfied that the work of the late Mario Oriani-Ambrosini regarding the use of cannabis for therapeutic purposes has had its intended effect. Thank you.

Mrs C DUDLEY: Chair, the ACDP appreciates the respect shown in the handling of the Medical Innovation Bill - a Private Member's Bill that lapsed at the end of the Fourth Parliament, was revived at the beginning of the Fifth Parliament and, on the death of Member of Parliament Oriani-Ambrosini, was reintroduced by the hon Narend Singh.

The ACDP would like to acknowledge Dr Oriani-Ambrosini's work, especially his constitutional victory, which opened up space

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in our Parliament for taking Private Member's Bills more seriously. We are, however, concerned that legislative actions giving access to marijuana seriously jeopardise consumer protection. Processes for bringing medicine to the public have been established so that science, not emotion, prevails.

The Medicines and Related Substances Act now provides for a person desiring to initiate or conduct a clinical trial to apply for authorisation to do so. The Department of Health has finalised guidelines on the cultivation and manufacturing of cannabis-related pharmaceutical products for medicinal and research purposes to provide minimum operating procedures.

According to Dr A van Eeden, chief executive officer of Doctors for Life, cannabis is not a safe drug and is far from clearly effective. Cannabis advocates, he says, allege benefits of marijuana use with little or no clear scientific basis. It is also important to remember that smoking any substance causes a smoker to inhale cancer-causing substances. You might ask why I mention this here. Well, opening the country to cultivation and manufacturing of cannabis products is highly unlikely to reduce access to dope, and

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entrepreneurial initiatives are likely to flourish. In fact, we know of many that would be waiting in the wings to do so.

Cannabis use is strongly associated with juvenile crime and plays a significant role in traffic accidents. Some of the most consistently identified problems with marijuana use are the effects on memory, concentration, co-ordination and reaction time. The effects on driving skills and co-ordination are extremely serious, and marijuana is regularly implicated in trauma. Cannabis is actually taking over from alcohol as the most common drug involved in motor vehicle accidents in parts of the USA. The implications for accidents in the workplace are therefore obvious, not to mention exam results and learner retention.

The ACDP calls on government to ensure that collaboration between departments and the SA Police Service on the commercial suitability of growing cannabis products takes into consideration the very serious impact on society and departmental budgets like Health, budgets like Education, budgets like Social Development, and Justice and Correctional Services. Thank you.

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Ms C NDABA: Hon Chair, hon Deputy President, hon Ministers and Deputy Ministers, hon members and ...

Isixhosa:

... bahlali baseMzantsi Afrika, molweni.

IsiZulu:

Ungazongiphazamisa wena.

English:

Prior to 1994, our health system was characterised by fragmentation based on racial segregation and discrimination. Since the advent of democracy in 1994, health provision in South Africa has gone through several radical transformations. This have been based on integration at primary health care level, respect for human rights, and an emphasis on prevention and health promotions as envisioned by the Freedom Charter and the strategic objectives of the National Democratic Revolution, NDR, to create a caring and a loving democratic South Africa.

It is pursuant of these ideals that our Constitution, in section 27, explains and elaborates the universal right of

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access to health care. This section, being part of the Bill of Rights, enjoys our government to respect, protect, promote and fulfil the right of access to health care.

Chairperson, allow me to quote Niccolo Machiavelli, and I quote:

Once problems are recognised ahead of time, they can be easily cured; but if you wait for them to present themselves, the medicine will be too late, for the disease will have become incurable. And what physicians say about disease is applicable here: that at the beginning a disease is easy to cure but difficult to diagnose; but as time passes, not having been recognised or treated at the outset, it becomes easy to diagnose but difficult to cure.

The ANC Mangaung National Conference 2012, the National Development Plan, NDP, and ANC Manifesto 2009 have the same vision, commitment and common position in relation to the provision of a healthy system that works for everyone because it is accessible to all. The purpose of the Medicine and Related Substances Act, 1965, amongst others, is to provide the registration of medicines and related substances intended

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for human and for animal use; to make further provision for the prohibition of the sale of medicines which are subject to registration and are not registered.

A look at the two pieces of legislation reveals a lot of similarities. The Bill calls for the innovative treatment methods, wherein the medical practitioners can deviate from novel treatment regimens, especially where regular treatments have failed.

This implies that the medico can use untested medicines for treating diseases. The Bill does give direction on how these medical practitioners should follow-up when treating the said patients. On the other hand, the Medicines Act gives clear direction on how clinical trial must be conducted. This is best addressed by Regulation 30 of the Medicines Act, which requires that persons wishing to conduct clinical trials should apply to the SA Health Products Regulatory Authority, Saphra, to conduct such trials, Sthembekwayo.

A substantial body of evidence now exists in relation to the efficacy of certain forms of cannabis for particular medical conditions. There is some evidence to suggest that

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cannabinoids are effective for the treatment of neuropathic pain, muscle spasticity for patients with multiple sclerosis, a condition where people lose the functioning of their muscles, and in controlling nausea for cancer patients as attested by our expert in the area of cannabinoids, Prof Shabir Banoo, a member of Sahpra Board.

IsiZulu:

Ayiwuqedi umdlavuza.

English:

However, while this body of evidence exists and is rapidly expanding, it is of inadequate quality for definite statements to be made about the therapeutic efficacy of cannabinoids for many conditions. Significant gaps in our scientific understanding remain and this is where bodies such as Medical Research Council, MRC, are called in to fill the gap by conducting medical research on cannabis for medical use as hon Fish has said.

Section 22A of the Medicines Act deals with the control of medicines and scheduled substances. This section details how registered medicines can be accessed. It also addresses the

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issue of who can distribute such medicines and scheduled substances. For this to happen, medicines and related substances are scheduled into different groups. The scheduling process involves the risk assessment of such medicine. Medicines and related substances are scheduled between schedule 0 and schedule 8 as hon Fish has said.

Pharmaceutical cannabis products are registered by the Medicines Control Council, MCC. Controlled and standardised herbal cannabis products are obtained from licensed producers, who have standardised levels of cannabinoids and tested to be free of harmful contaminants.

The latter can be accessed through section 21 of the Medicines Act, read together with Regulation 29. The medical practitioner must apply to Sahpra for permission to use an unregistered medicine. Once permission is granted, the medical practitioner is required to periodically inform Sahpra of any side effects that are noted during the usage of medicine.

In 1999, the Hemp Foundation of South Africa was formed. This was the collaboration between government represented by the Department of Agriculture, Forestry and Fisheries, Department

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of Health and SA Police Service, SAPS, and private sector represented by hemp farmers and House of Hemp. The main purpose of Hemp Foundation of South Africa, HFSA, was to explore the feasibility of growing hemp, another variety of cannabis in South Africa.

For commercial and industrial use of cannabis, trials have been conducted until 2016 when a trial report was issued with the following outcomes: The Tetrahydrocannabinol, THC, which is the psychoactive component of cannabis, was found to be below as hon Fish was saying. This makes hemp not a schedule substance because the THC level is below the level which will make it a schedule substance.

The Agricultural Research Council developed genetically modified seeds which makes hemp suitable for commercial use in South Africa. Based on the aforesaid, hemp can be industrially grown without it being regarded as a prohibited plant. What needs to be done at this stage is for the Department of Agriculture, Forestry and Fisheries to declare hemp as an industrial crop and then issue guidelines on how to control the growing of it. This plant can then be grown by anyone with permission to do so.

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Medicine Control Council, MCC, and Sahpra have also developed the guidelines as hon Fish has said, of growing cannabis for medical use. These guidelines highlight the quality, security and standard operating procedures required, relating to cultivation, manufacture and use of cannabis. Pharmaceutical products for medicinal and research purposes also includes the minimum requirements to be in place should an application be submitted to the Medicine Control Council and the Department of Health for consideration.

The applicants will be subjected to a screening process by the Department of Agriculture, Forestry and Fisheries, Department of Health and SA Police Service, SAPS. If an applicant was found to have been found guilty of serious crimes, e.g. drug trafficking by a competent court will be denied the licence to grow cannabis for medicinal use.

To ensure that the playing field is levelled for all applicants, it is our understanding that the department is planning to conduct a stakeholders meetings early next year. These meetings should explain and further clarify the purpose of the guidelines and should also address the concerns of all interested parties. It is also our understanding that once the

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consultation process is finalised, the application forms will be considered by the MCC and National Department of Health.

We therefore, have agreed that the Medical Innovation Bill is no more necessary because its aims and objectives are covered by the Medicines Act and Regulations, Sthembekwayo, which provides adequate framework for the use of medical cannabis for deserving patients. There is also adequate provision to have this Bill passed as the Medicines Act and Regulations thereof provide adequate framework for the use of medicinal cannabis to deserving patients. There is also adequate provision in law for industrialisation and commercialisation of hemp products.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Ndaba, will you just take your seat please. Why are you rising, hon member?

Mr T RAWULA: Chairperson, she is supposed to ...

The HOUSE CHAIRPERSON (Mr C T Frolick): What is your point of order, hon member?

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Mr T RAWULA: She is addressing our member with the first name, instead of saying honourable.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, thank you, hon member. Let's address members as hon member or Mr or Mrs. Continue, hon member.

IsiZulu:

Nk C NDABA: Hawu! Kanti ubusukumela lokho?

English:

First of all, the Bill is not talking about legislating for legalisation or nationalisation or commercialisation and for recreational use of marijuana as envisage by the EFF

IsiZulu:

Nifuna amavoti ... [Akuzwakali.] [Ubuwelewele.]

English:

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

You are misleading our people.

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Mr N SINGH: Hon Chairperson, firstly on behalf of the IFP I would like to thank all the members who participated in this debate and for their positive comments. For some of them for bringing to light some of the concerns they have.

I must reiterate that this is not a proposal that advocates in any way, shape or form the recreational use of cannabis. So it is not carte blanche by intsangu [dagga], no, no, no hon Carter, it's not by intsangu [dagga]. We know the effects of smoking cannabis on the users and non users and that is something that we have to monitor as we move forward.

Here the intension is to use cannabis compounds for medicinal and research purposes. I mean the poppy plant, we get morphine from it and 99% of those who suffer from cancer in the last days are given dozes of morphine. Yet morphine can be used for opium and heroin. So we are not saying that should be done and there should be responsible use as we move forward.

With regard to EFF, hon member thank you for your support but I just hope that we don't feel that there is a contradiction here as we are considering this measure. We have also supported the report which does away with the Bill because the

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Medicines Act Regulation takes care of all the objects that were contained in the Bill. In fact, I don't want to tell the ANC that it goes even beyond what Dr Ambrosini wanted.

If a person is dead - the person is dead, you can't kill a dead person again. So, we feel that enough has been done in terms of the regulations to cater for the objective of this Bill.

Hon Carter, a very valid point about getting about getting small growers in place, yes we raised it at the committee because we want when Hemp Productions comes in and the growing of hemp and also cannabis, that small growers must be supported by the Department of Agriculture, Trade and Industry so it can become economic empowerment for them.

So in conclusion, I just want to paraphrase what Professor Banoo from Medicines Control Council said in his remarks to the portfolio committee that this is the first giant step in an evolutionary journey into health and medical treatment for all South Africans. May be this be the first of many. For we need to work together and what we have learned from this, even in this House, we may agree to disagree but if we put the

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interest of the people of South Africa first, we can achieve just about anything. So thank you very much to all, and may the soul of Dr Ambrosini rest in peace. Thank you. [Applause.]
Debate concluded.

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

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

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

There was no debate.

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

IsiZulu:

Sihlalo sicela ukuthi lo mbiko wale komidi wamukeleke kule Ndlu yesiShayamthetho. Ngiyabonga.

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The HOUSE CHAIRPERSON (Mr C T Frolick): May I ask those parties who are declaring, including the ANC, to just move to the waiting bench on my left, please. There are waiting benches. Please, move to the benches.

Mr M N PAULSEN

The HOUSE CHAIRPERSON (Mr C T Frolick):

Declarations of vote:

Mr M N PAULSEN: House Chair, the EFF warned against state capture before it was popular to do so. We warned against Gupta state capture and we warned against MultiChoice policy capture. Now, we know for a fact that, despite the EFF's warning, the type of digital terrestrial television - a policy decision that will have dire implications for South Africa for a long time, possibly for a couple of decades - is not only captured but also corrupt.

When Mr Zuma appointed Ms Faith Muthambi, incompetent and no knowledge of the communication sector, we were sure that she was going to fail. Little did we know that she was appointed for her competence and her know-how in fraud, money laundering and corruption. And with all the faith placed in her by ubaba

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ka [the father of] Duduzani, the Guptas and Koos Bekker, she delivered. Faith Muthambi, as Minister of Communication, worked with the Guptas to solicit bribes in exchange for protection of MultiChoice from competition.

The MultiChoice bribe is not a Ms Muthambi ...

The MINISTER OF ENERGY: Chair, I am rising on Rule 82(3). The member is actually starting to cast aspersions on another Member of Parliament, and does not have a substantive motion.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I have heard what you said and indeed, you are now casting aspersions on the hon member and that requires a substantive motion. Will you proceed, but refrain from imputing improper motives on the member, please.

Mr M N PAULSEN: The MultiChoice bribe is not a Ms Muthambi bribe or a Gupta bribe or a Mr Zuma bribe; it is an ANC bribe.

The Department of Communications is riddled with instability, as Mr Zuma keeps on chopping and changing. The misguided separation of telecommunication and postal services, and the

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corruption, we know now, was aimed at continuing MultiChoice's dominance that was started with apartheid money.

The only sensible and decisive way forward that this budget review should put before the National Assembly is an enquiry to end MultiChoice's unethical and corrupt domination of the pay television market. Thank you.

Ms V VAN DYK: Hon Chair and members of the House, various entities in the Department of Communications are in shambles due to cadre deployment and the apparent lack of leadership. The Media Development and Diversity Agency, MDDA, in 2016, reflected a profit of more than R7 million. This year, there is a deficit of almost R13 million.

Afrikaans:

Vergoeding aan MDDA nie-uitvoerende raadslede het meer as verdubbeld in die tydperk. Die raadsvoorsitter het aan die komitee erken dat sy haarself die posisie van hoofuitvoerende beampste, HUB, toegeken het en het onregmatig in die hoedanigheid kontrakte geteken.

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Behalwe agt toegelate raadsvergaderings het sy 72 ander vergaderings bygewoon, met vergoeding. Bewyse is deur die DA aan die komitee voorgehou. Die DA dring aan dat 'n dringende parlementêre ondersoek gedoen word betreffende die MDDA. Die voorsitter behoort onmiddellik geskors te word.

English:

The Film and Publication Board, FPB, also has challenges. Under the watch of the board chairperson, a complaint was lodged against a COO and CEO. Eventually, both received golden handshakes. This leaves major questions in relation to happenings at the entity.

The SABC recorded a lost of R1,1 billion in the 2016-17 financial year, compared to the R593 million loss in the previous year, and revenue decreased by R454 million. A loss of R74,4 million was recorded in the first quarter. The SABC requested a R3 billion bailout from Treasury, particulars of which the department still refuses to reveal to the DA.

The third committee Minister since January, Minister Kubayi, indicated that she will be appealing the High Court judgement handed down in October 2017, which limits her powers to

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recapture the SABC and enrich cadres, as done by her predecessors. More taxpayer money will be senselessly wasted to challenge this judgement.

The lack of responsible leadership in the DOC, and failure to act in the face of transgressions, leave the DA with no other choice than to reject this budget review and recommendations report. Thank you.

Ms L L VAN DER MERWE: Hon House Chairperson, the massive instability caused by President Zuma's meandering ways and his love for reshuffling has seen this department being led by seven different Ministers during his disastrous tenure as Head of State.

Minister Dlodlo, for example, only had four months and 16 days in the office before she too was shuffled off to another department. Clearly, leadership instability does not bode well for this department and its entities.

The MDDA finds itself in a perpetual state of chaos and mismanagement, which now warrants a full parliamentary inquiry. The Independent Communications Authority of South

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Africa, Icasa, has not done much to successfully address the high cost to communicate in South Africa, which remains a very serious concern to the IFP.

However, these are not our only concerns. Digital migration is still going nowhere. There are simply not enough women and people with disabilities employed in this department and its entities.

With regard to the SABC, it is a case of, the more things change, the more they stay the same. On every floor in Auckland Park in Johannesburg there are stark reminders of the gross mismanagement and the legacy of destruction Mr Motsoeneng and his cabal left behind. It is no wonder then that the SABC is unable to pay its suppliers on time and that it has accumulated a massive irregular expenditure amounting to R686 million.

To make matters worse, the SABC continues to bleed audiences, yet there is no mitigation plan to address these issues, to name but a few concerns.

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For far too long those in power have turned a blind eye to the political interference that has brought the SABC to its knees. Recent lengthy promotional documentaries about ANC presidential candidate, Mrs Nkosazana Dlamini-Zuma, again raise questions as to whether the SABC can ever be free from ANC politics and manipulation.

While a new board offers hope, the fact remains that the SABC remains in ICU. It is far from healthy and we still have a long road to walk. I thank you. [Applause.]

Prof N M KHUBISA: House Chairperson, the constitutional mandate of the department is to develop and implement overarching communications and broadcasting policy and strategy to attend to information dissemination and publicity, and to ensure the successful branding of South Africa. In order for the department to execute its mandate, R1,3 billion was allocated for the 2016-17 financial year, of which 98,9% of the total adjusted budget allocated was spent.

In total, the department reported underspending to the amount of R13,9 million for the 2016-17 financial year, despite the

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fact that more than R1,2 billion or 91,3% of the total budget was allocated to Programme 4, which is entity oversight.

Alarm bells should be ringing about the SABC's adverse audit opinion with findings. In fact, the SABC's performance during the past financial year had been dismal, both financially and operationally.

This year alone, we saw a 6% decrease, year-on-year, in its revenue, which fell by R71,2 million; its liabilities rising to R1,3 billion; and an enormous amount of R686 million on irregular spending for the current financial year.

We acknowledge that there is a new board in place and we must give them time to pull the SABC together again. It is imperative that critical posts be filled. The National Freedom Party would like to see the board moving swiftly to terminate all unlawful contracts and also review the MultiChoice deal without any delay.

Most importantly, we believe that the constant oversight by the portfolio committee will be of utmost importance to prevent the SABC from regressing.

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Finally, the report contains several important observations, comments and recommendations and the NFP says that those must be implemented as soon as possible. We trust that the department will give due consideration to the recommendations in this report and act swiftly to pull the SABC from falling into the darkness again. Thank you very much. We support.

Mr W M MADISHA: Hon Chairperson, the relatively new Department of Communications is to be commended for receiving another unqualified audit report. However, as the portfolio committee has noted, judging by the state of affairs of most entities reporting to the department, the department's entity oversight directorate and political executive are clearly failing in performing their oversight functions.

The Department of Communications and its predecessor have, in the Mr Zuma era, been subjected to seven Ministers and 10 director-generals, DGs. As the Institute of Race Relations points out, this situation leads to mass instability, poor planning, constant conflict and perpetual turmoil, effectively rendering the department frozen. And this mirrored in the department and in many of the entities, over which the department exercise oversight.

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Cope is concerned about the inability of the department to deliver a solution to digital migration. Furthermore, Cope supports calls that have been made to the Public Protector to investigate the procurement process of the digital migration set-top boxes, which appears to be marred by irregularity and corruption.

Cope further calls upon the portfolio committee to hold hearings on this matter. [Time expired.] As I sit down, I see that workers there are not paid. Some get R5 000 and some get millions. Thank you very much.

Mr C H M MAXEGWANA: Hon Chair, members, the negative outlook of South Africa's economic growth should not deter us from achieving the country's goals of eliminating poverty, unemployment and inequality.

We must continue to strive to ensure that service delivery is not compromised and this can be achieved through combating corruption in both the public and private sector.

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Most importantly, our work as Parliament must ensure that we have a vibrant communication sector, to ensure an engaged and informed citizenry.

In line with the outcomes of the NDP, every citizen, irrespective of their social class, wherever they are located, rural or urban, poor or rich should have access to a diverse range of media and information.

The migration to digital terrestrial television, DTT, provides South Africa with an opportunity to capitalise on the adoption of technologies and the economic opportunities that come with the digital dividend. It is estimated that the value of 700 megahertz spectrum that will be available for alternative uses will be worth approximately R3,5 billion over the period 2015-16.

