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NATIONAL ASSEMBLY

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PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:02.

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

CYBERCRIMES AND CYBERSECURITY BILL

(Consideration of Report)

There was no debate.

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

Motion agreed to (Democratic Alliance dissenting).

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Report accordingly adopted.

CYBERCRIMES BILL

(Second Reading debate)

Mr L K B MPUMLWANA: Speaker, hon Members of Parliament, good afternoon. I hereby want to introduce the report and request this House to accept the Cybercrimes Bill, which of course has been endorsed by the ANC.

Internationally, most countries have cybercrime legislation, which criminalises conduct that is considered a cybercrime, regulates jurisdiction in respect of cybercrimes, specifically provides for the investigation of cybercrimes, regulates mutual assistance relating to the investigation of cybercrimes, regulates the admissibility of electronic evidence, and places obligations on certain persons or entities to assist in the investigation of cybercrimes. At present, South Africa has no comprehensive and uniform law in terms of which cybercrime is prosecuted and no coherent and organised approach to deal with cybercrime and cybersecurity.

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The Bill was then introduced and referred to the committee on 21 February 2017 for consideration and report. This is the present report of it. The department briefed the committee on 30 May 2017. At the meeting, the committee noted that many of the submissions expressed unease about the manner in which the Bill approached cybercrime and cybersecurity. There were proposals. There was discussion, and basically we agreed, together with the members of the opposition, here and there. There were a lot of interviews and other advertisements. People came with proposals, and we changed here and there.

The Cybercrimes Bill seeks to provide for a cybercrime and cybersecurity legal framework for South Africa to the extent that the Bill, in chapter 1, aims to criminalise unwanted conduct in cyberspace in line with international best practices and can be broken down into the following broad categories of criminal offences: offences against integrity; offences against confidentiality and availability of data; offences against computer programmes; offences against data storage mediums; and offences against computer systems.

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The specific offences the Bill is created for are the following: unlawful access; unlawful interception of data; unlawful acts in respect of software or hardware tools; unlawful interference with data or a computer programme; unlawful interference with a computer data storage medium or computer system; unlawful acquisition, possession, provision, receipt of or use of a password, access code or similar data or device; cyberfraud; cyberforgery and uttering; cyberextortion; aggravated offences where the objective is to protect essential computer systems and life, limb, property, essential services, the economy or the interests of the Republic against criminal conduct in cyberspace; and theft of incorporeal property.

Chapter 1 also criminalises the distribution of malicious communications and provides for interim protective measures. Malicious communications are data messages that incite damage to property or violence, threaten persons with damage to property or violence, and the distribution of data.

Chapter 5 of the Bill regulates mutual assistance to deal with cross-border investigation of cybercrime, applies in addition

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to chapter 2 of the International Co-operation in Criminal Matters Act, Act 75 of 1996, and relates, unless specified otherwise, to the preservation of evidence, pending a request in terms of the International Co-operation in Criminal Matters Act, Act 75 of 1996.

Chapter 6 of the Bill provides for the establishment of a designated point of contact in the SAPS to facilitate mutual legal assistance in the investigation of cybercrime. Chapter 7 of the Bill regulates the proof of certain facts by affidavit. Chapter 8 imposes obligations on electronic communications service providers and financial institutions to report cybercrimes and also provides for capacity-building to detect, prevent and investigate cybercrime.

Chapter 9, on the other hand, contains general provisions, including providing that the executive may enter into agreements with foreign states regarding the following: the provision of mutual assistance and co-operation relating to the investigation and prosecution of cybercrime; the implementation of cybercrime response activities; training, research, information and technology sharing and the exchange

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of information on the detection, prevention, mitigation and investigation of cybercrimes; the establishment of designated points of contact to facilitate mutual assistance and co-operation; the implementation of mutual cross-border response mechanisms to mitigate the effect of cybercrime; and the reciprocal implementation of measures to curb cybercrime to promote cybersecurity.

IsiXhosa:

Siyaqhuba! Ndiyanicela ke ngoku ukuba nimamele kuba ndiyiyekile la nto yokuba ndibe ndinikhumshela ngesiNgesi. Into eyenzekayo apha, kucaciswa ukuba ulwazi lwakho olugcine kumnathazwe luyakwazi ukuba lubiwe ngobuchwephesha, luthathwe ngabanye abantu. Luxanduva lwakho ukukhusela ulwazi lwakho olugcine kumnathazwe ukuba lungabiwa. Kaloku kule mihla sisebenza neenkubabuchopho zobuchwephesha. Lilonke, umbutho wesizwe ubone ukuba uwuxhase loMthetho oYilwayo kwaye nam ndibongoza nina ukuba niyixhase le nkqubo.

English:

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I hereby appeal to the House to accept the Bill and pass it. It is in the interest of the people of South Africa to do so. I thank you. [Applause.]

Adv G BREYTENBACH: Madam Speaker, hon members, the Bill under discussion today is very necessary in the age in which we live. It is intended, and hopefully will, facilitate the effective regulation and enforcement of cyberspace, and more particularly those areas of cyberspace being used and abused for criminal intent. It will form part of the existing suite of legislation already regulating cybercrime.

In the world of cybercrime, those with nefarious intent are always three steps ahead of law enforcement. They invariably have millions at their disposal, and the very best, most modern equipment with which to increase their capabilities to circumvent those protocols in place to protect law-abiding citizens.

The law enforcement agencies are always a few steps behind, with very limited resources, both financial and otherwise. The playing fields are not level, and for this reason, the game is

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still very much worth the candle. For this reason, this Bill is a necessary addition to the tools available to law enforcement.

In particular, it should assist with the effective investigation of cybercrime-related cases, and gives more teeth to the prosecution thereof, which should overall result in a more effective ability to combat cybercrime. This type of offence is seldom confined to national borders.

The DA supports the main body of the Bill, and some of the proposals made by the DA were incorporated into the Bill, as it now appears, for which we are grateful. These provisions will be discussed later in this debate by hon Horn.

However, it is to the provisions of Chapter 6 of the Bill that deals with the concept of the designated point of contact, to which I wish to draw your attention. This Chapter, in our view, remains problematic. Despite having raised our objections in this regard, and suggesting alternatives with regard to reporting structures, the committee decided to keep

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this provision unchanged, and we have serious misgivings in this regard.

The section, on face value, is innocuous enough. But a closer examination reveals that it allows a loophole through which responsible and transparent reporting in the normal course can be avoided. Having raised this issue, the ANC closed ranks, adding fuel to the possibility that the provision is intended to allow such a loophole.

The ambiguous way in which this chapter, and in particular, section 52 thereof, is phrased clears the way for the Minister of Police to declare all information on cybercrimes to be of such a nature that reporting thereof is to be done only to the Joint Standing Committee on Intelligence. This will mean little or no reporting to the Portfolio Committee on Police and little or no reporting to the Portfolio Committee on Justice and Constitutional Development. That means little or no information will be available to the taxpaying public or victims regarding cybercrime, and only that information that is considered benign enough will be reported on. This situation cannot be supported.

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This is an ominous throwback to the Bill in its original form, where it was still entitled the Cybercrimes and Cybersecurity Bill. In that iteration, the Bill gave sweeping powers to the Minister of State Security, effectively giving that Minister effective custodianship of the entire cybercrime and cyber security environment. In that previous form, the Bill was dictatorial, almost Stalinist in its approach, and a thinly veiled attempt to allow the state to exercise wide and unconstitutional powers of surveillance and encroachment on the rights of ordinary citizens with minimal checks and balance. Fortunately, reason prevailed, and those provisions of the original Bill were rejected by the committee. That gave rise to the Bill in its current form, the Cybercrimes Bill.

However, in our view, the power granted to the Minister of Police in Chapter 6, and in particular, section 52 is unconstitutional in light of the constitutional demand for transparency and accountability and the right to information. It enables the potential for an abuse of power that should be of great concern to all South Africans. For this reason, the DA cannot support this Bill.

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Mr T RAWULA: Hon Chairperson, it is necessary for the country to develop legislative mechanisms to deal with the proliferation of cybercrime in this country.

Seen in this light, the Cybercrimes Bill is a crucial intervention in addressing the rising threat of cybercrime to our country. The Bill aims to rationalise the laws of South Africa that relate to cybercrime and cyber security into a single Bill, thereby addressing the fragmentary approach and aligning our legislative framework to international standards.