Noting that some of the entities under its portfolio have not been performing that well, the portfolio committee is ensuring stability at these entities, so that they too can emulate the good performance of the department, despite the financial challenges.

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It is my duty to inform the House of the work of the committee and by doing so, highlight both the challenges and successes of the department. [Time expired.]

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF FIRST REPORT OF STANDING COMMITTEE ON FINANCE
AND PORTFOLIO COMMITTEE ON TRADE AND INDUSTRY ON TRANSFORMATION
OF FINANCIAL SECTOR**

Ms T V TOBIAS: Hon House Chair, hon members, on 14 March 2017 the Standing Committee on Finance held public hearings to engage the financial sector on transformation. We fielded presentation from different stakeholders. Among others, presentations from the Financial Sector, Charter Council, National Economic Development and Labour Council, Nedlac, Black Economic Empowerment, BEE, Commission, the Banking Association and actuaries in a form of Chartered Accountants was entertained.

The objective of the committee was to discuss ownership and control in the sector, to facilitate equity in the hands of

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black people and to set minimum quotes that will ensure that there is beneficiation from this sector.

The time has arrived that black people are not only treated as tokens in this sector but also are managers and control the means of production in their own rights. One of the key questions that we asked ourselves was whether the financial sector targets, as they stand, are adequate. The answer was a very big 'no'. Therefore, we need not to shy away from putting ambitious targets to achieve this mission. Having agreed that we need to do more, the committee agreed that we need a Nedlac process in a form of financial sector summit early next year to address this matter. We also need to make sure that before end of next year, a resolution is being taken on financial inclusion.

We need to build an asset base. As set by the BEE Commission, we however understand that beneficiation should be in the hands of the majority and not a few connected individuals. That's a firm stance of the committee. We also agreed that we need to measure achievements of transformation and as we address obstacles to transformation, we should engage the financial sector to act as an intermediary.

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Government will continue to play an intermediary role to regulate market conduct and treating customers fairly and avoiding a financial crisis. This report will translate into different models for share ownership. We are also happy to report that the BEE Commission, as established by the Department of Trade and Industry, will set aside funding for black industrialist programme. One of the low hanging fruit will be the establishment of the co-operatives bank, which will benefit small business.

Once more, the DA opposes the financial sector transformation by raising technical reasons that are irrelevant. The DA was again concerned about incentivising companies and provision of scorecards for the financial sector, especially the banks. We are trying to establish co-operative banks and the DA say no, we should instead incentivise banks hon Chief Whip. We, as the ANC we say we cannot empower the empowered therefore we are opposed to the imposition of this notion.

Secondly, the DA was opposed to the imposition of the Dividend Tax saying it will affect foreign direct investment. They thought that the government won't invest funding, and to their surprise, we got a report that there is a funding model by the

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Department of Trade and Industry. Therefore, we reject this notion of the DA.

The recommendations that the committee made was to ensure that there is inclusive growth and we compel industry to provide information to the BEE Commission on licensing. We also recommend that a clear role by the South African Bank, and the Minister spoke about it earlier today, the bank should not only play a regulatory role in relation to competition, but should ensure transformation. We support the easing of licensing conditions to allow. . . Hon members, I beg for your indulgence to support the committee report. I thank you. [Time expired.]

There was no debate.

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

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, National Freedom Party and African National Congress.

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Motion agreed to (Democratic Alliance and Economic Freedom Fighters dissenting).

Report accordingly adopted.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, again we move that this important report be adopted by this House.

Declarations of vote:

Mr D J MAYNIER: House Chairperson, the Standing Committee on Finance has devoted a considerable amount of time to hearings and compiling this report on the transformation of the financial sector in South Africa.

To be sure, there are real issues, not least how we extend financial services to more people especially more poor people in South Africa. However, we were never consulted about the scope of the hearings into the transformation of the financial sector and we were never permitted to see the advertisement inviting members of the public to make comments on the transformation of the financial sector.

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We regard this as a missed opportunity because had we been consulted, we would have wanted the hearings to traverse some of the following issues, in addition to the issues that were traverse and this includes: A new big, bold, inclusive vision for the financial sector; how to increase growth investment and employment in the financial sector; how to expand access to financial services to more people especially more poor people in South Africa; the threats and the opportunities created by new technology in the financial sector, including Financial Technology, FinTech and cryptocurrencies; and how to deal importantly with the challenge brought on by the so called fourth industrial revolution in the financial sector.

To be sure some of these issues were touched upon during the hearings and are included in the report but these issues were never traversed in any great detail. In the end, the issues we raised were never going to be dealt with because the fact is that these hearings into the transformation of the financial sector emerge from the crisis on the left and have very little to do with the people and everything to do with a party which is losing its constituency and is becoming increasingly irrelevant in South Africa.

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The hearings were effectively highjacked to serve the interests of the party which is in terminal decline which of course backfired because every radical proposal introduced by the party was outflanked on the left by the EFF which made the party look soft on the financial sector in South Africa.

That is why we have a report that inter alia recommends reigniting, believe it or not, the debate on the role of the Reserve Bank. In the end we missed an opportunity to put all the issues on the table and explore ways to develop a big, bold, inclusive vision for the financial sector, ways to increase growth, investment and employment in the financial sector and most importantly how to expand access to financial services to more people especially more poor people in South Africa.

What we would have liked is a report stacked with new ideas about how to build a bigger, better, more inclusive financial sector capable of extending financial services to more people especially more poor people in South Africa but that is not what we have. We hope in the end that we will have an opportunity to deal with these issues when we begin work on

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the second report into the financial sector in South Africa. I thank you. [Applause.]

Mr M N PAULSEN: House Chair, the committee is correct to locate South Africa's financial sector within complex and sophisticated global financial sector. It is then also important to understand South Africa's massive economic challenges within the context of global capitalism.

We come from a history where more than 85% of the country's economy was controlled by five corporations: the Oppenheimer, Anglo American, Rupert Family Empire, Sanlam, Liberty and Old Mutual. The ANC has proven, over the past 23 years, that it is collectively incapable to lead a coherent, cogent and clear economic transformation programme in particular transformation of the financial sector which is now the lifeblood of South Africa's economy.

One cannot speak of South Africa's economy without the financial sector for its role in mining, manufacturing and services. Although much more complex and sophisticated than it was the case in 1994 where it was clear who owns what of the financial sector and the broader economy.

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It is undisputed that the blood majority, in particular workers, women, the poor and people with disability, are not benefiting from the economy. What is clear from the last 23 years' experience is that self targets and charters have failed across the board and it is time that we rethink transformation in the financial sector and the economy in the country.

As the EFF we call for a radical shift in the approach towards transformation and a more feasible and sustainable way to ensure that the majority of South Africans participate in the economy through legislating transformation.

Parliament must pass x with concrete and meaningful targets. That is the only way we will be able to achieve transformation. Thank you very much.

Mr M HLENGWA: House Chairperson, if anybody had attended the public hearings that were heard with the financial sector and the stakeholders, you could have sworn that you were listening to a Destruction Boys' song like omunye phez'komunye kind of thing where it is always us and them and there was never people finding each other.

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The process, over time, enabled us to see that yes there are problems. In the midst of all the noise, chaos and finger pointing, there is fundamental agreement that there are problems and challenges and that the sector does need to be transformed.

The financial sector and all the stakeholders were extensively consulted and we believe that the process must carry on and one must congratulate the standing committee for its hard work in taking the time to listen to the relevant stakeholders because the only way in which we can sort out our problems as South Africa is through discussions and negotiations.

We must guard against transformation which says we want to substitute - substitution is not transformation. We need to build up new capabilities, new capacity in order for emerging players to be able to meet the obligations and the duties relevant and to whatever field of the financial sector they may find themselves in.

That is the most constructive way because the shortcut is to substitute but it doesn't really help us. It is the view of

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the IFP that transformation is self help and self reliance and those capabilities with which I am referring to.

We must do everything possible to protect the financial sector from collusion and uncompetitive business practices which may compromise or continue to compromise our trajectory as a country because obviously we have all these problems confronting us now simply because there is a lack of transformation, lack of commitment to the national interest albeit that at this point in time it is poorly defined but nonetheless it is necessary.

The IFP calls upon National Economic Development and Labour Council, Nedlac, to ensure that its process does bring this important debate and important discussion to a logical conclusion so that we may be able to move forward and to do so through extensive discussions and consensus.

One of the issues is around the big four in auditing and we are putting smaller auditing firms at a disadvantage if we are not going to be able to give them the jobs they need to do to compete favourably. For them to do that it is important that we begin a process of bringing them together and make sure

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that these measures are there because a small company the work of a big company. To operate in silos in itself does not help the process of transformation.

We believe that transformation must carry on and it is in the national and economic interest that the financial sector is transformed. I thank you.

Prof M M KHUBISA: Chairperson, this debate is very important and it comes at a very important time because we really need to transform the financial sector considering the levels of poverty and unemployment in our country, and the matter cannot be overemphasised. There is a need that more and more of our people should have access to equity. They must be able to access the gains of democracy. There is no way to do that unless we transform the financial sector. At every given moment when they have to start their own businesses, they will need money, but at the same time, they will also need training to do so. Therefore, banks must be flexible enough to allow our people to get that leverage so that they are able to start their own businesses. Of course, in the process of considering transformation, Chairperson, a matter of grave concern is the level of monopolisation of banks with the four banks having

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90% of the retail market. Given the challenges of disparities, poverty and unemployment, ownership in the bank sector must be addressed as soon as possible. The current state of the financial sector was dealt with, with over 62 submissions from a wide range of stakeholders and there is still more need to debate the matter further as I said earlier on so that most of our black people who were either too disadvantaged can have access to the financial sector.

South Africa financial sector controls on the access of 12 trillion, which is four times the country's gross domestic product, GDP. What is very clear is that the poor of the poorest benefit very little from the monopoly and the banking sector and of course, with banks reducing their assets in the last 15 years. Chairperson, I think the matter of collusion by the banks needs to be dealt with and it can only be dealt with within the legislative framework. We therefore believe that it is incumbent upon the government to come with the necessary legislation to ensure that we deal with these matters. We cannot deal with them on the periphery. There must be a way of dealing with them through legislation so that it is compulsory for the banks to adhere.

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Of course, Chairperson the insurance sector is still controlled by the few mega insurance companies like Old Mutual, Sanlam, Liberty Life and MMI Group. Therefore, we feel there needs to be a transformation with regard to that so that we have more people within our committees getting access and also becoming financial managers themselves. We have capable people trained and actuarial scientist who have trained. They can have control over the finances. It's time for transformation to take place. Having said that Chairperson, more South Africans need to generate asset wealth rather than a selected few and the report tabled here today will go a long way in addressing the challenges and reduce risks for consumers and ensure participation by ... [Time expired.]. We support the report. Thank you, House Chairperson.

Mr Y I CARRIM: Comrades Chair, comrades and friends, I really think, we should have a rule in Parliament that a member can only bore this House so much anomaly. [Interjections.] For those who inflict this boredom are fine. [Interjections.] There is nothing, absolutely nothing that Mr Maynier has said that is new and useful. We have covered all these issues and he has a chronic blindness to the truth. Right, let us start with this: Firstly, this report ... [Interjections.]

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IsiZulu:

Nk M S KHAWULA: Ngiyabonga Sihlalo bengithi ngabe mhlawumbe uyabona ukuthi uyasifakela isithukuthezi yena. Okwesibili, ngabe uyajabula njengoba sekuthiwa kuzovunyelwa sitshale insangu. Ujabula kanjani.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member that is not a point of order. Please take your seat, hon member.

English:

Mr Y I CARRIM: Chairperson, the issues are not for a debate, they are there in black and white - in English which is Mr Maynier and my first language, anyway. When we voted of the Financial Sector Report, we actually sat there and Pinky Kekana spoke for a good 12 minutes here that the transformation was established to be inadequate in the Financial Sector Regulation Bill. Therefore, we are going to have these hearings. It is there and it's in black and white - it is simple.

Secondly, Mr Maynier rang me at the last minute to say he wants to see the advert. I contacted the House Chair and said: What is there to show? [Interjections.] The advert simply says

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... and you can get a copy - google it. The advert says you are welcome to make inputs on any issue and every issue on Financial Sector Transformation. We did not want to restrict the public. We said speak about everything. [Interjections.]

Thirdly, we made it very clear that we will not finalise the Financial Insurance Bill until we finish these hearings. Now, these hearings have nothing to do with the Chair or the ANC, but were the most important and extensive hearings that we ever had in this Parliament on Financial Sector Transformation. Interestingly, despite the DA's intervention to ask the banks not to come, four chief executive officers, CEOs, of the four banks turned up here. They all turned up here, took part and constantly congratulated the committee in its openness. [Applause.]

Moreover, we prepared an interim report, which ran into 124 pages. We gave this interim report to the stakeholders to comment on. They thanked us as Mr Manier fully aware for the fact that we engaged in the way we do. In fact, several of the banks did that. Now, of course, Mr Manier doesn't attend meetings. [Interjections.] Mr Manier's view, I don't know where is his view; if he is not at a meeting therefore it did

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not take place. Now, little John here or Mr Steenhuisen as he is known, should actually know that Mr Manier and Mr Lees do not talk to each other. [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, ...
[Interjections.]

Mr Y I CARRIM: I withdraw. I withdraw ... the time ...
[Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order! Order, hon members! Hon Carrim, you may continue.

Mr Y I CARRIM: Fine I withdraw, but yet it doesn't change my view. Now let's get something very clear. There is no rule that says that if Mr Manier is not at the meeting, therefore the decisions are not valid - no such thing. Moreover, we have no truck with his view that simply because he doesn't agree. Therefore, the public out there ... we haven't reversed the proposal. The hearings were extensive, the interim report was presented to the stakeholders and we want to thank them for participating.

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On the matter of the role of the Reserve Bank, we are very clear. We are saying that the Reserve Bank must have this discussion with the public out there that's on the agenda. We haven't taken any decisions on that matter. On the issue of the EFF, apart from the political judge, Mr Paulsen, there is very little that you say and the ANC says that there's disagreement about it. The difference between us is where the current terrain is, what the balances of forces are and what we can do in the circumstances? Broadly what you are saying and what the ANC ... - I am not wearing my other hat of the alliance - the ANC, the National Democratic Movement, not the Communist Party thinks.

There is another thing we need to raise. In Parliament as we say in our report, you can make changes in reports. However, you have to have class and other struggles waged out there. If there is a public representation of those views, it makes it easier for us as Members of Parliament to effect those changes. So, the relationship between Parliament and civil societies is an issue. In other words, if there were far more protests by Congress of South African Trade Unions, Cosatu, National Education Health and Allied Workers Union, Nehawu and

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unions in the banking sector, then it opens the leverage for us to do more.

Now, this report is going to serve as a framework for all the twin peaks model bills that are coming and, presumably, whether we are here tomorrow or not is irrelevant. This report will be adopted today and it will become the framework for Financial Sector Transformation over the next five to 10 years. We have decided to make some tentative conclusions because we felt we are not competent or technically professional enough to make conclusions on certain matters. We want further discussions on them. Moreover, there is the Financial Services Sector Code that was now being adopted by the Cabinet. We think that they must actually effect the review they promised us on the basis of our recommendations. There is a Financial Sector Summit and within six months we will adopt a second report.

Mr Hlengwa, may I suggest there is absolutely nothing you said that any member of the ANC can disagree with. Inkosi Buthelezi, may I take this opportunity without being patronising to say Mr Hlengwa is such a useful, valuable, balance and sober member of this committee. [Applause.] I wish

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he could attend our committee meetings more. What is impressive, he is young without patronising him. People like him make one feel very positive about the future. Of course, it's very interesting that just like the earlier debate only the DA opposes these matters. Yet, the banks have accepted that they have to transform a section of the Insurance sector, which mobilises, presumably, the DA representing the class interest, was unhappy with the Bill this morning.

Mr Jenkins has just written to me to say that the Insurance Bill, which is linked to this, was on the internet, Chairperson, on Friday afternoon. There is no rule in this ICTH that we should make printed copies and give it ... before Mr Steenhuisen was born, remember 1994 we used to get hard copies as if we read them, as if somehow if parliamentary authorities gave you a copy of the book, all of you would read the 74 page Bill - of course not. So, again and again, you used the vaguest, most opaque rule somewhere and, yet, Frank Jenkins and Jeanine she is here - may I thank you, by the way, for the excellent work. They work through the night. The Chairperson spent part of the week in going through to check it. After all of that instead of thanking you people ... where is Adv Jenkins they treat you with contempt. Ha, it is not

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released! Mr Steenhuisen is in the rules committee, can't he understand the rules that he is part of. Thank you.

[Applause.]

Motion agreed to (Democratic Alliance and Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HEALTH ON
OVERSIGHT VISIT TO NORTH WEST PROVINCE**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HEALTH ON
OVERSIGHT VISIT TO FREE STATE PROVINCE**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HEALTH ON
OVERSIGHT VISIT TO GAUTENG PROVINCE**

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, National Freedom Party, United Democratic Movement and African National Congress.

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Ms M L DUNJWA: Hon House Chair, Ministers, Deputy Ministers and hon members of the House, yes, the oversight was conducted in all the three provinces that have been mentioned. I think it is important to raise that in all these provinces which, in fact, we visited what is then the pilot sites on the National Health Insurance, NHI, and what is then came out of which were challenges, among others, was the shortage of staff in the majority of our institutions. The issue of the community health workers ... [Interjections.]

The HOUSE CHAIRPERSON (Mr T C Frolick): Order, hon members! There is too much noise in the House.

Mr M N PAULSEN: Point of order, Chairperson.

The HOUSE CHAIRPERSON (Mr T C Frolick): Order! Have your seat, hon member, I'm still addressing the members. Those who are leaving the House they can do it quietly please, because you are disrupting the speaker at the podium. Why are you rising, hon member?

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Mr M N PAULSEN: Chairperson, I just wanted to ask you to ask the hon Buti to put away the manner in which he is laughing here because it is causing disturbance.

The HOUSE CHAIRPERSON (Mr T C Frolick): No, hon member, that is not a point of order. Continue, hon Dunjwa.

Ms M L DUNJWA: We identified the challenge of community health workers, in particular, among others, in Gauteng where there were challenges of administration, but also in all the provinces, North West and Free State. We have also identified the other challenge of the infrastructure in the majority of our institutions, but more to make emphasis on Manapo. If we had powers we would have closed that hospital, but unfortunately we did not have those powers because of the state of the infrastructure.

The other issue that is a challenge in the health sector in all these institutions was the issue of outsourcing.

Everything is being outsourced in the majority of the hospitals, but there is one hospital that we want to make an example of, when there is management which is committed in ensuring that the health sector does its work, is a hospital

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called Dihlabeng Regional Hospital which is in Bethlehem - sorry for the pronunciation. In that hospital, because it has then been supervised and monitored by the office of the health standard compliance, each management and each work has changed. Everything in that hospital is in-sourced.

We want all institutions in our country to take a heed to that. The other thing that we think it is very important that we must also reflect on in terms of the oversight that we have identified is the issue of equipment. It differs from one hospital to another. I'm making this overall because it is all what was then cutting across in all these hospitals.

However, we also want to say that we hope that the national Department of Health knowing very well that the issue of human resource, HR, is not its competency in as far as ensuring that people are employed at a provincial level, but we want to please reflect this to the department that we will appreciate if they can monitor that. In that we also want to say that the majority of our institutions, the pilot sites, when they are then being supervised and if then they continue to be supervised we will then ensure that our policy which is the National Health Insurance is then being achieved.

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We also want taking this opportunity to say that all provinces must take heed to what Gauteng premier has done in ensuring that when there is a challenge in a province in terms of the health sector, leadership is then being provided and within that what Comrade David Makhura has done in Gauteng is committable because the challenges that are there in the sector are challenges that we think that when they are then being addressed by the leadership as being said in the National Development Plan that leadership in the health sector is needed so that our people are able to get the services that they are to get.

The last thing is the issue of pharmaceutical. We do think that if provinces in our pilot sites are then able to ensure that medicines are provided to our people we can achieve. Therefore, these issues that we are saying them honestly here are issues that we think that the health sector led by the hon Motsoaledi assisting the province we can achieve better. Thank you very much, Chair. This is the report that we are tabling of the oversight in the three provinces. I thank you.

There was no debate.

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The DEPUTY CHIEF WHIP OF THE MAJORITY: Hon House Chairperson,
I move:

That the Reports be adopted.

The HOUSE CHAIRPERSON (Mr T C Frolick): Is there something wrong with you, hon member? [Laughter.] You may continue, hon member.

Declarations of vote:

Ms L V JAMES: Thank you, Chairperson. I think my chairperson of the DA has alluded to some of the things I want to speak about that we had recommendations which arose from our observation. The committee recommended especially at the Tshwane District that the department of health urgently need to address the critical staff shortages as lack of staffs that has been identified in all clinics that were visited in the district.

They also need to ensure the strengthening of family health care programmes and the department of health need to pay close attention to that Masakhane Clinic to ensure that the critical

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services that they provide does not compromise service delivery.

The hospital also needs to implement an effective and efficient record keeping system, efficient security measures in this hospital also need to be put in place to ensure safety of the patients and also staff. A system needs to be developed for the turnaround time for the maintenance and replacement of equipment.

Lastly, the department needs to ensure that medical supplies are procured to ensure the smooth running of operation within the hospitals.

In the North West the committee recommended that the department of health needs devise a proper turnaround strategy that focuses on financial policies and cash flow management to improve the financial position they need. They need to improve the medical services response time to improve patient outcomes.

The department of health needs to address their staff shortages and also acting positions over extended periods of

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time and lifting the moratorium of the filling of vacancies. They need to ensure the setting of the primary health programmes particularly in the ward base outreach teams and the integrated school health programme. Strategies need to be developed and implemented to address infrastructure maintenance issues as well as the provision of running water in clinics.

The department also needs to devise a strategy to reduce the patient waiting time in order to provide better care service to patients. This has to be observed in all the clinics. The findings of the Free State oversight is as follows: The provincial health department needs to address the critical staff shortage across the staff categories, as the department is under provincial administration. Provincial treasury has to sign off on all appointments. The department of health needs to devise a proper turnaround strategy that focuses on financial policies, and cash flow to improve their financial position.

Hospital management needs to urgently be up skilled especially in Manaco to improve the quality of management. The department health needs to ensure access to emergency care which was a

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problem in all the three provinces. The infrastructure challenges also need to be addressed as well as the general building maintenance. They need to ensure the provision of running water in clinics, through water tanks and boreholes.

Urgent focus is the size of some of the clinics as they appear to be smaller than the ideal size of an ordinary clinic and therefore patient's queues get longer increasing the risk of cross infection. Overall all the clinics have many common issues that contribute to the poor running of the system and the patients suffer, especially the poor.

The committee has also noted that while there are many areas that need drastic improvement; there are many progresses made compared to previous years. For example, the Dihlabeng Hospital which really proved to be one of the best, and we wish that all the hospitals. Especially in the three provinces would take a leaf and learn from them. For example, in Tshwane - the success of the implementation of the Alex solution which is drug management software programme drastically reduce the patient waiting time.

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All these three provinces had very similar issues, same challenges and it would be wise if the department of health would take note and make sure that they intervene and make sure that they can rebuild all the problems that are there.

Dr S S THEMBEKWAYO: Thank you, hon Chairperson. The EFF consistently maintain that for the national health insurance which we fully support to be successful a whole range of radical changes must happen. Amongst these it is critically important to train and develop a large enough quantity and quality of medical practitioners. The oversight visit to the North West province to a district selected as the National Health Insurance, NHI pilot sight showed a large number of vacant positions left unfilled; a prevalence of acting positions going on unfilled for long periods of time.

It also showed us the general state of decay in terms of infrastructure for heal provisions. Clinics have no space equivalent to the demand placed on them by the population. The few staff available are either overworked or undertrained for the responsibility placed on them by the spiralling health needs of the area.

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The challenges in the Free State province at the Thabo Mofutsanyane District are almost similar. The department of health in that province suffer from the chronic staff shortages. The inevitable outcome is that people wait on queues at the hospitals for extended period of time leading to unavoidable deaths. The affirms our position that for the NHI to work some hard decisions must be taken, more investment must be directed towards building sufficient capacity in the public service to provide good quality health care for all our people.

At this rate the noble goal of the NHI will remain a pipe dream while most of our people continue to suffer from the government's neglect of the nation state of health. I thank you, Chairperson.

Mr N SINGH: Thank you, hon Chairperson. A health populace is a *condicio sine qua non* for a happy and prosperous nation. Such committee in local oversight inspections and interventions are vital in order to assess not only the challenges but also the progress in areas visited.

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I was not personally on any of these trips but from reading the report I note that the issues that arise included the ever present concerns around key vacancies, which the chairperson mentioned in priority staffing positions as well as extended periods of acting positions without filling these positions.

Shortage of infrastructure remains a serious concern, and many of our clinics simply do not have the space available to administer to all the patients requiring medical attention. General maintenance at clinics is not up to standard, and medical equipment should be audited to ensure not only quality but also and in many instances, operation readiness because most of the equipment is in a terrible state of disrepair.

Water and electricity backup systems also need to be looked at so that contingency measures are put in place when these services are not available.

Hon Chairperson of the portfolio committee and hon members, I think it is extremely important since the hon chairperson mentioned the MEC of Gauteng and the good work he is doing, it is extremely important for us to investigate whether the MEC

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of KwaZulu-Natal is up to the task in politically leading the department of health in KwaZulu-Natal.

A ministerial task team set up by our health Minister, Dr Aaron Motsoaledi to investigate what is happening in some of the hospitals in and around Durban revealed that Prince Mshiyeni Memorial hospital, Mahatma Gandhi hospital, Edi International Hospital and the King Edward hospital are - as they describe - ailing. This was said by Prof Ronald Green-Thompson.

It is the second time this year that the department was found wanting: Words such as poor quality care, dark, depressing, and unacceptable conditions, incompetent management were used in this report that was compiled on behalf of the national Minister of Health.

Now, this shows that that department is in ICU and we need to critically go there and see if we can get them out of the ICU. We cannot expect that patients who need care in any where in South Africa are exposed to these kinds of deplorable conditions and management that exist in some of these

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hospitals. So, I am making an appeal hon Chairperson that the next visit should be KwaZulu-Natal. Thank you.

Mr S C MNCWABE: Thank you, Chairperson. The NFP having considered the report is concerned about the challenges in different health facilities in these provinces. The Delekile Khoza Clinic has been found to be too small resulting in a long delay in attending to patients.

The dental services and the communal system is nonexistence as a result of the lack of funding, poor labelling and the lack of security at the medical storeroom are some of the challenges faced at the clinic including staff shortages, lack of medical equipment and poor maintenance.

The Botshabelo Health Centre did not have a dedicated pharmacy, a regular supply of water, poor maintenance among other challenges. Maintenance is the most medical facility including the Nic Bodenstein hospital is very poor. The hospital has a vacancy rate of 29%. The Tshwane hospital in Gauteng was very well kept hygienic and the committee was pleased with the overall condition of the hospital.

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However, the vacancy rate is a matter of concern. The Gauteng provincial department of health does not comply with the supply chain processes resulting in nonpayment of service providers some of whom have not been paid for the past 365 days.

On the visit to the Free State the matter of concern is that the catering services are outsourced while hospital staffs are being used. The kitchen was unhygienic and a health hazard; the toilet facilities, the boiler system the generators were all either nonfunctional or in a very poor condition.

The NFP calls upon the national Department of Health to pay great attention in terms of the oversight visit in Free State, Gauteng and North West provinces. More importantly, it appears that the provincial departments are not in control and their poor oversight mechanisms are not fully effective resulting in a very poor condition mainly of the health facilities. The NFP calls upon the provincial departments to ensure consequence failures and to ensure that the health services in the provinces are of a high quality. There must be consequences for those who fail to perform their duties as health is paramount to the lives of our people.

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Mr M L W FILTANE: Hon Chair, because people move from province to province, and the latest statistics shows that lot of people from the Eastern Cape move up to centres such as Gauteng, as well as the Western Cape in the hope of getting better social services. Therefore, I will be looking at this report not only from the perspective of the hospitals visited but overall health facility provision by our government.

Hospitals are to a large extent still ill-equipped.

Consequently, patients are denied their constitutional right to health. Some hospitals have doctors that are available only during the day and patients are turned away and told to come back the following day. I'm here talking about people who hardly have transport money; and yet they have to go to hospital twice because they could not get the services of a doctor once it was after 5pm.

Some hospitals are burdened just because the surrounding clinics which are supposed to provide primary health care services have got no form of medication at all.

IsiXhosa:

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Izolo oku bendiseGcuwa, umntwana waselalini ebenethumba, waya eThanga klinikhi. Apho wafika waxelela ukuba akukho kwa nto napilisi nantoni na.

English:

I had to take that lady to Butterworth Hospital, and that was about 1pm.

IsiXhosa:

Xa efika phaya malunga necala emva kwentsimbi yesine oogqirha bebesele bemkile. Ngoku kuye kwafuneka ukuba abuyele ekhaya. Ngoko asithethi into engekho apha, sithetha ngezinto ezenzekayo.

English:

At times some hospitals have got no water at all, and this is a case in so many hospitals in the Eastern Cape- no water that is basic. That is the current government...

IsiXhosa:

... esijongene naye.

English:

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Now, you can imagine a hospital with no water at all, what kind of a hospital is that? The infrastructure is in a shocking state and one wonders why the Department of Public Works does not assist; an unhealthy environment is not conducive to good health. I'm sure all of us in this House know that we don't to be making a lot of noise about very basic things. If you cannot provide health care services to your nation, what on earth are you doing in the governing chairs? Thank you.

Dr P MAESELA: Chair, the ANC-led government is - you know sometimes when people have nothing to say they better shut-up because they just show how the raft of wheat they are. Therefore, if you make noise - an empty tin is said to be making the most noise. However, those who think that if a tree falls in the bush and they were not there to see it, it means it did not fall. That shows how shallow-minded they are because objectivity is objectivity and you do not do away with objectivity because of the adjectively you can say a lot of noise about. Therefore, let us deal with issues here, and say what we came here to say.

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The Department of Health has improved a lot. Before, we knew that other sectors of the community were not deemed fit enough to receive proper medical help. That is why we have 10% of the population getting about half of all the medical care that is being offered by the nation. We know that some of those people do not want to hear anything about the National Health Insurance, NHI. However, I think they are just bucking at the moon because whether they like it or not, we are going to implement the National Health Insurance and it will cover everybody in the country. Hauling does not necessarily mean they catch the mores it is just hauling, especially when they haul at the moon, they are not frightening any mores in the forest.

However, we do admit that we have problems in the Department of Health. There are problems here and there and we are happy that in the Free State they have improved a lot because they even got - for the first time I think - a clean audit opinion. That is very important because that is where problems are. They have also managed to sort out their procurement problems and everything is at stake.

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In Manapo Hospital, we found out that that hospital has been neglected for a very long time, simply because it was in the Bantustan and it needs urgent attention.

However, all the HNI clinics, the ideal clinic projects, which we actually visiting when we went to this oversight trip, was that the NHI clinics and the ideal clinics are there and there are functioning. That is what gave us the moral that everything is going according to plan.

In KwaZulu-Natal, the hon Singh said that the department of health is in the intensive care unit, ICU. I would like to reassure him that it is now in the recovery word; it is no more in the ICU and is making steady recovery and we support this.

People who said there is no water in the clinics and hospitals and they do not mention which hospital, they are guilty or factually in exactitude. They do have facts but they are not exact. Therefore, please correct your facts and make them exact.

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The North West Hospitals have a lot of problem but I think with the intervention of the national department, they are beginning to recover. By the way, in the North

West there was a problem with ambulances, they were outsourced and often they were not there when they are needed. However, the national department told them to insource them instead of outsourcing them and the improvement is tremendous in that respect.

In Gauteng, we did have tremendous problem and we admit and the leadership who did run away from the problem but who confronted them and hence solved it. If you don't confront problems and run away and hide and start hauling about them you cannot solve them. The idea here is to admit when there is a problem and solve it. The Department of Health is also trying to deal with a legislation that led to, a large extent, this type of problem where there was a department in the province and the national department and some of the things were done without consulting. Therefore, once we sort that one out everything will be okay. We admit that the population is increasing at an exponential rate while the medical doctor's training is not expanding as fast as we needed it to be.

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We are trying to cut our code according to our clock while at the same time weeding a broader clock to have a bigger coat in future. We support this report. Thank you very much.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER
EDUCATION AND TRAINING - OVERSIGHT VISIT TO UNIVERSITY OF
WESTERN CAPE AND NATIONAL STUDENT FINANCIAL AID SCHEME**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER
EDUCATION AND TRAINING - OVERSIGHT VISIT TO GAUTENG**

Ms C C SEPTEMBER: Chairperson, hon members, good evening. The oversight report before this House today gives us an opportunity to look at two matters. Firstly, having visited both the University of the Western Cape, UWC, and the National Student Financial Aid Scheme, NSFAS, we were able to get from the report and the visit, especially to UWC, the infrastructure problems that the institution is faced with. These problems are compounded by the fact that students, through one or other problem, have decided to vandalise the place very badly.

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In so far as our recommendations on infrastructure at the universities - and particularly, at UWC - are concerned, the committee feels that the Western Cape provincial government, together with local government and the Department of Higher Education and Training, can do well to attend to the kind of student accommodation that is, so obviously, sorely needed. Obviously, we are not in support of the fact that there seems to be a need to vandalise these institutions or any of the buildings. We do think that much more attention needs to be given to the accommodation problems that students face.

Secondly, the issue of NSFAS is one that the committee has dealt with throughout the entire year. We must make sure we can have an outcome for NSFAS that ensures that students are no longer facing any problems in the months of July or August in terms of receiving their much-needed funding. We recommend that what is sorely needed here is that both students and NSFAS require a far better programme as far as their technologies are concerned. They need better, more timely access; and colleges must get in the necessary expertise in so far as the technologies are concerned. In this way, they, too, can play their part in ensuring that these funds reach the most deserving students.

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We have also looked at the long-running, administrative problems the Department of Higher Education and Training is besieged with. We decided to conduct an oversight visit to deal with the reasons for this. Indeed, we have seen that there is much to be done as far as the administrative sections of the department are concerned, as it relates to the examination centres and other related departments.

Here too, the problem we are facing is a backlog in certificates, which many a student, many a participant has been waiting for for a long time. It has enabled us to look at that and recommend what other improvements can be made. In so far as the certificates are concerned, it is an issue that we will not relent on. It's not an issue we will give up on until such time as we make sure that all students can receive their certificates every three months.

Lastly, we were able to go to the Sefago Makgatho institution. There, amongst many of the other issues that have been dealt with, is of course, is the idea that at some institutions, people are starting to sell themselves to get into that institution. In some instances, they are also selling themselves to make sure that they get a much-needed

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certificate. These issues need to be dealt with. Obviously, we cannot tolerate them.

The oversight visit has enabled us to look at a whole range of different things at this institution and at what improvements can be made on this and very many other matters. We acknowledge the vast improvements that have been made. However, the challenges that exist there need to be attended to. I thank you, Chair.

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move that both Reports be adopted by this House.

Declarations of vote:

Afrikaans:

Mnr A P VAN DER WESTHUIZEN: Agb Voorsitter, agb lede, die sake wat vandag op die Ordelys verskyn, wys dat die Portefeuljekomitee vir Hoër Onderwys en Opleiding erns gemaak het met baie van die drukkunte wat die Departement van Hoër Onderwys en Opleiding ervaar.

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Die voorsitter van die komitee het so pas verwys na die geweldige agterstand in die uitreiking van sertifikate aan suksesvolle studente van ons verdere onderwys- en opleidingskolleges. Hierdie probleem het in 2007 ontstaan, toe sekere van die funksies rondom die uitreik van sertifikate oorgedra is na die Staatsinligtingstechnologie-agentskap, Sita. In die proses is byna 100 000 studente se taak om werk te vind bemoeilik, omdat hulle geen bewys kon lewer dat hulle hulle studies suksesvol voltooi het nie. Hierdie onreg aan hierdie studente duur vandag nog voort, want tot vandag toe, kon ons daardie probleem nog nie saam met die departement en Sita oplos nie.

Tydens die besoek aan die departement het ons ook aandag gegee aan verskeie van die ander probleme. Dit is baie duidelik dat die departement sukkel om die groot getal aansoeke vir vakatures te verwerk en, in die proses, is daar vakatures wat vir maande der maande vakant gelaat word, omdat die departement se menslike hulpbronafdeling eenvoudig nie oor die vermoë beskik om ...

Ms M S KHAWULA: On a point of order.

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, what is your point of order?

IsiZulu:

Nks M S KHAWULA: Asikho isiZulu la.

English:

The HOUSE CHAIRPERSON (Mr C T Frolick): May I request the interpreters to ensure that all the relevant languages are available for interpretation?

IsiZulu:

Nks M S KHAWULA: Sengisifune kuwo wonke amakhona akutholakali lutho.

English:

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. You don't raise a point of order and just continue speaking. I am asking the interpreters just to ensure that they are prompt in their interpreting of all the available languages. You may continue, hon member.

Afrikaans:

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Mnr A P VAN DER WESTHUIZEN: Dankie, Voorsitter. Met die oordrag van sowat 30 000 dosente vanaf provinsiale onderwysdepartemente na die nasionale departement toe, het die departement eenvoudig nie betyds beplan en betyds die kapasiteit geskep om sy menslike hulpbronsfunksie te hersien nie. Dit lei ook tot groot nadele vir ons studente.

'n Ander probleem waaraan die portefeuljekomitee aandag gegee het, is die gedurige uitlek van nasionale vraestelle. Ook daar het ons gevind dat die personeel nie die nodige verantwoordelikheid vir die probleem wil aanvaar nie. In Augustus se eksamengeleentheid alleen, het 12 vraestelle en twee merkskedules uitgelek. Die departement wil graag die blaam oorskuif na die staatsdrukker, maar dit is baie duidelik uit die getuienis dat die probleem eerstens intern in die departement self lê.

Ons het ook gesien dat die probleme wat NSFAS ervaar geweldige chaos op van ons kampusse veroorsaak. Die voorsitter van die portefeuljekomitee het so pas daarna verwys.

Ek het verlede week 'n kampus van die Noord-Kaapse Plattelandse Tegniese en Beroepsopleidingkollege op De Aar

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besoek. Daar moet 29 studente een woonhuis met twee toilette en een wasbak, sonder warm water, gebruik. Hulle moet twee-twee op 'n bed slaap. Hoekom? Die onvermoë van NSFAS om elke maand hulle toelae aan hulle uit te betaal, het gemaak dat die private akkommodasievoorsieners hulle uit daardie huise uitgesit het. Nou is almal saam in een woning wat aan die kollege behoort in totaal ontoereikende omstandighede - 29 studente, twee toilette, waarvan een gedurig verstop is; en ek is jammer om te sê, mens kon in die tuin sien dat baie van hierdie studente eenvoudig nie die toilette kan gebruik nie. [Tussenwerpsels.]

Verder het ons ook die probleem van ons sektorale onderwys-en opleidingsowerhede, Seta's, wat in die jaar 2000 tot stand gekom het. Na 17 jaar is dit duidelik dat ons nog glad nie die opbrengs of die impak het wat voorsien is toe daar destyds met hierdie stelsel begin is nie. Die 1% heffing wat elke werkgewer betaal vir opleiding lewer eenvoudig nie die opbrengs nie en het tot dusver geen impak op ons werksmag gehad nie.

Ons is minder as vyf weke van die volgende akademiese jaar en die volgende boekjaar vir instellings. Steeds is die regering

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tjoepestil oor of daar hulp vir ons arm en middelklasgesinne se kinders sal wees. Hierdie regering se onvermoë om sy per kapita steun vir verdere en hoëronderwysinstellings te laat tred hou met inflasie het reeds - en ons komiteevoorsitter het daarna verwys - tot grootskaalse ontwrigting en vandalisme op sommige kampusse gelei.

Die stilte van die regering in hierdie stadium skep die indruk dat die regering slegs tot aksie aangespoor word wanneer daar ontwrigting en skade is. Die DA het dan ook verlede week 'n versoek aan die Speaker gerig vir 'n dringende debat hieroor. Ons het ernstig leiding van die regering nodig, leiding wat in hierdie stadium eenvoudig nie daar is nie. Ek dank u.

[Applous.]

Declarations of vote (Contd):

Ms N P SONTI: Chairperson, free, quality education for all. As the EFF we reject these reports in the same way we rejected the Fees Commission report, because neither of them called for free, quality education. The National Student Financial Aid Scheme, NSFAS, is a broken system. It has been corrupted, mismanaged and does not ensure that all students who qualify academically receive an education.