However, we have reason to be concerned about the power the Bill gives to the politicised State Security Agency, which has been used often to fight political battles by the ANC, since it took over government.

Sections 53 and 54 of the Bill are potential dangers to the freedom of expression and rights to privacy guaranteed to citizens in the Constitution. Section 53 provides for the establishment of a cyber response committee, chaired by the Director-General of State Security.

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Section 54 gives direct powers to Cabinet Ministers responsible for State Security, Police, Defence, as well as Telecommunications and Postal Services to make a suite of regulations relating to detecting and controlling cybercrimes.

These provisions have real potential of handing citizens' rights to privacy on a silver platter, and give these Ministers legislative powers to detect private citizens' communication. And we submit, this will be abused by the ANC for reprehensible ends.

While constitutional rights to privacy and freedom of expression are not unlimited rights, and are not meant to undermine the nation's commitment to fighting criminal activity, we argue that a balance ought to be reached between guaranteeing these rights and legislating undue limitations to these rights.

It is for this reason that the kinds of crimes and information to be monitored and detected as criminal activity must be as narrowly defined as possible, to eliminate undue interference with other rights.

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These sections raise another concern. Since the powers to implement provisions of the Bill are spread across departments, we doubt if the Bill is practicable and justifiable.

The cost of compliance and expertise in government to effectively establish, monitor and evaluate, as well as administrate the various provisions established in the Bill are important. The efficacy of this piece of legislation would be dependent on a number of government institutions working together, and that is an almost impossible feat at the moment, because there is no co-ordination of any kind of government functions to date.

The EFF is of the view that we do need a legislative framework for the purposes this Bill is intended for, to combat cybercrimes. However, we are not convinced that the Bill in its current form will serve the purpose for which it is intended, rather, it will open a floodgate for massive state surveillance of individual communication.

IsiXhosa:

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Bawo uMpumlwana, ukuthetha kwakho isiXhosa kuba ufuna sikukholelwe...

English:

... is not going to make us to be lobbied by you on this one.

IsiXhosa:

Asivumelani, sicinga ukuba nizakusebenzisa amandla enu kule Palamente ukuleqa abezopolitiko, asivumelani kwaye asiwamkeli lo Mthetho oYilwayo. Enkosi.

English:

We reject this Bill.

INK E BUTHELEZI: Hon Speaker, in 2017, South Africa ranked 58th in the International Telecommunication Union's Global Cybersecurity Index. Regionally though, we ranked sixth. It is of critical importance that there is a need for a co-ordinated approach to deal with cyber attacks and cyber warfare and thankfully, from an institutional design viewpoint, South Africa has adopted an interagency approach to cyber security.

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But what is cybercrime to the layman on the street? When our banking or our social security networks are compromised, those who are vulnerable and mostly susceptible to cybercrime are the ones we must protect.

It is rather complex, but what is not complex is the fact that when it reaches our pockets, be it via a R99-debit order scam or through fraudulent activities on our accounts, it hits home.

Many poor and vulnerable South Africans collectively fork out millions each year on these debit order scams. We cannot allow our citizens to go into overdraft or even their credit scores to be affected due to bounced debit order transactions.

Similarly, we have seen hacks in the networks of the South Africa Social Security Agency, Sassa, and how it has affected millions of the poorest South Africans who depend on social grant funding.

Cybercrime is currently the fourth most reported economic crime in South Africa, with an economic impact of R6 billion.

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It is an issue that must receive immediate attention, for as technology and skills advance in this area, so will crime.

It is therefore of the utmost importance that there is imminent collaboration on critical national infrastructure defence. It is imperative to have a co-ordinated approach in dealing with cybercrime and to have a co-ordinated cyber defence strategy in place, in order to prevent, or at least minimise the effects of cyber-warfare attacks. The IFP supports the Bill. I thank you.

Mr S C MNCEWABE: Hon Speaker, the NFP noted that the Bill aims to impose penalties, which have a bearing on cybercrimes, to criminalise the distribution of data messages that is harmful, and to provide for interim protection orders. The Bill further aims to regulate jurisdiction in respect of cybercrimes. Most importantly, the Bill seeks to impose an obligation on electronic communication service providers and financial institutions to assist in the investigation of cybercrimes and to report cybercrimes.