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This was proven from the oversight visit regarding these reports. The National Student Financial Aid Scheme continues to pay students late and has massive administrative errors. The new scheme, proposed by the Fees Commission, is no different from NSFAS. It forces students to receive loans from banks, which do not have the best interests of the students at heart and which are only motivated by profit.

The only solution is free, quality education for all, not just for students at technical and vocational education and training colleges, or Tvet colleges. This will perpetuate class and race divisions, forcing those with no money to attend Tvet colleges and those with options to attend Tvet colleges or universities. This will do nothing to transform South Africa and end the inequality that has defined this society forever – for over 350 years. The only solution is free, quality education for all. Thank you.

Mr E M BUTHELEZI: Chairperson, I am on this portfolio committee but was not part of the oversight visit. However, I would still love to raise a few concerns regarding the oversight visit to Gauteng.

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There are administration, budget-related and IT-related challenges at the department as a national unit and these must ... [Inaudible.] ... perhaps through comparative analyses with other countries as to how best to address such issues. The 90-day lead time for the issuing of certificates after the publication of results has yet to be achieved for the NCV, and, in terms of report 191, the qualification is far too low and speaks to a currency stream that is not aligned.

The IT-related challenges at the Sefako Makgatho Health Sciences University and its current financial deficit, infrastructure and logistical shortfalls do not augur well for the future of this institution. Educational outputs and the future of these university graduates will suffer if these are not addressed.

Alignments such as the merger of the Fibre, Processing & Manufacturing sector education and training authority and the Agricultural Sector Education Training Authority sector education and training authority owing to similarities in the skills development programmes offered by the two Setas are synergies that must be looked at. We must begin looking for

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redundancies and do more with less in terms of the budget that is available.

The Fibre, Processing & Manufacturing sector education and training authority must attend, additionally, to its high vacancy rate at senior management level and these posts must be filled. The IFP accepts the report. Thank you.

Prof N M KHUBISA: House Chairperson, hon members, thank you very much. The NFP believes that the importance of education cannot be overemphasised. To this effect, Malcolm X said: "Education is the passport to the future, for tomorrow belongs to those who prepare for it." The welcomes the reports tabled here today and in particular welcomes the insight derived from them.

The University of the Western Cape featured prominently in the #FeesMustFall campaign and remained unsettled throughout 2016 and 2017. Accommodation at the University of the Western Cape is insufficient and serves as a flashpoint for student discontent and despair. As a matter of fact, an acute shortage of decent and safe student accommodation is a prominent issue at almost all institutions of tertiary and higher education

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and it is one of the concerns students keep protesting about year after year.

Every year we hear about students who sleep on the streets, in particular students who come from rural areas and have no alternative accommodation. We hear of female students who fall prey to sexual predators who abuse their plight. We have to ask ourselves this question: Is this the best we can do today to assist our students to prepare for their future?

We understand that there is an ongoing forensic investigation with regards to IntelliMali at the Walter Sisulu University. Bungling on the part of the National Student Financial Aid Scheme, NSFAS, in all allowances or services is a source of widespread student discontent. The roll-out of a new student-centred model has not been a resounding success and has caused universities, Tvet colleges and students alike unnecessary anxiety, difficulties and hardship.

The NFP accepts that the technical hiccups were to be expected but the widespread scale of NSFAS bungling suggests that a lot of work remains to be done before the system will be fully operational, as envisaged.

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We also note that the results of the Heher commission have now been released. We acknowledge the fact that it puts emphasis on technical education, Tvet colleges in particular, but we also say that university education is important and all students must be offered free, quality education from basic to higher education levels.

The observation from the oversight visit especially to the Sefako Makgatho Health Sciences University also showed that there is a lack of sufficient infrastructure at recreational facilities and other resources that are needed by students.

The issue of students buying spaces in order to enrol is becoming a common phenomenon, as was the case at the University of KwaZulu-Natal. In particular, high rates of staff vacancies in the department - and in particular the failure to make senior appointments - is hampering the effectiveness of the department. This was revealed from the Gauteng visit.

There is the continual challenge of the certification backlog caused by the inability of the current IT system to consolidate examination data written in multiple cycles. In

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this regard, we start to appreciate the enormous challenges that the department and the Seta are facing in Gauteng.

Having said that, the NFP believes that these concerns must be attended to, together with the recommendations and conclusions. We accept the report. Thank you very much.

Mr M L W FILTANE: Hon Chair, one would only use this report as a point of reference, because people get educated in one province and then move on and work in another province. So you get concerned - you know that whatever is happening in a given province is most likely to have an impact in another province. That's where I am approaching ... [Inaudible.] ... the macro level.

With such high rates of unemployment for freshly qualified graduates, the question to ask is: What type of education does this administration offer our youth today? Why does this department continue to generate unemployable graduates? You are paying teachers, you are paying for infrastructure - paying for everything - and yet you can see that all you are turning over are graduates who are just unemployable.

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I'll give you an example. In the construction sector alone, currently, graduates fresh from college: only 13% of them - that is blacks - happen to get employment. Now you continue to turn out graduates, but you know that the stats show that only 13% of those graduates are going to get work. Two hundred thousand students cannot be placed by these tertiary ... [Inaudible.] ... in any employment situation where they can get work experience. As a result, they cannot be employed because they do not have the full qualifications. Now, what kind of tertiary education are you offering if you cannot even facilitate for the placement of your own students in a work environment so that they can get their graduates?

Now, we are talking about 500 000 young people who have gone through your hands and cannot be employed anywhere - and this happens annually. Are you ... not ... wasting the national fiscus if you do not spend time having a thorough look at the type of education that you are currently offering. A whole lot of government departments are battling because of the poor quality of graduates that continue to be turned out. You are not helping the nation. Go think seriously about this. You are actually killing the youth of South Africa today, directly - not accidentally, not incidentally - but directly. You vote a

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lot of money here; you go and use it; you waste it; you turn out unemployable graduates. For how long do you want to do it? [Interjections.] [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): On that note, I call the hon September.

Mr N SINGH: Hon Chairperson, I rise on a point of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon member. What is the point of order?

Mr N SINGH: I don't know if the last member frightened off the two Ministers, because they are leaving. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): It could well be. Continue, hon September.

Ms C C SEPTEMBER: Chairperson, the problem with the last speaker is that there are students currently writing exams. I'm sure that that sound that they heard here now is probably disturbing the last bit of the exams that they are writing and might just have the consequences that he is talking about.

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Hon Chairperson, thank you indeed for those that have supported the report - gone through it. The committee, as I said earlier, has dealt with the issue of certificates. We are certainly not done in dealing with certificates.

But, indeed, the matter of certificates has not come about only since the matter was taken to the Seta. This matter has been with the department and everyone else for quite a long time; way before 1994 when no one even bothered to make sure that anyone should have a certificate.

So, as much as the backlog has been reduced significantly, we think there is something that obviously needs to be monitored and, indeed, the commitment from the department to make sure that every three months certificates need to be issued is something that we will keep our focus on as the committee. It will have to happen if it doesn't happen. It will have to.

To the hon member from the EFF: if there are problems of corruption in NSFAS, we must never be shy to point out what those problems are and we must come forward with the actual reasons and who the people are who are corrupting NSFAS. It will help to bring that instead of just making a blank

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statement about that. Because, I think, it is all of our responsibility when we give money to the institution via the department to make sure that it goes to where it is intended, and that is to the much-in-need students.

Regarding the matter of the Tvet colleges, we should not articulate the Tvet colleges as an afterthought and neither should we articulate that students should feel that they are forced into. Ours is to encourage students to register with colleges, because artisans are quite important in this country also. When we give a negative thought to a college being an afterthought or those that cannot get into the university, it is something that does not help any economy. Those that need skills development, those that require ... to give us ... those artisans that the economy requires are important to promote also and not only those that go to university.

To the member that raised the matter around IntelliMali: well, indeed, we cannot have a situation in which an institution decides to investigate itself and then have an outcome of "No, it's not us." Regarding that R14 million that was taken by the particular student and the investigation thereof, we have asked as a committee that a forensic report be done into that.

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I say this because there is no way that you can say: I investigated and I am now not guilty. And, thank you very much, no one else can do that.

So we would welcome the fact that the department must do a forensic investigation because it cannot be that R14 million has just disappeared and that no one seems to know who added the six noughts to that figure.

With regards to the Setas, I think that the Setas have made a big impact on very many institutions, on many parts of the economy and on many parts of the sectors. Those that have internships, those that have learnerships and those that have gone into the learnership programmes have benefited tremendously, hon member. We cannot say that the Setas are not having an impact. If we look at the statistics that the Setas have brought to us, we see that the DA is using the Setas very much. So, of course, if they can be good for you, then they must be good for everyone else. Thank you. [Applause.]

Motion agreed to (Economic Freedom Fighters dissenting).

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Report on Oversight Visit to University of Western Cape and National Student Financial Aid Scheme accordingly adopted.
Report on Oversight Visit to Gauteng accordingly adopted.

**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON
APPROPRIATIONS AND PORTFOLIO COMMITTEE ON HEALTH - HEALTH
SECTOR MEETINGS**

Mrs Y N PHOSA: Hon House Chair, hon members, fellow South Africans, it is my privilege to make a few remarks as I introduce the report of the Standing Committee on Appropriations and the Portfolio Committee on Health focusing on issues pertaining to the health sector.

Standing Committee on Appropriations, as part of its oversight interactions with the national Department of Health, identified a need for improved co-ordination and alignment between the national and provincial health departments in order to ensure value for money.

On efficient planning and resource allocation, to this end, the Standing Committee on Appropriations, together with the Portfolio Committee on Health, convened meetings with national

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and provincial Health departments as well as other relevant stakeholders.

The key focus areas were: The alignment between the national Health budget processes; and the provincial Health budget processes, ensuring alignment in health information system.

For an example, this alignment includes Revenue and billing, patient-pharmaceutical application, network infrastructure and so forth between provinces and other national information; communications technology systems for effective co-ordination in the health sector; and to also ensure critical functions such as procurement, human resource and financial management are appropriately devolved to designated levels for service delivery efficiencies and better performance.

When the committees engaged with the national and provincial health department, it became clear that the health sector faces significant funding pressures. The health sector budget estimates indicate that the sector is underfunded by approximately plus or minus R11 billion over the Medium Term Expenditure Framework, MTEF.

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Another observation made was that the rising disease burden and the population growth rates have outpaced the rate of growth in funding allocations for the health sector. We know that the country is facing stagnant economic growth and declining state revenues.

The committees therefore urge the health sector to apply cost-containment measures and to couple improvements in efficiencies, together with partnerships with the private sector and other civil society partners. However, the committees maintain that fiscal consolidation should not affect the quality of services nor result in a need to reduce health services.

The committees were unanimous that health expenditure is not consumption expenditure, but investment expenditure aimed at the achievement of government's goal towards a long and healthy life for all South Africans.

Medico-legal claims pose a serious risk to the growing concern status of provincial departments of Health. This seriously undermines budget planning and budget execution, with

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significant risks posed on the sustainability of the delivery of health care services.

We are happy to report that the Health Minister, Mr Aaron Motsoaledi responded speedily to this concern by the two committees. He reassured the committees that the department has started to investigate actions of lawyers who are suing provincial departments of Health for billions of rands.

The 2017 Medium Term Budget Policy Statement and the Department of Planning, Monitoring and Evaluation mandate paper also indicate that work is underway in addressing this issue. We were also of the view that the national and provincial departments should embark on community education outreach programmes to alert the general populace of the negative ramifications of pursuing such claims.

The levels of accruals in most provincial Health departments are quite high. The committees are of the view that provincial department need to put mechanisms in place for tracking invoices in order to be able to pay within 30 days, as well as strengthening financial planning, budgeting and cash flow management.

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The committees agreed that quality in the provisions of health services should be uniform across all provinces. There should be standardisation and benchmarking in health spending per capita on critical items such as medical supplies, medicine, food, labs, fuel, emergency medical services and others with significant variation between provinces. This should also include the management of medical waste.

Another recommendation made by the committee is strengthening of district health centres in preparation for rolling out of the National Health Insurance in all provinces. We believe that the Department of Health, through implementing these recommendations by committees will succeed and all citizens will indeed have a long and healthy life.

In all, the committees view the working together of Standing Committee on Appropriations and Portfolio Committee on Health as important and reflective of the principles of partnerships as contained in the National Development Plan and Parliament's oversight model. Hon Chair, we support the report. [Applause.]

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

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Declarations of vote:

Mr A R MCLOUGHLIN: House Chairperson, during March this year, having received unsatisfactory answers from the Department of Health in relation to that department's first quarter expenditure report, the Standing committee on Appropriations deemed it prudent to convene a joint meeting between itself, the national Department of Health and various provincial Health department, National Treasury, the Auditor-General and the Financial and Fiscal Commission.

This conference would attempt to resolve certain questions surrounding expenditure and performance issues, budgetary alignment and consistent prioritisation between the national and provincial health departments.

HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, can you please take your seat? They have not reset the clock.

[Interjections.] You may continue, thank you.

Mr A R MCLOUGHLIN: The joint meeting, which covered a period of three days, provided some interesting and alarming information. Most of the provincial Health departments were of the opinion that they had been summoned to Parliament to

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present their request for more money. It was a committee's sad but necessary duty to disabuse these departments, save that erroneous notion.

The most sobering result of the deliberations that followed was the realisation that the current government has failed the large majority of particularly poor South Africans in a provision of affordable and accessible health care.

Health care, in terms of section 27(1)(a) of the Constitution of the Republic of South Africa is every citizen's right. It is estimated that the public health sector is underfunded over the medium term by more than R11 billion. In addition, the accelerating disease burden and raters' population growth have far outpaced the public health sector's ability to grow and cope with the problem.

The presentation has given wield that there was a serious disconnect in the respective provinces' allocations of funds to their respective health sectors from the available provincial equitable shares. This resulted, for example, in the Northern Cape and North West provinces' Health departments receiving funding that fell well below the national threshold,

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putting the citizens of those provinces at a material disadvantage when you compare to their more fortunate compatriots who reside in Gauteng or the Western Cape.

Nationally, the Department of Health was compromised by the fact that the number of performance indicators that it was obliged to report on had increased by 40%, between 2014 and 2017. However, during that same period, its budget had only increased in real terms by apparently 1% percent.

To expect a department to perform better under such circumstances is clearly an unreasonable expectation. As can be imagined, this situation places an inordinate demand of often unnecessary pressure on the department or staff involved to the detriment of service delivery.

Of the nine provinces that made presentations, no less than eight provinces blamed a portion at least of their poor financial performance on having to deal with an unfounded mandate of settling exorbitant medico-legal claims.

These eight provinces accused members of their own staff and local attorneys' firms of colluding with each other in order

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to provide the attorneys with sufficient documentary evidence to ensure the success of their client's claims.

When it was pointed out that if there had been no negligence at the institutions concerned in the first place, there would be no incriminating evidence available and therefore no claim to be answered, the provinces could provide no credible response. It was notable that it is only in the DA-run Western Cape where medico-legal claims are not regarded as a major problem.

When claims were brought, they were adjudicated upon by an internal committee. This committee, after consultation and deliberation, decided upon the validity or otherwise of the claim, and if appropriate, settle the claim before the institution of legal action. This procedure weeded out frivolous claims and saved a substantial amount in legal costs.

It is abundantly clear that there needs to be a rapid and far-reaching realignment of the operating practices and procedures prevailing in the public health sector if we are ever to

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satisfy our constitutional obligations in the field of health care.

Such realignment must include, *inter alia*: A national database of patients' medical histories; a national procurement and supply chain management system accessible at uniform cost to all hospital and clinics; nationally applied best practices, both in medical diagnoses and procedures; and also a standard operating practices in respect of general administrative functions.

This government has squandered far too much money, achieving far too little, for far too long. It's time for new beginning! It's time for a DA-run government in South Africa! The DA supports the report. [Applause.]

Declarations of vote (Contd):

Ms V KETABAHLE: Chairperson, access to quality health care is a human right and it is fundamental in ensuring dignity for all citizens. Twenty-three years into democracy it is a right that many do not have. While we knew this already, it was once again confirmed by the findings of these meetings.

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In hospitals and clinics throughout the country, patients wait for over a day to be attended to, sleeping on floors and with no assistance from staff. Health care in this country is failing at every level. It is underfunded by over 11 billion, over burdened with too many patients and few staff and the money available is stolen. While the department hospitals and clinics are mismanaged because of incompetent staff and politically deployed, those who suffers the most from this era are the people of South Africa particularly the poor who have no other option other than to use public health care.

Meanwhile, Ministers and government officials in charge of the department and its services go to private hospitals and clinics. We call for all Ministers and senior public servants to use public services. The institutions they preside over must be good enough for them to entrust their lives. While the report reflected on some of these, particularly in the observations made, no clear plan or way forward emerged.

The health sector is failing the citizens of this country at both national and provincial level. Until reports of this committee present clear and practical plan to end these systematic problems, we will reject all the reports.

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Mr N SINGH: Hon Chairperson, I have noted that this oversight interaction arose from a perceived need for improved co-ordination and greater alignment between national and provincial health departments. With alignment and co-ordination being principled to cost effective and improved service delivery and resource allocation.

Alignment in terms of infrastructure development, budget, health information systems and ensuring better performance in the department of Human Resources, financial management and effective management of personal expenditure in health sector form part of the briefing by key stakeholders and role players to the committee.

Rising costs of medical health care are placing increasing pressure on this department's budget. Under funding in this sector remains a very real concern and one with possible life threatening consequences. The rising disease burden and growth of the population means that we have to do more with less and look more and more towards innovation in medical treatments and protocols and agree that health expenditure must be seen as an investment and not as consumption expenditure.

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Medical malpractice and the growing and already high number of medical legal claim which I have referred to that are being introduced in South Africa are cost for concern, not only from an economic stand point but from the departmental perspective. I note also that whilst some of these claims are legitimate and it's because of negligence in the hospitals, there are some shady characters and quote unquote, sharks out there who thrives on these claims.

I have noted this in the claims that are submitted to the Road Accident Fund where sometimes and I have experience of this, nobody will be injured in a particular accident but I noted that over 60 claims were submitted for injuries and there is collusion between the police who report that there passengers in the particular bus with names, collusion with the doctors who claims that they attended to these patients and then collusion with the legal practitioners who lodge these claims. Now this kind of thing could also be happening in the health sector and this needs to be investigated.

Another worrisome statistic is the fact that a mere 1% in real terms budget increase in 2016-17, the department had to cope with an increase in 40% in the number of key performance

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indicators. This in itself is difficult if not insurmountable task. Having said that we support the report but we still need to ensure Chairperson of the committee, that the tax payer gets value for money. Money is not always the problem when there is lack of service delivery. It is the lack of efficiency that causes the problem and that's something that we need to look at. Thank you Chairperson. [Time expired.]

IsiZulu:

Mnu N E GCWABAZA: Sihlalo ohloniphekile, amakomidi womabili, i-Standing Committee on Appropriations neKomidi Lezempilo labona kusemqoka ukuthi kuhlenganiswe imibono nemiqondo phakathi koMnyango omkhulu Wezempilo kanye nemnyango yonke yezifundazwe kulo lonke lelizwe lakithi ukuze kusetshenziswe isabelomali zezempilo ngendlela enemiphumela ebonakalayo ikakhulukazi ukuze kufezekise inhloso kaKhongolose yokuthi abantu bakithi baphile isikhathi eside. Ngakho-ke kubalulekile ukuthi iminyango yonke yezempilo ukuqala kophezulu omkhulu ukuya kuzifundazwe ibambisane okwenzeni uhlelo lwezempilo kanye nokusetshenziswa kwezimali.

Okwesibili, kwaphakanyiswa - kubonakala kusemqoka futhi - ukuthi kufanele kubekhona uhlelo olulinganisayo phakathi

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kokwabiwa kwezimali zokwakha izikhungo zezempilo ezintsha kanye nokulungisa lezo zikhungo zempilo esezivele zikhona ukuze kungakhiwa izikhungo zezempilo - imitholampilo nezibhedlela - eduzane kwalezo ezindala kanti bekufanele nje kulungiswe lezo ezindala kuphela ukuze kongiwe imali futhi zonke izikhungo zisetshenziswe ngendlela efanelekile. Ngaleso sizathu-ke, kwabonakala kusemqoka futhi nokuthi sikubalule nokuthi izikhala zalabo abaphethe izibhedlela ezingagcwalisiwe.

Zigcwaliswe, baqashwe abantu, kuqashwe futhi nabahlengikazi nodokotela abanele ezibhedlela nokho noma kunesimo esingesihle sezimali kodwa baqashwe ukuze uhlelo lwezempilo luqhubeke ngendlela eyiyo abantu bakithi bangantuli ukuthola ezempilo. Okulamana nalokho wukuthi nokuthengwa kwemithi - imishanguzo phela - kufanele ukuthi ithengwe ngesikhathi, ingapheli. Abantu uma bezofuna usizo kuthiwa amaphilisi kanye nemithi awekho. Kanti futhi nokugcinwa kwayo endaweni ephephile kuyinto esemqoka ukuthi iminyango yonke lena ikuqaphele. Sabona-ke kusemqoka ukuthi ngaleso sizathu izikhungo zangaphakathi, lokhu okuthiwa yi-supply chain management kanye nama-internal financial controls ziqinise kakhulu ukuze kuqinisekise ukuthi isetshenziswa ngendlela ... [Ubuwelewele.]

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Nk M S KHAWULA: Hayi ngeke Sihlalo. He-e, uxolo.

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon member, what is it?

IsiZulu:

Nk M S KHAWULA: Hayi! Bengithi ngiyabekezela, akubekezeleki.

USIHLALO WENDLU (Nk A T Didiza): Mama uKhawula!

Nk M S KHAWULA: Sizosebenza, babanga umsindo ekhoneni leliya, asisezwa ukuthi kuthiwani la.

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon member!

IsiZulu:

Nk M S KHAWULA: Awubakhuze ngaphandle kwalokho ubakhiphe la eNdlini.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order!

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IsiZulu:

Nk M S KHAWULA: Bawuthatha kancane umsebenzi laba. Sikhuluma into ebalulekile la. Awubize laba bantu abakhipha abantu babakhiphe. [Ubuwelewele.]

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Khawula! Hon Khawula! Hon Khawula! Hon Khawula! Hon Khawula, next time when you want to raise a point of order ...

IsiZulu:

... mama uKhawula, sukuma nje ume eduze kombhobho ucele ukuthi ufuna ukwenza isiphakamiso, ungamane nje ukhulume. Ngiyabonga.

Mnu N E GCWABAZA: Udaba-ke lwabammeli abacotha eduzane kwezibhedlela belindele ukuthi mhlawumbe bangase bathole amacala okuthi iziguli aziphathekanga kahle bese befaka izicelo zezimali ezishisiwe eMnyangweni Wezempilo seliphakamisiwe nokuthi-ke uNgqongqoshe Wezempilo ubaba u-Motsoaledi walusukumela ngokushesha lolu daba, kuyancomeka-ke lokho kodwa okubuhlungu wukuthi lezi zimali ezifunwa ngabammeli bathi bazifunela laba bantu abangaphathekanga kahle

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ezibhedlela nasemitholampilo ngesikhathi beyofuna usizo lwezempilo azifinyeleli kulaba bantu okuthiwa zisuke zifunelwa bona, yincane imali efinyelela kubona uma isitholakele ikhokhwa wuMnyango Wezempilo, yiningi engena ephaketheni yalaba bammeli, lokho-ke kufanelwe kulungiswe ngokuphuthuma. Ake ngikubalule-ke ukuthi ngiyezwa nje umhlonishwa okhulumela i-DA ethi, benza kahle bona la eNtshonalana Koloni. Ehe! Benza kahle ikakhulukazi ezibhedlela nemitholampilo yalaba abadla idombolo likapondo kodwa izinhlango ezazikhona zakuveza ukuthi abazinakile izibhedlela zasezindaweni zasemakhaya la Entshonalanga Koloni. Abazinakile futhi izibhedlela nemitholampilo asezindaweni zabantu abamnyama ko-Manenberg nako-Mitchells Plain nakoGugulethu naseLanga.

Ngakho-ke akusithusi ukuthi bazishaye izifuba bazincome kodwa bazincoma ngento abayaziyo ukuthi ayinabo ubulungiswa. Ekugcineni-ke Sihlalo ohloniphekile, ingqungquthela, umhlangano lo walamakomidi womabili wagcizelela ukuthi uhlelo lolu lwe-National Health Insurance, kufanele ukuthi lenziwe ngokuphuthuma ukuze bonke abantu bakithi bathole ukwelashwa ngaphandle kokuthi kubhekwe ukuthi banamalini ephaketheni nokuthi banawo yini ama-medical aid. Ngaleso sizathu-ke

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siyawuphakamisa siwu-ANC lombiko lona, sicela ukuthi leNdlu iwamukele. Ngiyabonga. [Ihlombe.]

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, the last item on the Order Paper is a Subject for Discussion in the name of the Chief Whip of the Opposition, on the scourge of state capture – Parliament's duty ... [Interjections.]

[Applause.] Order! I've not finished reading. [Interjections.]

Order! The scourge of state capture – Parliament's duty to investigate and hold the executive to account. Hon

Steenhuisen? [Applause.] Order! Hon Steenhuisen, you can take a seat. What's the point of order hon member?

Mr E KEKANA: House Chair, I'm rising on Rule 90, the Rule of anticipation. It is my view that if this House continues with this debate, the House will be grossly out of order.

[Interjections.]

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, what do you mean?

Mr M L W FILTANE: Hon House Chair, point of order.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Can we allow the member to finish? Can you take a seat?

Mr E KEKANA: This debate takes place at a time when Parliament is busy investigating matters pertaining to state capture.

What worsens the situation is the fact that the Members of Parliament who serve as panellists in the investigation are debating and the fact that they are debating means that they will be debating having some conclusions on matters pertaining to the matter under investigation. I therefore request you to put this motion aside so that the investigation by Parliament can reach its logical conclusion. Thank you very much.

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you. I've noted your point of order hon member. Let me take the other point of order and then I will reflect on the matter you have just raised. Hon member?

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Mr M L W FILTANE: Thank you Chair. We really appreciate you giving us the opportunity to talk to this matter. We cannot take that invalid view. We have not asked for an opinion as to whether we want to discuss this or not. We are Parliament. This matter is not sub judice. It's being investigated by Parliament. [Applause.] He must go somewhere if he has a different view. We are going to expose serious things here.

Mr T RAWULA: Thanks Chair. I want to give guidance to the member. I think he is ill-informed. There is no investigation that Parliament is pursuing. It's only an inquiry. Those are two different things with different implications. So he must withdraw. He thought there is an investigation. There is no investigation; there is an inquiry. So can we proceed?

Mr M WATERS: Chairperson, if you look at Rule 90(1), the Rule of anticipation, it says that, "No member may anticipate the discussion of a matter appearing on the Order Paper". There is no other matter appearing on the Order Paper but state capture. "or agreed upon by the Programme Committee for scheduling". There is no other debate scheduled relating to state capture by the Programme Committee. So, the hon member from the ANC is wrong on two accounts.

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Ms B P MABE: Hon Chairperson?

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon Mabe, what is your point of order?

An HON MEMBER: Caucus gone rogue Mr Chief Whip.

Ms B P MABE: The hon member from the DA just used Rule 90 in terms of anticipation. Yes, I agree the Rules are clear that, "No member may anticipate the discussion of a matter appearing on the Order Paper or agreed upon by the Programme Committee for scheduling".

However, in all fairness ... [Interjections.] ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! Order! Let's allow the hon member to raise her point of order.

Ms B P MABE: ... the subject on the Order Paper is ...

[Interjections.] ...

Ms P T KARLSEN: Are you captured?

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Ms B P MABE: You are captured. I'm not captured by anybody.

[Interjections.] You are captured ... [Inaudible.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon Mabe, can you address the Chair?

Ms B P MABE: The item on the Order Paper has captured the interest of South Africans because individuals were called to a certain committee. Whether that was an investigation or how the member of the EFF has explained it, the fact of the matter is that people were called in to come an account before Parliament. So, it will only be fair and just that individuals are afforded an opportunity, at least to be presented with a report. There should be findings after any investigations or any probe. So, it will only be fair that this House does the right and honourable thing. It cannot also be ... The report must be tabled in Parliament for consideration and adoption. So, we cannot try and ... [Interjections.]

An HON MEMBER: Point of order!

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! I allowed ...

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Ms B P MABE: We should not try to find the easiest way of dealing with this matter. [Interjections.] Let us follow the Rules. If the very same issue was happening ...

[Interjections.] [Inaudible.] ... against the DA they were going to interdict.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon members! Order! Hon members! Hon Mabe! Hon Mabe, can we stick to the point of order. Let's not try to engage with the debate. I'm allowing points of order.

Hon Deputy Chief Whip of the Opposition, I've noted you but there are two members before you who requested points of order.

Hon Mabe, I have noted your earlier point but can I ask all members, let's not engage with the debate until you allow the Chair to respond. Hon Singh followed by hon Mulder.

Mr N SINGH: Thank you Chairperson. I don't know if you want to respond to the initial points of order before we make our submissions and points of order.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Are you making another point of order?

Mr N SINGH: Yes, the point of order is that we are not discussing state capture. The motion is not about state capture but it's about Parliament's duty to investigate and hold the executive to account. Now, that's completely different to investigating state capture and we as Parliament have a responsibility to talk about our own affairs.

[Interjections.]

Dr C P MULDER: Hon Chairperson, it makes one think why the ruling party does not want to discuss this subject under no circumstances. The fact is that the hon member who took the point of order in the first instance relied on Rule 90(1) and (2). It's quite clear from Rule 90 that it's not applicable at all; not at all with regard to this debate this afternoon. So, in terms of a legal position there is no substance in that point of order. It's my view.

Secondly, this discussion does not pre-empt whatever may come out of Parliament's process. At the time when Parliament concludes its business, if there are any reports, Parliament

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will discuss it at that stage. This is not pre-empting that. This is a different discussion and I am of the view that Rule 90 does not apply. We should proceed immediately.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you. Order hon members! Can I just come back to all of you? The member who raised the point of order the beginning relied on point 90, which is really about the scheduling of the debate.

Points one and two as articulated in those Rules says that a member may not "anticipate the discussion of a matter appearing on the Order Paper or agreed upon by the Programme Committee for scheduling".

Firstly, in respect of Rule 90(1), there is no other debate that has been scheduled. This is the only one. So that would fall away.

Secondly, with respect to Rule 90(2), "In determining whether a discussion is out of order on the grounds of anticipation, the presiding officer must consider whether it is probable that the matter anticipated will be discussed in the House or at a joint sitting within a reasonable time".

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Indeed hon members, when the Speaker considered this debate, having been approached, in her consideration, as well as the national Programme Committee which then agreed to schedule this matter, there is no other debate that is anticipated in the immediate that will reflect or debate the same matter.

So I want to say that on the grounds of Rule 90, and the Speaker and the Programme Committee having considered this matter, it did not see that the discussion on this matter will in anyway contravene these Rules.

Firstly, I have listened ... [Interjections.] Order hon members! So, on the grounds of that point of order I would say that it cannot be sustained.

Secondly, there are other issues that have been raised in respect of this matter by hon members. As it is indicated in the broad debate, it really is not about the current inquiry into Eskom, which is a specific matter that Parliament is in the process of undertaking. However, what I picked up from what members were raising is the caution, that in so doing, even though this broad debate is being undertaken, it must be important that, in particular those members who sit in that

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committee, might be cautious in how they engage, such that their participation in itself may not render the very inquiry obsolete, where other members may feel that by coming into it they might have been prejudged. I took that as a caution that was being made.

So, I just want to say that from the Speaker and the national Programme Committee there was nothing that was seen as untoward in having this debate continuing. I will therefore allow the member to start with the debate. [Applause.]

**SCOURGE OF STATE CAPTURE – PARLIAMENT’S DUTY TO INVESTIGATE
AND HOLD THE EXECUTIVE TO ACCOUNT**

(Subject for Discussion)

The CHIEF WHIP OF THE OPPOSITION: House Chair, if ever there was a reason for this House to have this debate today it was confirmed in glorious technicolour yesterday evening: watching the clip from “Gupta TV” of the gang of six ANC MPs defending state capture, tearing viciously into their own Chief Whip as well as their colleagues on the Portfolio Committee on Public Enterprises, and threatening to disrupt this debate as we have

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seen them start off doing today - indicating that it would not go ahead. This proved why this debate today was so essential. I think that we should start, as the hon Gordhan has told us ...

Mr G S RADEBE: Order, Chair. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Steenhuisen, you can take your seat. What's the point of order, hon member?

Mr G S RADEBE: I think if ever the hon Steenhuisen is going to accuse any member of this House, he must raise a substantive motion first before he raises anything ... [Interjections.] ... because he refers to the members of this House. Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, could you just clarify, hon member, what the point is of the accusation so that I can ask the Table for assistance. [Interjections.]

Mr G S RADEBE: Hon Steenhuisen has just accused that there are other members of this House who went about rampaging and insulting the Chief Whip of this House. [Interjections.]

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon members, I wish to listen to the member who is raising a point. Hon member, you can proceed. [Interjections.] Order, hon member! Could we allow member Buthelezi who is addressing the Chair.

Mr S N BUTHELEZI: Hon Steenhuisen has raised that there are members of this House who are attacking the Chief Whip of the Majority Party of this Parliament. I think he must raise a substantive motion in raising an accusation around the members of this House. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member. I will reflect on that one, whether it really applies in respect of the Rule that you want us to deal with. I will reflect and I will come back to the House.

Mr M WATERS: Chairperson, may I address you?

The HOUSE CHAIRPERSON (Ms A T Didiza): Yes, what is the point of order?

Mr M WATERS: Chairperson, it is obviously quite clear that the ANC's tactic is to raise frivolous points of order in order to

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frustrate the debate because they are embarrassed about what is going to be said here today. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon Waters!

Mr M WATERS: And, rightfully so - you should be embarrassed. [Interjections.]

An HON MEMBER: Why is he attacking us directly? [Laughter.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, could you please not all stand when you are not pointed. I was listening to the hon Waters on a point of order. I will address that point of order. Could we please try to have some kind of decorum?

Mr M WATERS: Chairperson, may I continue?

The HOUSE CHAIRPERSON (Ms A T Didiza): You have raised the point, sir.

Mr M WATERS: What I was saying, Chair, is that it is no wonder the ANC is embarrassed about this debate. But may I appeal to

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you to stop frivolous points of order in order for us to get on with this debate and so that the public can hear the real story about the ANC and state capture.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Waters, thank you. At the moment there have been no frivolous points of order. The hon Buthelezi raised his point, and I said to him, in as far as the point of order he was raising is concerned - based on what the hon Steenhuisen said - I will actually reflect on that matter: whether it does indeed come to be a matter of a point of order that this House can rule on. So, I don't regard that as a point of frivolity.

Hon member of the EFF, I will get to you.

Mr S P MHLONGO: Thank you, Chairperson. If you could just be firm on this because, as a public representative myself, I think this is a very important matter which needs us as the people of this country to engage on and to demonstrate to our people out there that we cannot allow our country to be hijacked whilst we live.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member.
Hon member?

Mr M A DIRKS: Thank you, hon Chairperson. Hon Chairperson, I want to appeal to you that you must please ask the member at the podium to withdraw the statement referring to six hon members as a gang. [Interjections.] He must withdraw that. If he does not withdraw that, we will not allow him to continue speaking. [Interjections.] That is the first point.
[Interjections.] We will not allow him to speak. He must withdraw that. [Interjections.] He must not refer to hon members as a gang. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Order! Hon member, could you take our seat. Hon member, there was no direct inference to any member. So, I would really allow us to continue with the debate. Hon Hlengwa? Sorry, hon Waters, could you please take your seat.

Mr M HLENGWA: Hon Chairperson, I think for the record it would be very bad if the hon Buthelezi was associated with defending this debate from going on. It is not hon Buthelezi; it is hon Radebe.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Oh, I am sorry, hon Radebe.

Mr M HLENGWA: ... so that Shenge is not implicated in defending what he is saying.

IsiZulu:

Asihlangene naleya nto.

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon Hlengwa. My apologies, hon Radebe. Could I allow the hon Steenhuisen to continue with the debate? Hon Waters, what is the new point of order?

Mr M WATERS: Chair, if I may ... The hon Dick said that ...

Mr M A DIRKS: On a point of order! On a point of order! On a point of order!

The HOUSE CHAIRPERSON (Ms A T Didiza): Order!

Mr M A DIRKS: On a point of order!

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon Dirks, could you take your seat. [Interjections.]

Mr M A DIRKS: That white ... [Inaudible.] ... boy there!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, could I really appeal to you not to descend this House into chaos. [Interjections.]

Mr M A DIRKS: No, no, no. I'm not going to accept that.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Waters, could you please take your seat. [Interjections.]

Mr M A DIRKS: I'm not going to accept this. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Yes, I've switched on the microphone because there is a bit of an exchange and I am avoiding the House descending into chaos.

Mr M WATERS: But, Chair, may I finish my point please.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Dirks ...

[Interjections.] [Laughter.] Could you take your ...

Mr M A DIRKS: I am not going to accept that white boy to call me a dick. I am not going to accept that white boy to call me that. [Interjections.] That racist white boy!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Waters, the name of the hon member who you wanted to address is Dirks.

[Interjections.]

Mr M WATERS: I said Dirks, didn't I? [Interjections.] What did I say?

The HOUSE CHAIRPERSON (Ms A T Didiza): So, I think it is important ... [Interjections.] Order, hon members! Hon members, I think it is important that all of us, no matter the differences that we have had or we are having as political parties, show a modicum of respect to one another. I don't think it is funny. Each one of us ... our parents named us properly. I think it is just not correct that we address each other in a manner that actually is not the appropriate way in which to address. Hon Waters, what is your point of order?

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Mr M WATERS: Chair, I apologise if I pronounced the surname wrong ...

The HOUSE CHAIRPERSON (Ms A T Didiza): You did pronounce it wrongly.

Mr M WATERS: I am sorry. Chair, the hon member - I won't use his name in case I pronounce it incorrectly - threatened that if hon Steenhuisen didn't withdraw, he would not be able to continue with the debate. That is a threat to Parliament, and the hon member should withdraw that. [Interjections.] That is direct threat to you and your authority in this House.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, you know, I would have really loved to hear what the member said, because, in the context of this discussion, all of you are speaking and impairing the Chair not to even hear who is saying what. I don't think it's fair. You want me to rule when I have not heard anything because all of you are heckling one another. That does not facilitate fairness in the way I rule. So, I won't rule on that matter, hon Waters, because I didn't hear. Could you please proceed, hon Steenhuisen.

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The CHIEF WHIP OF THE OPPOSITION: So I think we should start, as the hon Gordhan has said so many times before, to join the dots. And when you do that, you do have to ask, whose interests are these members serving? Certainly not the people of South Africa, certainly not our democracy's and definitely not this Parliament's. It was nothing more than a poorly executed dance of subservience to the Gupta masters who are no doubt carefully choreographing this afternoon's charade from the confines of their Saxonwold shebeen.

But I think it's important to note that, just last week, the High Level Panel, headed by former President Kgalema Motlanthe, released its report. It's a fascinating document which should be compulsory reading for every single member of this House. It is an indictment on the failures of this House and a major wake-up call for all of us. The panel calls on us for much more effective oversight of the executive and for a more activist Parliament that is not simply a rubber stamp processing the work of the executive.

But perhaps most worrying, and something which should concern every single member off this House, is the section dealing with trust in institutions. Public trust in Parliament has

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declined massively from 65% in 2009 to just 38% in 2015. And the question we have to ask ourselves as members of this House is, why?

Well, when you begin to join the dots, it's easy to see. In 2009 a certain Mr J G Zuma was elected as the President and set about turning this Parliament into his poodle and adding it to a growing collection of captured institutions.

Since then, we have experienced the SABC crisis, the mining crisis, Visagate, Nkandlagate, Nenegate, Sassagate, and, at each step of the way, this House has simply rolled over and allowed the executive to ride roughshod over it. Attempts to hold the executive accountable have been thwarted by Ministers who don't appear, don't answer questions and don't feel they are accountable to this House and the people it represents. They tend to choose overseas trips over their constitutional obligations to account.

Let's not forget that it was this very Parliament that, without calling him to account before a single committee of the House, shamefully absolved the President of any wrongdoing

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on Nkandla. It was left up to the Constitutional Court to step in and do the job for us and hold the President accountable.