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Our generation is a generation of technology. Therefore, it is important for the intelligence services of this country as well as the law enforcement agencies to always be up to date with the technology system of fighting crime and ensuring state security.

It is for these reasons that the NFP supports the Bill. We are aware that regulating social media platforms will always create a big debate and face resistance from the public. However, we must ask ourselves what will happen when some of us start to abuse these platforms to the level that it imposes a threat to state security.

The government must have a way to react immediately. Currently, there is a lot of crime happening in financial institutions, using the electronic media, as hon Buthelezi has said. We always complain about those unknown debit orders of R40, R50, R99, etc, debited by unknown institutions or companies without our knowledge. This crime must be stopped and we must have regulations to stop it.

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We all know that in this generation and future generations, the wars between countries will be fought through cyberspace. The President of North Korea, for example, Mr Kim Jong-un, has emphasised this at a number of occasions whenever he is angry with Mr Donald Trump. He used to say and I quote: "I have a button on the desk of my office and I will press it." This indicates the importance of cyber security for any country in this generation.

We hope and believe that, once this Bill is signed into law, it won't be abused by the state to fight political battles because this always weakens the law enforcement agencies. The NFP supports the Bill. I thank you.

Ms D CARTER: Speaker, information and communications technologies, ICTs, are indispensable in modern societies across the world. The interconnectivity of computer networks contributes significantly to economic growth, education, and modern-day social interaction.

The growing dependence of the daily functioning of business, government and society on information communication technology

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solutions, has led to a concomitant need for the development of adequate measures to: Combat against cybercrimes; and ensure the protection and security of internet-connected systems, including hardware, software and data, from cyberattacks.

The surge in cybercrime, security breaches and cyberattacks across the globe and in South Africa is of great concern. It should be of great concern to everyone sitting in this House. There clearly is a need to provide a legislative framework: To comprehensively deal with cybercrime offences and criminalise such conduct; to take measure to ensure the security of our cyberspace; and to do so uniformly with regard to international trends.

We note that the Bill, in its original text, covered both cybercrimes and cybersecurity, and that many of the public submissions received, and representations made, raised legitimate concerns that the Bill did not strike the right balance between the interest of the state in securing our cyberspace and our individual freedoms and rights.

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We welcome the responsiveness of the committee in taking heed of these views and, as a consequence, only proceeding with the Bill as it relates to cybercrime. One wonders why other committees, such as the Constitutional Review Committee, failed to do likewise.

However, we question the rationale and reasons behind the provisions of section 56(6) of the Act. We question why the Minister of Police is required in terms of this provision to submit a report on the functions and activities of the designated point of contact to the Chairperson of the Joint Standing Committee on Intelligence, once a year! For this reason, Cope does not support the adoption of this Bill. Thank you. [Applause.]

Mr S N SWART: Speaker, the scourge of cybercrime, security breaches and cyberattacks in South Africa is of enormous concern. The various laws that were used to deal with cybercrime offences did not deal comprehensively to criminalise conduct that regarded internationally as cybercrime.

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Describing cybercrime as a boundless threat, PricewaterhouseCoopers' 2016 Global Economic Crime Survey stated that it was the second-most reported economic crime affecting organisations. In addition, the SA Banking Risk Information Centre estimates that the country - South Africa - loses R2,2 billion to international fraud and phishing attack annually.

I am sure that many members here have been victims of particularly phishing, hence this comprehensive Bill. Our message to cybercrime and cybercriminals is: The time is up; we are coming after you!

Initially the Bill contained detailed provisions regarding cybersecurity as well. These provisions caused great alarm amongst many members, including ourselves. This resulted in the Bill being split, with the cybercrime element remaining.

However, the ACDP shares that concerns expressed by other speakers about Chapter 6, the point of contact and pass to the national commissioner of police. We are aware of how the executive has abused powers for political purposes, and so

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share the concerns expressed about Chapter 6, and of course, section 56.

On the other hand, we do also appreciate certain safeguards that have been built into it at the last moment, such as relating to section 33(3), where the proviso was removed relating to police obtaining an access to data without a warrant. This will enhance protection of information.