And it's not like this House has learnt a single lesson from that occasion. Just last week at this podium, the President, on one of his paltry four visits per year to Parliament, was protected from answering a Question that was on the Order Paper and that had been with his Office for over 14 days.

The problem is that we have an executive that rides roughshod over the House and is protected from being held accountable by Presiding Officers who see it as their role to protect them, rather than to protect the members of this House in the discharge of their functions.

Just last night, the Speaker of the NA was on Radio 702 waxing lyrical about the President's dignity. Dignity? When is the Speaker going to start standing up for the dignity of this House which has been systematically abused by an executive and a Presidency that have gone rogue.

It's little wonder that the people – as the High Level Panel report affirms – are losing faith in this House as it

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continues to break its covenant to serve the people's interests, serving instead the interests of the executive.

Despite all this, I don't think that anything could have prepared any member of this House – except those involved, of course – for the revelations that emerged through the Gupta leaks. Finally, the vast network was laid bare for all to see: the tentacles of influence, subversion and deceit extending from Saxonwold through the Union Buildings, into government departments, through them into our state-owned enterprises and, deeper still, into our provincial and local governments.

Ms S C N SHOPE-SITHOLE: Point of order ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon Chief Whip. Please take a seat. What is the point or order, hon member?

Ms S C N SHOPE-SITHOLE: I just want to know if the member is prepared to take a question about the way he left the eThekweni Municipality.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member ...

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The CHIEF WHIP OF THE OPPOSITION: I left the eThekweni Municipality because I was promoted to the provincial legislature. [Interjections.] But let me tell you something. What the hon member is confusing it with is the fact that I left the KwaZulu-Natal legislature over a matter in my private life.

But let me tell you something that I've learnt in politics. Those people who are so obsessed about what is happening in other people's bedrooms, have very little going on in their own! [Laughter.] [Applause.]

The flurries of emails, databases and communications exposed each terrible tentacle sucking up opportunity and huge sums of public money, away ...

Mr M A DIRKS: On a point of order! On a point of order, Madam Speaker!

The HOUSE CHAIRPERSON (Ms A T Didiza): What is the point of order?

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Mr M A DIRKS: The point of order is, did this member service the people of KwaZulu-Natal in the legislature, or did he service his colleague's wife?

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Dirks, that's not a point of order! That's not a point of order. [Interjections.] Please proceed, hon Steenhuisen.

The CHIEF WHIP OF THE OPPOSITION: Oliver Tambo would be turning in his grave if he should see the quality of ANC MPs sitting in these benches today. Is that the best they can come up with? This is a man who can't even pay his municipal rates account when he was the Deputy Mayor of ... [Interjections.]

Mr M A DIRKS: On a point of order!

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon members, can we please allow ourselves to proceed with the debate.

[Interjections.] Order! All parties have an opportunity to engage in this debate. [Interjections.]

Hon Dirks, I am really appealing to you to sit down because you raised a point which then required a response. You did not

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even allow the Chair to rule. So I am really asking you to sit down. [Interjections.]

Mr M A DIRKS: Let him continue with the allegations ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member!

[Interjections.] Hon Dirks! [Interjections.] Hon Dirks, I really think you are out of order. You can't threaten the House! [Interjections.] [Applause.] You can't do that. You cannot choose to throw stones at others, but when they throw stones back at you, it is an issue for you! [Applause.] I think all of us have party representatives who will participate in the debate. I think ... [Interjections.] Hon member, I want to address all of you. Let's stop being personal. [Interjections.] From all sides! Let's stop being personal, because I really think that does not add to the decorum of the House. When you start bringing personal issues into House, claiming who does what with who ... I don't think that is why we are here. [Interjections.]

Hon Dirks, I am really asking you to take a seat!

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Please proceed, hon member. [Interjections.] Sorry, hon Steenhuisen. Yes, hon Buthelezi? [Interjections.] Order, hon Khawula! [Interjections.] Hon Khawula! Hon Khawula, I have addressed you earlier. You cannot just speak. You must ask to be recognised by the Chair. Hon Buthelezi?

Prince M G BUTHELEZI: Hon House Chair, I am disappointed in you, ma'am, because you are being over-generous. I think this gentlemen ... this hon member is abusing all of us. We have a right to say, if he doesn't comply with your ruling, that he must leave the House. [Interjections.] You are usually the darling of all of us because of the way you conduct debates in this House. I don't see why you have not used your powers to chuck him out of the House. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member. Hon Steenhuisen, please proceed.

The CHIEF WHIP OF THE OPPOSITION: Hopefully, the Powers and Privileges Committee will do just that, hon Buthelezi.

There was a flurry of emails, databases and communications, each one exposing the terrible tentacles sucking up

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opportunities and huge sums of public money away from its intended purposes and into the pockets of the Guptas, the Essas, the Ngubanes, the Hlongwanas and the Zumas. And before they take a point of order, I'm talking about Edward and Duduzane.

While the people of the Vrede Dairy project languish in abject poverty, the money intended for them was used to pay for a wicked wedding, for champagne and caviar which these obscenely rich individuals and families quaffed back, all the while laughing while the poor suffered.

And what was this House's response to the daily barrage of revelations of captured Ministers put in place – as we read in the shocking revelations in the book *Enemy of the People* – not to be faithful to the Republic, as they swore in their oath, but rather to be faithful to the interests of the Gupta family?

Well, a whole six months ago the House Chairperson wrote to the chairs of four portfolio committees ...

Sorry, Chair, this time ... [Inaudible.] No ways!

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The HOUSE CHAIRPERSON (Ms A T Didiza): It has not been tampered with ...

The CHIEF WHIP OF THE OPPOSITION: Well, a whole six months ago the House Chairperson wrote to the chairs of four portfolio committees – Home Affairs, Public Enterprises, Transport and Minerals & Energy – instructing them to urgently probe the allegations.

Rather like the curate's egg, the response has been excellent in parts but bad in others. Only the Public Enterprises Committee seems to have acted with any urgency in dealing with the matter and not without significant resistance – as we've seen today – from many on these benches. Members of all parties on this committee must be complimented on their bravery, work and dedication in difficult circumstances.

The truth is though that they still have a long way to go. They have only dealt with Eskom. They still haven't even begun to scratch the surface of Transnet and Denel where even further indications of the rot reside.

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But what has happened outside this committee? The Home Affairs chairperson has done everything he can to thwart efforts by members to conduct a probe into the Home Affairs-related aspects of state capture. To date, former Home Affairs Minister Malusi Gigaba has not once been called to explain why he used executive privileges to grant citizenship to Gupta family members when the original sponsor and applicant did not complete the process.

What progress has the Transport Committee made? Why has the State of Capture report by the Public Protector not been forwarded to a committee? What too about the revelations that the Guptas were provided with a secret Cabinet memorandum by a former Communications Minister

Mr G S RADEBE: Chair, point of order.

The HOUSE CHAIRPERSON (Ms A T Didiza): What is your point of order?

Mr G S RADEBE: My point of order is a point of information.

Hon member, the issue of ...

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order!

Mr G S RADEBE: On the issue of ... [Inaudible.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member!

Please take your seat!

Mr G S RADEBE: He doesn't know what he is talking. I'm from that portfolio committee.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon Radebe, that's not a point of order. Please proceed, hon member.

The CHIEF WHIP OF THE OPPOSITION: And, most importantly, why has the President not appeared before a single committee of this House to account for a single one of these serious allegations?

There are some today who, like the people we heard on TV last night, will no doubt argue that it is not this House's responsibility to investigate and hold the executive accountable. They will argue that the proposed judicial commission of enquiry should do that. Funny though that it is

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the very same people who, when the opposition goes to court and beats them in court, argue repeatedly that the judiciary shouldn't do Parliament's work!

Nothing could be further from the truth. The Constitution of the Republic makes it clear that Parliament is mandated to do the job that is required to get to the bottom of the scourge of state capture. It is provided with all the tools – both constitutionally and through our Rules – to perform the functions that it needs to in holding the executive accountable. And, it is obligated to do the job because, as the People's Parliament, it has the duty to act in the interest of the people of South Africa.

Because, in the final analysis, colleagues, if we, as Parliament, don't act and hold the executive accountable, who will? [Applause.]

Ms L S MAKHUBELE-MASHELE: Chairperson, hon members, the hopes and aspirations of the more than 50 millions of citizens in the country rest upon us as Parliament, because we are the people's representatives. Our primary role as Members of Parliament in the national Assembly and elected

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representatives of the people is to ensure there is proper accountability and governance of all state organs occurring.

We do this work by, amongst others, scrutinising and overseeing executive action. Parliament is one of the three arms of government that make the state and it is duty bound to obliged by law to act and investigate the allegations of state capture and corruption of any state organ without fear of favour.

We the people's representatives pledged our allegiance to the Republic of South Africa by a promise to uphold the Constitution upon taking Oath of Office. This Oath should be the base and foundation of the work we carry out on behalf of the citizens who elect us to office and positions of responsibility.

The ANC takes the issue of state capture seriously and will not shy away from all challenges confronting our young democracy and its institutions. Over the past few months, the eyes of the nation have been fixed on Parliament, particularly the oversight work that many committees of the National Assembly led by the ANC have been conducting.

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The Ad hoc committee on the SABCE board is one case in point, on a Parliament working tirelessly to ensure accountability and good governance. All forms of maladministration that was confronting the SABC were laid bare through the committee enquiry. The recommendations have not gathered dust, but are in the process of implementation.

Today those who had captured the SABC and thought that they would not be taken to task have seen the door and some will follow. This is a clear indication that Parliament is holding people accountable on their actions.

Hon members and South Africans, our Constitution provided clear guidelines that the National Assembly must provide for the mechanisms to ensure that all executive organs of state in the national sphere of government are accountable to it; and to maintain oversight of the executive authority, including the implementation of legislation.

In their wisdom, the drafters of the Constitution used the word "must". This word is significant because in law, it implies that the National Assembly has no reason whatsoever to act otherwise. The National Assembly also has a wide-range of

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powers to enforce accountability. Section 56 of the Constitution empowers this House and its committees to summon any person to appear before it and give evidence or require any person or institution to report to it.

Perhaps we must admit as members of this House that we have not exercised our powers to the fullest; hence when our committees began to enhance oversight in recent years the reactions by some officials in state-owned enterprises have been exposed their disdain towards the people and the people's Parliament.

As we mark the centenary of the birth of our icon, Oliver Reginald Tambo, we the members of the ANC deployed to Parliament must draw inspiration and strength from his wisdom. Tambo implored all ANC cadres that:

At no state should we ever allow the strategic initiative to shift to the other side. Let us therefore root ourselves amongst the people, live their experiences, share their trials and tribulations and jointly with them, find ways and means to advance our cause at both local and national levels. As in the past, our cadres should be the first to

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rally to the defence of the people and the last to seek rewards.

The opening words of the Freedom Charter and the preamble of our Constitution says; we the people of South Africa have a profound meaning for each and every one of us in this House. Through our actions in this Parliament, we must give effect to the principle that the people shall govern! We must hold everybody accountable without fear or favour.

Any form of corruption or state capture, is a cancer that will destroy and rob our society particularly the most vulnerable. It undermines the objectives of our government to build a prosperous nation as envisioned in the national development plan.

Parliament cannot sit idle while the policy objective of our legitimate government that was elected by millions of our people is being undermined, and the capacity of the state to deliver on its mandate is destroyed in front of our eyes.

A recent study by Transparency International has revealed a link between inequality, and corruption in society. In

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countries where there are high levels of inequality there is directly proportional high prevalence of corruption.

Clearly, if we want to win the fight against corporate and state capture and related corruption activities, we must redouble our efforts to radically reduce inequalities by fighting against all forms of any capture that rears its ugly head.

Some academics have called our state a contract state. Cynical people in the corporate sector have abused our policies aimed at achieving economic transformation by using government's procurements spend to favour black businesses by doing corrupt activities rewarding contracts and tenders by colluding with officials within government departments and state-owned enterprises. And our committees are revealing those things

Therefore, as the people's voice we dare not fail in our quest to deliver our constitutional duties. The allegations that certain families or companies have become too influential in the decisions of the state-owned enterprises should be investigated and brought to account through legal and legitimate actions.

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The ANC is committed to radical economic transformation which is to be achieved if we would be using procurement by government and state-owned enterprises. The corporate sector must be encouraged to increase its gross domestic fixed investment in order to accelerate inclusive growth and reduce inequality. Development in an unequal society cannot work without the allocation of beneficial rents. What matters most is whether our rent management system is corrupted by patronage networks or not.

As we have seen in other countries in Europe and Africa, once the system is corrupted, a process set in that can lead to the hollowing out of the state: endemic conflict and economic collapse, while elite enriches itself. This cannot be allowed to manifest under our watch as Members of Parliament.

Parliament must be applauded for its proposed amendments before this House to empower the Auditor-General to refer undesirable audit outcomes to recover losses in certain instances against persons responsible for state resources of losses. These will give authority to the auditor-general to act against fruitless and wasteful expenditure.

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Hon members, we must agree that this motion from the DA is premature and seeks to undermine the very work currently before the committees on the allegations of state capture being tested and investigated.

To this end, the Standing Committee on Public Accounts recently concluded engagements which sought to build confidence in the capacity of the state not to disrupt payment of the much needed grants to the most vulnerable of society through a state entity, the Post Bank.

Capacity would be build through the post bank, and this is the committee of our Parliament, Scopa, that has made sure that we build this capacity. This is an indication that this notion that nothing is being done is wrong; because the DA by bringing this motion the DA wants to present a situation that the ANC is not doing anything. These are clear indications that we are not sitting on our laurels but we are doing something against the state capture.

Hon members, the ANC leads society and we will continue to lead this society. We will not shy away from the fact that we have been given the mandate to lead the people of South

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Africa, and leading the people of South Africa we will ensure that all corruptions, state capture and corporate capture will be uprooted.

The committees that are before this House that are investigating these allegations are testing are testing the very same facts that you are crying foul about. Let us allow these committees to conclude their work and bring their reports before this House so that we take everybody who has been implicated to the relevant authorities to ensure that they account.

Hon members, as I close this debate, I want to close the debate ... [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon members! Order! You ask us to make sure that everybody is heard while you may interject but I think you should not dissent to a point that no one is heard when they make their point.

Ms L S MAKHUBELE-MASHELE: Chair, the promise that we are making to South Africans today is that we will get to the bottom of state capture, corruption and all the allegations.

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What we are emphasising before this Parliament is that we are one arm of the state and we will not allow ourselves not to sit down and not do anything.

The very same committees that are there investigating and testing the allegations - because these are allegations and they need to be tested - and these committees are doing just that. We will ensue that everybody who is implicated and has done something wrong must be brought to book. Thank you.

[Applause.]

Mr T RAWULA: Chairperson, we know now for a fact that in South Africa, under the management of a parasitic, criminal, Gupta-led syndicate, corruption is taking place on an industrial scale.

This is despite concrete evidence of corruption at Transnet, by Gupta-linked Regiments Capital and Trillian Capital Partners, of billions of rand. Transnet paid R5,3 billion to Gupta-linked Regiments Capital to inflate the locomotive tender for the Guptas to loot state resources. This is also despite concrete evidence of corruption at Eskom of Gupta-owned Oakbay Investments stealing billions through irregular

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coal contracts and prepayments; and despite concrete evidence of the R500 million Eskom paid to Trillian Capital Partners without a contract, invoice or any work done.

There has been fraud, racketeering and money-laundering of R659 million from Eskom to Oakbay for the Guptas to buy Optimum Coal - and Eskom has the courage to ask the National Energy Regulator of South Africa, Nersa, for a 19,9% tariff increase! It is we, the citizens, who pay exorbitant electricity fees and who feel the burden of state capture. Even when it is reported that Eskom does not have money and is likely to run out of cash in six months', some of these contracts that are facilitating industrial-scale looting continue, despite all this evidence.

While we sit here and debate the scourge of state capture, there are payments that are being processed to Gupta companies now in a web of fraud, racketeering and money-laundering. We sit in committees to hear evidence by some of the people who were involved and used in this web of industrial-scale looting. These include the former Chairman of the Eskom Board, Mr Zola Tsotsi; former Eskom legal director, Ms Daniels; former Trillian Management Consulting CEO, Ms Bianca Goodson;

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and the former CEO of Trillian Financial Advisory. All the while, our tax money is being looted and we are not doing anything about it. The evidence is there for everyone to see, but not a single person has been arrested or even taken in for questioning.

Mr G S RADEBE: Chairperson, on a point of order: It's on the Rule of anticipation. I am trying to check if the member, as we cautioned earlier, is not tampering with the current debate also taking place in the portfolio committee ...

The HOUSE CHAIRPERSON (Ms A T Didiza): No, hon member, take your seat. Proceed.

Mr T RAWULA: The police, Hawks, National Prosecuting Authority, NPA, and Special Investigating Unit, SIU, are sleeping while the looting takes place.

It is up to this Parliament to take decisive steps before it is too late, before there is nothing left to protect, and before this level of lawlessness reaches Parliament. The NA must pass a motion of no confidence in all Ministers that are linked to the Guptas: Mr Gigaba, Mr Des van Rooyen, Ms Lynne

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Brown, Ms Muthambi, Mosebenzi Zwane. In fact, it is now on record ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Order! Hon member, at the moment, I think what you are doing in terms of the Rule is not allowed. You are casting aspersions. Even though there are issues that are being raised in another committee's inquiry, there hasn't been any conclusive finding by that committee. I think you should refrain from doing that.

Mr T RAWULA: Noted, Chair.

The NA must adopt a resolution for all state-owned companies to stop payments to all Gupta-linked companies. The NA must adopt a resolution to call for the Asset Forfeiture Unit to seize the assets of all the Guptas, their associates, and Mr Zuma and his family, immediately. In fact, it has been revealed now, in one of the committees, that Mr Zuma, Ms Lynne Brown and Dudu Myeni are the ones who initiated ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon member ...

Mr T RAWULA: ... the suspension of directors at Eskom.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member! Hon member Rawula!

Mr T RAWULA: Yes, Chair?

The HOUSE CHAIRPERSON (Ms A T Didiza): There was a caution raised earlier that members who are serving on that committee should try and make sure that they don't bring up those matters not yet concluded by the committee in its inquiry. I really think that, in the manner in which you engaged in the discussion, you must steer clear of those issues, because you are actually jeopardising the work of your own committee. Thank you.

Mr T RAWULA: Which Rule are you referring to? [Interjections.] You will only use that Rule if the matters are sub judice, where you would argue that I'm using merits. There is freedom of speech. I am speaking on behalf of the EFF. Caution was taken but I am not obliged to comply with it.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon member?

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Mr X MABASA: Chairperson, on a point of order: In terms of Rule 85, the member is clearly out of order.

Mr T RAWULA: Read the Rule.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon Rawula! Can you take a seat? Hon member, the point of order is sustained. I explained clearly to you, hon Rawula, I don't think you are doing justice to that committee's work, in any way. You are not. [Interjections.] Order! Hon Buthelezi?

Prince M G BUTHELEZI: [Inaudible.] ... from the Rules of the House?

The HOUSE CHAIRPERSON (Ms A T Didiza): No one is.

Prince M G BUTHELEZI: Why are you selectively trying to avoid using the powers which the Constitution gives you? We are sick and tired of these interruptions, and you have the authority to chuck these people out. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Yes, I have, hon member. Hon Rawula, will you please proceed?

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Mr T RAWULA: Chair, without being difficult, I would like the Rule read out, please.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Rawula, can you please conclude your points?

Mr T RAWULA: Alright. The NA must, further, adopt a resolution to open some criminal cases - amongst them, a case against Ms Lynne Brown for perjury. [Interjections.] Parliament cannot continue with business as if it's business as usual. These are desperate times. It requires desperate measures.

There is no way we can sit here knowing full well some thieves are sitting among us. In the middle of the night, they are looting state resources. We are discussing state capture and we know who the people are, who the instruments are for that state capture. They must be exposed in the daylight. They must be exposed in the middle of the night. Whatever the factional politics of the ANC may be, they must never prevent us from doing our work. State capture must be dealt with and those implicated must be dealt with. Thank you very much, Chair.

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Mr G S RADEBE: Chair, on a point of order: In terms of Rule 82(3), no member may impugn on the dignity of another member. The hon member must withdraw the allegations he made against the Ministers who are sitting in this House. He must withdraw those allegations. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, that's exactly why I pointed it out to the hon member, both in terms of Rule 82 and Rule 85. Hon members, I want to appeal to all of you, again. A caution was raised earlier and I really want to ask members not to affect the work of that committee. The committee is still working on some of the things you raised. It's really an appeal to all of you, because you are pre-empting what the findings of that committee might be, at the end of the day.

Mr G S RADEBE: Chair, on a point of order: I request the hon member of the EFF to withdraw those allegations.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, take your seat. Hon Singh? [Interjections.]

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Mr G S RADEBE: Hon Chairperson, may I rise on a point of order?

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, can you take your seat? I have ...

Mr G S RADEBE: It is a point of order, Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): What is the point?

Mr G S RADEBE: Chair, the point of order is: If he doesn't withdraw his statement, it is going to be captured in the Hansard. He must withdraw those allegations.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, I raised a point with the member which actually nullifies the issue that ...

Mr G S RADEBE: He must withdraw.

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please take your seat, hon Radebe? Hon Singh, can you proceed?

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Mr N SINGH: Chairperson, in all my dealings as a Member of Parliament and in the business sector when I was still involved there, I was always prepared to give people the benefit of the doubt and allow the *audi alteram partem* rule to prevail before taking any decision. However, from the action of some members of this House today, it's so abundantly clear that the opposition to this debate was discussed not only here in this House, but elsewhere, outside of this House.

[Applause.] I really wonder, Chairperson ...

Ms B P MABE: Chairperson, on a point of order ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): What is the point of order, hon member?

Ms B P MABE: I just want to raise a point with the hon Singh: We agree with the sentiment but this must be comprehensive and not selective.

The HOUSE CHAIRPERSON (Ms A T Didiza): That's not a point of order. He stated his opinion. It's not a point of order.

[Interjections.] Hon member, can you proceed?

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Mr N SINGH: Thank you, hon Chairperson. It does make me wonder whether this judicial commission of inquiry, which we are all anticipating, will really happen ...

An HON MEMBER: Never!

Mr N SINGH: ... because, from the actions of members in this House, it seems that certain people are kicking for touch.

An HON MEMBER: Hear! Hear!

Mr N SINGH: However, Chairperson, I think all of us in this House need to thank former Public Protector, Adv Thuli Madonsela, for her report on state capture. [Applause.] It was her key findings in that report, which were shocking and only amplified by the President's initial attempt to interdict the release of the report to the public.

Adv Madonsela in her remedial action recommended that the President immediately establish a judicial commission of inquiry to probe the allegations of undue influence and improper conduct by the Gupta family over him. We know what the courts have said and we are waiting for that process.

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When the hon Letsatsi-Duba was Chairperson of the Public Enterprises, members who are here will know that I suggested that we use the Rules of this House to investigate Eskom. That did not happen. However, I think it is a positive step that at this moment in time, that committee is looking into what happened at Eskom, subsequently, Transnet, and then, Denel.

However, the IFP's concern is that this process is taking far, far too long. It's taken months already just to deal with a part of Eskom. How much longer will it take to conclude our business? So, the judicial commission of inquiry is an imperative because people will be dedicated to the task.

Today, the Standing Committee on Public Accounts heard about the shenanigans in Transnet and the Standing Committee on Public Accounts also wants to initiate some kind of investigation.

It stinks to high heaven that South Africa can be captured in the way that it is. State capture is a cancerous and festering sore in many areas of this government, none more so than in the entities that fall under the Department of Public Enterprises. These entities are looting platforms, par

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excellence, for those who are in political favour with certain elements in this government.

Another matter of concern is the threats against evidence leader, Adv Vanara. This is unacceptable, and we, as Parliament - and I'm glad that the Chief Whip of the Majority Party and the ANC have taken this stance - need to protect Adv Vanara, right to the hilt. Thank you, Chairperson. [Time expired.]

Mr M S MABIKA: Hon House Chair, from the onset, the position of the NFP is clear. State capture is an economic crime against the citizens of our country and should be treated as such.

Former Finance Minister, the hon Pravin Gordhan, recently quantified the scale of state capture, placing it at R150 billion. With R150 billion, the South African state would have been able to build 2 000 schools, 1 250 hospitals and 1,5 million RDP homes. Moreover, state capture does not only take money from the state, it also erodes the trust that ordinary citizens have in their elected officials and the

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ability of the institutions that are managed by those officials to serve their interests.

We believe that President Zuma; Finance Minister, Malusi Gigaba; Mineral Resources Minister, Mosebenzi Zwane, and the Gupta brothers must appear before Parliament to answer the mountain of questions relating to the process of state capture.

Mr X MABASA: Chairperson, on a point of order: The member is already mentioning names. According to Rule 85, no member may impute improper motives to any other member or cast personal reflections upon a member's integrity or dignity, or verbally abuse a member in any other way.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member, I've noted your point, but if I heard what the hon member was saying correctly, it was not casting aspersions. All he was saying was that they may need to be asked to appear before the committee. [Interjections.] We can then hear, as we proceed, if I need to rule in any other way, but for now, there is no impugning of anybody's character.

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Mr M S MABIKA: Thank you, Chair. Parliament's response to the whole state capture saga has been lukewarm, at best. However, this should not come as a surprise, considering that Parliament's efforts to hold the executive to account have largely failed during the Zuma Presidency. We see, ever so often, how Ministers fail to appear before portfolio committees, with impunity. Some are virtual strangers to this honourable House, where they are supposed to account and answer questions.

What is evident is that state capture has divided the ANC. Even the Deputy President is alluding to the scourge of state capture in his campaign to become the next president of the ANC, and by implication, President of South Africa. State capture has reduced the once-proud liberation movement of Sol Plaatjes, Chief Albert Luthuli, Oliver Tambo and Nelson Mandela to a cesspool of corruption, nepotism and money-laundering.

Recent, leaked e-mails show how multinational firms paid kickbacks to the family to get government tenders and that Cabinet members shared confidential government memorandums with the Gupta family. The relationship between the Guptas,

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Bell Pottinger, KPMG and Trillian Capital Partners revealed how deep and entrenched the process of state capture is.

However, removing one person is not going to halt the rot which has set in. The Guptas rely on an extensive network of Cabinet Ministers and senior managers at state-owned entities to reach their tentacles of corruption into the very heart of government. Thank you, Chair. [Time expired.]

Mr M L W FILTANE: State capture has infiltrated the core structures of the South African state since Mr Zuma has ascended to the highest office on the land. This evil act meted against the poorest of the poor, become institutionalised within the ruling party of which the President is leader. Mismanagement of government finances, culminating in last Friday's announcement by Standard & Poor Global, downgrading South Africa to junk status can be blamed on government's lack of honesty, proper management, accountability and state capture.

State capture undermines investor confidence and scares them away from investing in a state that is run by incompetent and dishonest officials. It therefore has adverse consequences for

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the economy of our country. It also has profound consequences for the citizens and adversely affects those who are vulnerable and unsuspecting. It takes public resources which could be used for social and economic emancipation of the people as a whole, towards the pockets of a coterie who conspire with those given responsibility and voters not able to help in the situation.

The fact that we have a staggering unemployment rate of over 27% with more than 30,4 million citizens living below the poverty datum line is a testimony to the devastating effect of state capture. Many South Africans have no access to food, clean water, quality education and healthcare because funds that were supposed to be used to deliver these basic human rights have been siphoned to a gang of looters, cronies and thieves.

State capture has the effect of replacing the legal system of governance with illegitimate decision-making processes derived from individuals who have no legal authority and have no interests of the people who voted for the government of the day. Voters are powerless against these individuals to vote them out or impeach them. The damning public exposure from a

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tranche of leaked emails from the controversial Gupta gang shows that South Africa is in an assisted coup facilitated right from the highest office of the land with members of the executive participating willingly and courageously and also benefiting.

The UDM welcomes Eskom Investigation by the Portfolio Committee on Public Enterprises as the beginning of a cleansing journey that will result in immediate initiation of criminal investigation by the competent bodies. We urge all South Africans to rise against state capture in numbers. Thank you.

Afrikaans:

Mr P J GROENEWALD: Agb Voorsitter, een van die steunpilare van 'n demokrasie is die skeiding van magte. Die skeiding van magte is daar om te verseker dat die wetgewende gesag dan die uitvoerende gesag verantwoordbaar hou.

As ons sê dat hierdie Parlement verantwoordelik is om die uitvoerende gesag verantwoordbaar te hou, moet ons ook vir mekaar sê dat ons as lede vandie Parlement verantwoordbaar is aan die kiesers van Suid-Afrkra, aan die belastingbetalers van

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Suid-Afrika. Ons word gekies in hierdie PARlement om vir die belastingbetalers en die mense van Suid-Afrika te sê dat toe sal sien dat daar op 'n verantwoordelike wyse omgegaan word met hul swaarverdiende belastinggeld.

Staatskaping vind nie oor nag plaas nie. Staatskaping vind nie net in 'n jaar plaas nie. Dit is 'n proses. Ek wild it op record stel dat die proses van staatskaping begin as korrupsie toegelaat word, korrupsie in Suid-Afrika is toegelaat en het begin onder die bewind van die destydse President, Mnr Thabo Mbeki. Toe reeds het ons al situasies gehad waqar korrupsie net eenvoudig toegesmeer is.

Hoe lank moes ons wag voordat daar teen Jacky Selebi, 'n voormalige kommisaris van Polisie, opgetree was. Ja, hy is tronk toe, maar dit het geeskaleer dat vandag as ons praat van korrupsie, dan praat ons nie hier van duisende of miljoene nie; ons praat van miljarde.

English:

The opposition parties in this House have on numerous occasions asked questions to Ministers, come with motions in this House to ask the governing party what they are doing

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about corruption but they did not answer. In fact they waited until now. As I said, they don't steal millions but billions. As a Member of Parliament I want to say that we are all supposed to feel ashamed for not being accountable to the people of South Africa. I want to say to you that I refuse to apologise because as members of the opposition we asked you to act but you acted too late. You owe the members and the people of South Africa an apology; you failed the electorate of South Africa.

Ms N W A MAZZONE: House Chairperson, imagine the shame of a country when the PanSALB announced in October of this year ...
[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order!

Ms N W A MAZZONE: ... that the South African word of the year was state capture. The once glorious rainbow nation now sold off, piece by piece, to a certain family, various multinational companies, all for the political and financial gain of a few people who were happy to see our beautiful country brought to its knees.

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State capture can only be described as a plan so demonic in its structure, so intricate in its roll out and so deliberate in its purpose that it is truly one of the greatest heists of all time. Right under the noses of South Africa, various politicians were being bought off to ensure absolute loyalty to the cause. These politicians then in turn began to purchase certain key role players in various State-Owned entities and government departments to ensure their absolute loyalty to the cause.

Ms S C N SHOPE-SITHOLE: Chair, on a point of order: I hope after this we will deal with Helen Zille's probe ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon member! What is your point of order?

Ms S C N SHOPE-SITHOLE: for pressurising officials ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order!

Ms S C N SHOPE-SITHOLE: ... to favour her son

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member what is your point of order?

Ms S C N SHOPE-SITHOLE: ... and on the evergreen contracts.

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member please take your seat. That is not a point of order, it is a statement. Hon member you can proceed.

Ms N W A MAZZONE: These purchased individuals, now slaves to state capture then began the deliberate and systematic breaking up of State-Owned entities and various government departments so that this newly created beast could begin gorging on billions and billions of South African rands. This beast has now been identified, it has been classified and its extinction is now imminent. Those that helped grow this festering parasitic filled monster are now also being identified and they will soon learn first hand what it means to have the full might of the law thrown at you. [Applause.]

State-Owned entities that should be South Africa's pride and joy are now nothing more than shameful shells, their interiors

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sucked dry by the monster and only their bare bones left holding up their stripped and shaky skeletons that remains. Not only has this monster cost us the reputation of our country, it has caused a near economic crash of our country. When those brave enough to take on the monster were caught by the beasts feeding it, they were systematically set aside and replaced by puppets and willing participants in this mad feeding frenzy. Downgrade after downgrade, Finance Minister after Finance Minister, board executive after board executive, so the monster continued the devastation, and here we are. We can safely say that we are no longer confronted by the elephant in the room, but rather the monster, that is state capture.

Finally though, parliament showed its muscle. It showed itself not to be a toothless rubberstamping machine that simply went through the motions. Parliament stood up and did what it should. It began to hold the executive to account. It took time and it took a lot of work, but finally a constitutionally mandated committee took up the task of being the first line of defence against this monster. Not unlike the game of thrones term, winter is coming; this committee adopted the term; not on our watch.

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One would imagine that everyone who took the oath of office to serve our country would have been delighted that this committee had taken up the defence of our country; this was sadly not the case. Despite numerous attempts to shut down the inquiry, the committee fought back, no Member of Parliament, no State Attorney, and no Mickey Mouse militia and certainly no little press conference called by six little men were going to stop us from doing our job. [Applause.]

To say that revelations that have come out of this inquiry are already startling is an understatement. The scary part is that deep down, we all knew what people were going to say, but when you actually hear people verbalise it, it shook us all to the core. Imagine the shame of a country when parliament plays out on TV like a sordid soap opera with a malicious story line and the bad guys are actually those that should be protecting the country.

Someone asked me over the weekend that when this inquiry finishes; my response was quite simple, we have only just began. As we can see from the first part of our three part inquiry, Eskom, Denel and Transnet are all linked, the players

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are all the same, the modus operandi almost identical and the goal - always to feed the monster.

Those who suffer are the people of South Africa, while the rich get richer, the parasites of state capture get even richer and the poor remain poor and simply becomes poorer. As South Africans we have an absolute right to be outraged. Our country has been systematically sold off to the highest bidder, without resistance and with no conscious.

We, the people of South Africa have finally stood up and said NO, it goes this far and no further. While we fight to regain the lost billions that these parasites have taken from our fiscus, at least the tap has been switched off. Not a move can be made without us seeing it, without us investigating it and without us uncovering every piece of information around it.

The power belongs to this Parliament; we are the voice of 54 million South Africans who are depending on us to defend our country and save it from the parasitic scourge that is state capture. We hold the executive to account, not the other way around. We hold them to account. [Applause.] We will not

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be pushed around by a corrupt few, we will honour our oath of office and we will exercise our oversight role robustly.

This is no easy task, but I call on South Africa to join me as I proudly say Bring it on! If not us - then who? If not now - then when? You want to threaten us; I proudly say bring it on! You want to run to high office to try and stop us; I proudly say bring it on! You want to use little henchmen to try and intimidate us; I proudly say bring it on! [Interjections.] Now is the time that we as South Africans must unite, stand firm and proudly say together; bring it on! [Interjections.]

This is the time of our spring. This is time of our rising and we will say at the top of our voices as we sing; let us live and strive for freedom in South Africa, our dear land, Nkosi Sikelele' Afrika! A new beginning starts today. [Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! Hon Lekota you can take the podium.

HON MEMBERS: Bring it on!

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members!

There is a speaker on the podium. [Interjections.] Order!

Mr M G P LEKOTA: Deputy Chairperson, in the introduction to the Nkandla judgement, the learned judges noted that crucial element of our constitutional vision was to make a decisive break from the unchecked abuse of state power and resources that were visually institutionalised during the hyena apartheid era. To this end, certain values in our constitutional order, accountability, and the rule of law and the supremacy of our constitution were designated as foundational values to strengthen and sustain our democracy.

The learned judges noted in the Nkandla judgement that if these values are not observed and their prescripts not followed consciously, we would have a recipe for constitutional and I add democratic crisis of great magnitude. We know that the Constitutional Court found out that this House had failed to fulfil its constitutional obligation to hold the President accountable. In fact, this House had taken a decision to absolve the President of compliance with the remedial action of the Public Protector, the antithesis of holding the President to account.

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Democracy without accountability leads to impunity and tyranny and environment for the capture of our state. So who is to blame? Is it the President? Is it the NA? The NA is elected to represent the people and to ensure government by the people under the Constitution. It does this among other means by choosing the President and by scrutinising and overseeing executive action.

Had this House overseen executive action, had it ensured that the President and its executive accounted to it, then we would not be in the state capture morals that we find ourselves in today. We would not be facing the constitutional, economic, social and governmental calamity, rooted in the abuse of unchecked power that we now face.

It is this House under the tyranny of the ANC majority that has failed to ensure that government by the people under the Constitution. It is the ANC that ensured that government has failed in its constitutional mandate to hold the government accountable. Government has lost its constitutional legitimacy and the ANC is moral legitimacy to govern. [Interjections.] The subject of this debate and the gravity of what has transpired ...

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Ms S C N SHOPE-SITHOLE: POINT OF ORDER: I just want to ask if this will include the evergreen contract.

The HOUSE CHAIRPERSON (Ms A T Didiza): Is it a question? Or what is it? Hon members, points of orders are procedural. Let's not have a spurious point of order that does not assist anybody. Continue hon member. [Interjections.]

Mr T RAWULA: Chair, on a point of order: I think your ruling must bite because she has been consistent and the point is that if people want to age, they must not age in Parliament.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member can you take your seat?

Mr T RAWULA: We don't come here to play because we are ageing. No she must age outside man. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member you are no longer making a point of order. [Interjections.] Hon member take your seat. Hon Lekota continue.

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Mr M G P LEKOTA: Therefore, the subject of this debate and the gravity of what has transpired to-date has implications beyond the phenomenon of state capture itself. What has transpired points to a catastrophic failure of governance; a failure and betrayal of the constitutional mandate as a whole; a crisis that threatens our democratic order. I thank you. [Time expired.] [Applause.]

Mr S N SWART: Hon Chairperson the Public Protector's State of Capture Report released more than a year ago, provides ample *prima facie* evidence of the extent of state capture at Eskom.

Yet, more than a year later we have seen no action from the Hawks of the National Prosecuting Authority, NPA. This stands in stark contrast to the haste with which charges were investigated and pursued, spurious charges against the former Finance Minister Pravin Gordhan.

However, we saw hopeful signs of increased oversight and accountability with the SA Broadcasting Corporation, SABC, inquiry earlier this year. As Members of Parliament, MPs across political lines joined together to hold the executive and the SABC accountable - relating to the issues of state

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capture, the The New Age, TNA, breakfast and attempts to take over the SABC featured prominently.

We had the subsequent disclosures contained in the Unburned Panel Report, the Academics Report and of course, the hundreds of thousands of leaked Gupta emails. As a result certain portfolio committees began investigating the emails and state capture - others had no appetite to do so.

The Public Enterprises Committee must be commended for its oversight inquiry into Eskom. Staff and MPs across political lines and not withstanding acts of intimidation, death threats and attempts of bribery, have been resolute and determined to get to the bottom of this rot. Witness after witness has testified and provided startling revelations of state capture at Eskom.

We fully appreciate that those implicated will be given an opportunity to respond - such as was the case last week with Minister Lynne Brown. The *prima facie* evidence of the extent of state capture taken in totality must, however, be deeply concerning to all of us in this House. What is even more concerning is the lack of action by the law-enforcement

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agencies. Many people are calling for a Commission of Enquiry, but what about the investigations now that can take place. You have a Commission of Enquiry that has to refer it to the law-enforcement agencies. They need to act now.

The ACDP wishes to commend those witnesses who have come forward to testify, as well as all the MPs and staff who have sat incredibly long hours in this enquiry. We are resolute, strong and determined. To those who wish to intimidate or threaten us, we say, stop it! The more you do so, the more resolute and determined we become! We say no weapon that is formed against us shall prosper.

History and indeed, the electorate, will deal harshly with those in this House that try to interfere with this enquiry or who do not exercise our oversight inquiry effectively or who insidiously try to prevent us from exposing the rot ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member, your time has expired.

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Mr S N SWART: ... and the state capture and those involved. I thank you. [Applause.]

Mr M A PLOUAMMA: Hon Chair and hon members, this motion from the DA, is like laxa to those who are mentally constipated with state capture. [Interjections.] The state capture is like a Lucifer in a structural form. Those who defend or propel state capture are his angels. In August this year we lost an opportunity to remove the alleged kingpin of state capture. Evidence of crookery and theft is everywhere for us to see. The Zuma Presidency has become a Berlin wall against transparency and accountability.

Man and women who are trying hard to fight this disease are either removed, humiliated or they are assassinated.

[Interjections.]

I am sorry. Meanwhile ... [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order!

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Mr M A PLOUAMMA: Hon members, sorry for my English. This Parliament must move courageously with speed in holding the executive to account. The state capture is a theft from the poor. It is a democratic will of the people derailed to serve few individuals. History will never forgive us by allowing these crooks to steal and remain in our public institutions.

We must therefore, be ruthless, if needs be we must remove our President.

Mr M S MABIKA: Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member.

There is a point of order. Hon member, Mabika.

Mr M S MABIKA: Hon House Chair my point of order is: Is it parliamentary for the hon member to call ANC MPs who were seen on television as angels of the devil? [Laughter.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, the member in his statement never referred to any individual. So, in the Hansard, there is nothing which says so and so, unless members

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would like to insinuate that and I think that is out of order.
Hon member, can you proceed.

Mr M A PLOUAMMA: Thank you, hon Chair. Therefore we must be ruthless even if it means removing our President. He cannot act like an escape artist forever. Otherwise our people will never take this Parliament serious. It will be shameful legacy for this Fifth Parliament that we have seen looting on a massive scale and chose comradeship over our people and the country.

Hon members, the future of this country is at risk. The state capture has a potential to destabilise our country. This Parliament should not be handicapped by fear or self-preservation. This country is priceless, we cannot hand it over to the Guptas and to the sinister people. It is our responsibility and we must act bravely.

In the name of all our present and past heroes, we need to defend this country and its values. This democracy did not come easy. I thank you. [Applause.]

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Mr L R MBINDA: Hon Chair, what you see in our country is a rat race. It is a law of the jungle and the survival of the fittest. So, if you are not fit, you cannot survive. It depends on how much resources you have. That is what is happening and you look at the wealth of this country and to those who stolen it, and then you compare it with the government expenditure of about R500 billion which is about a third of the gross domestic product, GDP, of this country. When you look at that and you ask yourself as a poor person or as you represent the poor of the poorest that who has actually captured this country?

Chairperson, it is our belief as the PAC that the capturing of states especially African states has been going on since the settler set their feet in this continent. [Applause.] However, in the late fifties the call and drive by Africans to have independent states, the colonisers realised that their business of exploiting the African riches was threatened. As a direct response to the threat of the African states gaining their independence, highly exaggerated and inflated debts were created to institutions like the International Monetary Fund, IMF, and the World Bank including the international corporates. [Applause.]

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It is worth mentioning that what is called neocolonialism is a modern way of sustaining the interests of the colonisers and their allies. [Interjections.] The ongoing silent war between the East and the West over African states and the emergence of the Asians and the Russians economically brought about a sense of panic and therefore a need for effective state capture.

In South Africa, the so-called negotiations were an extension of agreements made between the ruling party and the representatives of a certain click of colonisers with the likes of the Ruperts and the Oppenheimers.

Chairperson, members of this House and the South Africans in general, all what Johann Rupert, the Guptas and many like them, all what they did was just to make sure that this country and the continent at large, theirs was only to suck our land and dry our God given resources.

The evolution of colonial system reflects to us a silent World War Three between the East and the West. [Time expired.]

[Applause.]

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Mr M GUNGUBELE: Hon Speaker, Chief Whip, leadership of this House, I think the biggest challenge we are facing must find quote from what was said about O R by Luli when she said that Tambo ensured at all material times that he never took his eyes off the ball, because it transcended the incidentals. We are at risk of finding ourselves caught up in the space of the incidentals, where mythology competes with science, where incidentals are in competition with reality.

The debate on state capture has been happening in society for the past few years and a number of times. Even the Public Protector conducted an investigation into this phenomenon and released her report. It would be strange if the ANC, a party that leads government and the state, would have nothing to say on state capture.

It is a matter of public record that the ANC, on numerous occasions, has made its own official views known on this matter. In fact, the attitude of the ANC towards corruption has been consistent through the years.

In terms of ANC policy position on corruption, on 15 August 1995, just over a year into his illustrious term as the first

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democratically elected president of our country, Comrade Nelson Mandela said:

Just as we extricated South Africa from the mire of conflict, we are now called upon to use the new tools at our disposal to build a prosperous, truly just and morally upright nation.

Corruption of various kinds has been the target of determined action by the government. These include the swift action of the Office of the Minister without Portfolio ...

- I think he was referring to Comrade Jay Naidoo.

... Nine new anticorruption units are in the process of being established by the SA Police Service in the provinces to supplement existing units.

This is an extract from President Nelson Mandela's opening speech at the Business Initiative against Corruption and Crime.

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The policy position of the ANC on corruption, as adopted at our 53rd national conference in Mangaung, is unambiguous on this matter. Having noted the scale of corruption in many sections of society, including in the private sector, the ANC took resolutions to deal with this scourge.

The conference resolved that:

17.2.1 As the leaders of society, ANC comrades in every sphere of activity, need to be champions in the anticorruption campaigns.

17.2.2 The ANC should take tougher action against corruption.

17.2.3 Systems to detect and act against corruption should be strengthened.

On 19 May 2017, the national executive committee of the ANC - this year - released an official statement and, once again, reiterated the ANC's views on allegations of state capture:

The NEC accepted the proposal that was tabled in the political report for the establishment of a judicial commission of inquiry into allegations of state capture ...

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Gungubele, will you take your seat please. Let me take this point of order. Why are you rising, hon member?

Mr M S A MASANGO: According to Rule ... [Inaudible.]
[Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members! I can't hear the hon member.

Mr M S A MASANGO: According to Rule 82, the hon member Wilson used abusive language. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): What is the abusive language that the member used?

Mr M S A MASANGO: It's not easy for me to use this word, but let me use it because I must; otherwise, I would never use it. I am only quoting her: "Shits." [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Wilson, did you use that word? [Interjections.]

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Ms E R WILSON: The words I used, Chairperson, were "Talk is cheap."

The HOUSE CHAIRPERSON (Mr C T Frolick): Okay. Thank you, hon member. [Interjections.] Hon members ... Order! Order! I will check the recording and hear if that interjection was picked up and then I will make a ruling. [Interjections.] Order! Order! I will make a ruling if necessary. Continue, hon Gungubele.

Mr M GUNGUBELE:

The NEC accepted the proposal that was tabled in the political report for the establishment of a judicial commission of inquiry into allegations of state capture without delay. The terms of reference of such a commission of inquiry must be broad enough to uncover the influence of business on the state. The NEC expressed its desire to see all processes of reviewing the Public Protector's State of Capture report accelerated so that they are not an obstacle to the speedy establishment of the judicial commission into state capture.

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To illustrate the seriousness with which the ANC takes these allegations, the 5th national policy conference just this year, 2017, attended by 4 000 delegates drawn from ANC structures across the length and breadth of country as well as by local and international organisations, deliberated on this matter and made the following recommendation. I quote:

We support the establishment of the judicial commission of inquiry to look into this matter. At a political level, this debate requires thoroughgoing analysis of the South African political economy so that we can understand what is meant by state capture.

There is a tendency out there to conflate the ANC's support for the judicial commission of inquiry with the ongoing oversight work of Parliament. Parliament, as one of the three independent arms of state, has to conduct oversight over government and the state guided by the Constitution in order to safeguard the resources of the people.

Regarding the centrality and leadership by ANC cadres in oversight work of this Parliament, in each and every committee of Parliament, ANC cadres are found at the centre and in

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leadership. [Interjections.] When Parliament undertakes oversight work, ANC members lead because they are in charge of these committees. [Interjections.]

They are the sweet fruits of oversight. Enhanced oversight work of Parliament has borne fruit and possibly saved the state billions of rand. There has been a series of interventions in which ANC cadres have participated with high moral rectitude and integrity.

Examples of instances in which ANC-deployed cadres have been at the centre - and in leadership - of Parliament's committees, include the oversight inquiry by an ad hoc committee into matters of corporate governance, mismanagement and so on.

Having said all that, I think the challenges we are dealing with here have got little to do with corruption.

[Interjections.] They have a lot to do with mischief. The members who sit on the Public Enterprises committee know that we have agreed that tomorrow we will be meeting to analyse the work done so far, so that we can come up with some ideas and views with regard to what we have. That meeting is tomorrow.

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As we speak ... so that we deal with reality and not mythology. Regarding Public Enterprises, in terms of an enquiry, we are being sidetracked by or defocused on is dealing with what the leadership of the ANC is involved in in Parliament. The simple reason, as far as far as I am concerned, is like this: It's an intention to undermine a credible process of Parliament. [Interjections.] [Applause.] I know what the benefits are. If you keep things unclear, inexplicable, complex, the ANC's credibility remains in question. But if you conclude things clearly, ANC leadership is understood.

All what is being done now is an attempt to disrupt the process of Parliament, because the narrative that the ANC doesn't care about corruption has recently been displayed - actually undermined. The SABC is evidence of that. What happened in public accounts is evidence. What happened in the social services committee is evidence.

All those initiatives by cadres of the movement are an attempt to take to hospital the narrative that the ANC is dubious about corruption. [Interjections.] [Applause.] I know there is a hidden benefit in that. The hidden benefit is that the ANC

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is a historically established and uncontested liberation movement. Those who want to win elections in 2019 must do everything to compare with the ANC. The only way you can do is by undermining the processes where the ANC is trying to seek clarity, because the only way we can stay uncertain with unanswered questions, is when we behave in this manner. We told the opposition a few days ago that if their report on progress came here, there must be no grandstanding – and we agreed. We said that there would be mere declaratory orders, and we agreed. But the entire opposition that spoke here already have findings about the process that is ongoing. [Interjections.]

There is only one conclusion you can reach: They want a Christmas present in pursuit of their struggling identity to win elections in 2019. [Applause.] I just want to say this: to contest the centrality of the ANC in this country – a centrality that has been won over decades – is something you cannot win overnight. There is a lot of work you need to do.

So, what we are going to do as the ANC is that we are not going to allow the opposition to sidetrack us, to defocus us, so that we reach a clear conclusion about the processes we are

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engaged in. I can tell you, in terms of the SABC, I'm challenging you to show evidence that the ANC attempted to undermine that process. I am challenging you to show that during this inquiry that the ANC attempted to undermine this process. The ANC, at all material times in this process, has been clear and focused. That threatens you ... [Applause.] [Interjections.] ... because the ANC has re-established its image in the face of South Africa. Actually, there is excitement about the initiative that the ANC is taking now. And I can tell you ...

Mr T RAWULA: Order, Chair ... Order, Chair ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Gungubele, will you take your seat please. Let me take this point of order. Why are you rising, hon member?

Mr T RAWULA: Chair, I am rising on two things.

The HOUSE CHAIRPERSON (Mr C T Frolick): What is your point of order?

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Mr T RAWULA: On Rule 68: relevancy. We are dealing with state capture here. We are not dealing with Eskom - that's number one. [Interjections.] Number two: Bongo is on record ... [Inaudible.] ... interfered with the process. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. That's not a point of order.

Mr T RAWULA: ... [Inaudible.] ... evidence ... [Inaudible.] Everyone knows. So Mr Gungubele must not grandstand here. The ANC is interfering ... [Inaudible.]

The HOUSE CHAIRPERSON (Mr C T Frolick): I am switching off your mic.

Mr T RAWULA: Please switch it off.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, whether you agree or don't agree with the speaker at the podium, you had your opportunity to debate. It's a point for debate. That's your view and, this member, similarly, has views. They may be different, but he is protected by the Constitution and the Rules to express his view. Continue, hon member.

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Mr M GUNGUBELE: Thank you, House Speaker. When it comes to ANC members and the ANC as an organisation, we have articulated the independence of Parliament unequivocally, and we have acted on that through the SABC inquiry and in Public Enterprises, as we are doing now. I know that you didn't expect that to happen, and that is becoming a shock to you. I can tell you that if you think this desperation will assist you to acquire an identity that can contest that of the ANC ...

IsiZulu:

... ku-late mabhalane, lishonile ilanga.

English:

And you hear the ... [Inaudible.] [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Gungubele, will you take your seat. Why are you rising, hon member?

IsiZulu:

Ms M KHAWULA: Bengifuna ukubuza kumhlonishwa ukuthi uphi umakhosi Khoza?

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English:

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member.

[Interjections.]

Mr M GUNGUBELE: Again, hon Chair ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Gungubele, you know ... just take a seat. I know it's a bit late. If you have a deprivation of oxygen in the House, please do not share it with us. Continue, hon Gungubele.

Mr M S GUNGUBELE: Thank you, hon Speaker. Again, it's another attempt to defocus the ANC, because a defocused ANC will stay unclear and dubious. And, a dubious ANC, is an opportunity for the minority parties to establish themselves for 2019 - and we will not allow it to happen.

This inquiry is going to be concluded, the honest results will be announced and proper actions are going to be taken. And all those chance-takers who think it is their time now to take over ...

IsiZulu:

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...ishonile ilanga

English:

I must tell you this: the ANC acknowledges - it is very clear - the fiscal bearing of Eskom and the threat that Eskom is badly managed, how it threatens the fiscus, how it creates doubt in the minds of investors. The ANC is clear about that. The ANC is not only clear, by the way, the ANC has acted on that. And, as we talk, all that you are trying to do is eliminate the participation of the ANC in this inquiry. You had believed that you would actually be the only one seen the public doing something about this.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Gungubele, let me take this point.

Ms M KHAWULA: Rule 94 ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, what do you want to say about Rule 94?

IsiZulu:

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Ms M KHAWULA: Sihlalo, ingabe usezwile ukuthi uMakhosi Khoza usevule enye inhlangotho?

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat, hon member. You're wasting your time.

IsiZulu:

Ms M KHAWULA: Ukuphi yena? Naye wayekhuluma kanje.

The HOUSE CHAIRPERSON (Mr C T Frolick): That is not Rule 94. Rule 94 talks about a member who is in charge of a motion, or an Order of the Day, including an executive statement and is allowed to reply. You have missed this boat. Continue, hon member.

Mr M GUNGUBELE: I just want to say: during this process we have encouraged opposition parties to ensure that when we deal with corruption, partisanship must be reduced so as to unite against corruption. But now you call a motion to actually raise partisanship on a matter, which, for us to succeed, must be nonpartisanly driven. Already, you have lost the plot there. My advice to you: Please join us because we are committed in this process ... [Interjections.]

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

Mr M GUNGUBELE: And my closure is ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Order! Hon members ...
Order! While you can make interjections, you cannot shout at
the person at the podium. That's intolerance. Continue, hon
Gungubele. [Interjections.] Order, hon member! I didn't ask
you for your comment.

Mr M GUNGUBELE: I want to put it very clearly: The ANC will
not hand over the state to capture us. [Interjections.] The
ANC will never hand over the state, even to the Guptas.
[Interjections.] The ANC will never hand over the state to any
dark force of capitalism, and we are going to demonstrate that
both in statements and action, as we have already done.
[Interjections.] Let me tell you: If the ANC did not want the
SABC inquiry to take place, it would not have taken place.

IsiXhosa:

Ngeningxole kwatshona ilanga kuba akukho nto ibiza kwenzeka.

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English:

Until the ANC had to take leadership, that's the only way it happened. Yours, when the ANC is not leading, is to run your sideshows. [Interjections.]

I want to close by saying: We are focused in theory. We are focused in action. We will not be defocused by those in pursuit of nonexistent identities. [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order! The next speaker is the hon Steenhuisen. [Interjections.] [Applause.] Order, hon members! Please take your seats. Order! Hon Steenhuisen, will you continue please.

The CHIEF WHIP OF THE OPPOSITION: Thank you very much, House Chairperson. Charles Dickens, a famous British author, wrote a story called *A Tale of Two Cities*. What we have seen in the House today is a tale of two parties: one against state capture, one pro state capture. And hasn't it been wonderful to see this wedge played out within the ANC today? [Interjections.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Steenhuisen, take your seat please. Order! Why are you rising, hon member?

Ms B P MABE: I just want to advise the member that there was never any defending view from the ANC.

The HOUSE CHAIRPERSON (Mr C T Frolick): What is the point of order?

Ms B P MABE: We all agree about state capture, but we are saying it should be done holistically.

The HOUSE CHAIRPERSON (Mr C T Frolick): That's not a point of order. That is not a point of order. Continue, hon member.

The CHIEF WHIP OF THE OPPOSITION: We agreed with most of what the hon Makhubele-Mashele had to say, and we thank her for her contribution to the debate today. But she says that this debate is premature. I would say quite the opposite. I would think this debate is a couple of years too late actually - because if Parliament had been doing its job properly, perhaps we could have avoided the pitfalls that this country seems to have fallen into. Here I agree with you, hon Groenewald.

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The hon member then goes on to say that she wants to get to the bottom of state capture. We don't want to get to the bottom of state capture; we want to the top of state capture. Because what happens so often is the people at the bottom get targeted, like the Bruce Kalanis of the world, and the people at the top get away scot-free. We saw that at Nkandla; we saw that at Waterkloof.

The hon Gungubele came to the podium and it looked like he had prepared a speech for the ANC conference already - and we were subjected to it today. [Interjections.]

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

The CHIEF WHIP OF THE OPPOSITION: There is no point having a policy on corruption if it is not applied.

Now, somebody said yesterday something quite profound, and I quote: "The ANC is seen as equal to corruption and looting." It wasn't the DA; it wasn't the EFF; it was none other than your own secretary-general, Gwede Mantashe, who said the same thing about your party. [Interjections.] [Applause.] The only

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people calling mischief in this country are those who got their hands in the till and involved in state capture.

The SABC inquiry has been rolled out here as a sort of model of what should be done. Not a single person has been criminally charged. Not one of those people who perjured themselves before this Parliament's committee has been taken on and charged.

Where is accountability with Minister Faith Muthambi? What are the consequences for her? Nothing. So it's no use having this schizophrenic approach. Frankly, you're so divided it's very difficult to keep up with which side of the ANC we're dealing with.

But, again, we come to the point: If it's not Parliament, who is going to do this? And you wonder what the situation would have been like ... you wonder whether it would have been so bad and run so deep if the Scorpions had not been shut down in an act of complete political treachery, led by none other than Mr Yunus Carrim, who now tries to shamelessly restyle himself, as the political sands have shifted, as a champion of justice. Thanks to him and his efforts we are now bequeathed the

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moribund Hawks, who don't leave their perch unless it's to pick on identified opponents of state capture.

The truth of the matter is: we all need to do our job. This Parliament needs to do its job. We can't rely on Sars – they are captured. We can't rely on the State Security Agency – they are clearly captured. It's up to us.

We also can't rely on these new-found people that have come out of the woodwork, who have served Jacob Zuma slavishly for so many years, as if they didn't know what was going on under the table and around the very Cabinet table that they served at. They now pretend to be pillars of virtue. There is no charge office on Twitter, there is no such thing as a Facebook arrest, and no courts of law operate on Instagram, Minister Hanekom. If we want to do something, this House must do its job. We cannot become one of the President's keepers. We cannot become an enemy of the people.

Refusing to act on state capture, denying the duty of this Parliament to exercise oversight and accountability over the President and the executive, turning a blind eye to the wrongdoing that has been going on and defending those who have

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been looting the resources will the grossest dereliction of duty and history will judge each of us and this House very harshly. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon member. That concludes the debate and the business for the day.

Mr M G BUTHELEZI: Excuse me, Sir. Hello, on a point of privilege.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes. Why are you rising, hon member? Hon members, could you take your seats please.

Mr M G BUTHELEZI: Hon Presiding Officer, on behalf of most of us, we would like to compliment the presiding officer, the hon Didiza, for the way she conducted the debate tonight ...

[Applause.] ... because very often you presiding officers get brickbats from us. I think it would be grossly irresponsible if we didn't put this on record.

Secondly, I would like to say thanks to hon Minister Gugu Nkwinti and to the hon Siyabonga Cwele, these humble servants

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of our people. All the members of the Cabinet chicken out of the House when a serious topic like this is discussed.

Mr G S RADEBE: Hon Bonga is here.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon ...

[Interjections.] Let's ... No, no, no, no. [Interjections.]

Hon members, let us ... Take your seats. Hon Radebe, take your seat, and let's show some respect to the hon member on the floor. You can't just grab a mic and shout. This is Parliament.

Mr M G BUTHELEZI: No, I think that ... Sir, since you have allowed me, I just wanted to put that on record because it seems to me there are many people who are blind, who don't realise that our country is sinking. Look at the ratings just last week. And it's not all of us who want the ANC to sink. [Interjections.] I will say that even though this side of ... [Inaudible.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, you must conclude now.

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Mr M G BUTHELEZI: ... there are those of us who will make sure that we do not allow this oldest movement of the people to sink in this cesspool of rot.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon member.
Hon members, the House is now adjourned.

Debate concluded.

The House adjourned at 20:37.

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