We also support the heavy penalties that have been prescribed in section 19 for cybercrimes and trust that they will serve as a deterrent to those who are committing these crimes. Aggravating circumstances, such as the extent of the loss suffered by the complainant, as well as the extent to which the accused gained financially, are also included. A further example is that 10 to 15 years imprisonment can be imposed. Unless substantial and compelling circumstances apply, direct imprisonment itself will be imposed without a penalty.

So, at the end of the day, as we balance the positives with the negatives, unfortunately given the abuses that we have experience over the last ten year from the Zuma

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administration, and how the law enforcement officials have been participating in them, we cannot support this Bill. I thank you.

Mr M S A MAILA: Hon Speaker, considering the safety of our state, the security breaches, the great threats posed by the borderless platform of cyberspace, the vulnerability of our state, the scourge of cybercrime and the urgent need for legislation which criminalises cybercrime; the ANC has every reason to support this Bill.

In the 53rd ANC National Conference, the ANC, resolved that the National Cyber Security Policy should be in place by 2014 to prevent the distribution of harmful and antisocial content. The conference resolved further that the National Policy should also deal with the security of the high-speed internet networks to ensure information security, including the protection of vulnerable sectors of society, such as children.

The conference also highlighted that a national cyber security policy is needed without delay. In September 2015, the Minister of State Security signed the National Cybersecurity

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Policy Framework for South Africa which was gazetted in December 2015. Having considered the state of South Africa's peace and stability, the 54th ANC National Conference of the identified challenges to our relative state of stability which include but are not limited to: The well-being and safety of our people; and information and cyber.

The ANC resolved that there is a need to strengthen capability for cybersecurity to enhance protection of critical databases, systems and critical infrastructure resources, including protecting society against fake news, cybercrime, cyberattacks and hacking. The ANC further resolved to strengthen cybercrime counter measures across the criminal justice system value chain.

The Bill is essentially in line with cybercrime legislation of various countries. It is in line with the African Union Convention on Cyber Security and Personal Data Protection, the Budapest Convention on Cybercrime and Common Wealth Model Law on Computer Crime and Cyber Crime.

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The Bill criminalises cyber-facilitated offences by means of the offences of fraud, forgery, uttering and extortion, which are prevalent in the cyber-environment. The Bill addresses issues such as malicious communications. It criminalises a data message which incites the causing of any damage to property belonging to, or violence against a person or group of persons which is harmful or intimate in nature, and which is distributed without consent of the person involved, i.e.: revenge pornography.

Considering the fact that many acts of cybercrime are committed in cyberspace, the Bill substantially expands the jurisdiction to address those crimes which are committed outside of the borders of the country. The Bill also facilitates procedures which will facilitate mutual assistance with other users of information, communication technologies to deal with the investigations of cybercrimes.

Protecting the country and its citizens is the duty of government as well as all relevant stakeholders. We are aware of the concerns raised and the aspersions cast that State Security has too much power and the Bill is limiting the

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freedoms of people. We support this Bill because of our duty to ensure that we are safe as a nation.

Among many other countries whose banking systems have been cyberattacked towards the end of April 2018, it was revealed that Mexico's financial system was the victim of a cyberattack in which cybercriminals stole over 300 million pesos. We do not wish this to happen in our country.

The rapid growth of cybercrime in the country demands the development of new legislation to enhance cybersecurity.

Cybercrime not only adversely affects business and governments but it also affects the masses of our people. Our masses use cellphones, internet and banking services. They deserve to be protected.

According to the SA Banking Risk Information Centre, Sabric, South Africa has the third highest number of cybercrime victims in the world, which results in a loss of about R2,2 billion each year. In its 2017 report, cybersecurity firm, Norton, said globally, 978 million consumers were affected by cybercrime with losses totalling \$172 billion.

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While we have been without a comprehensive piece of legislation, we are please to inform this House that the National Prosecuting Authority, NPA, saw a need to focus on curbing cybercrime where information and communication was used to perpetuate crime.

In his 2018 Budget Vote debate speech, the Minister of Justice and Correctional Services reported that in the 2016-17 financial year, the NPA had 91,7% conviction rates in all court forums and that there had been a 98,5% conviction rate in cybercrime cases. This is the highest conviction rate over the last two decades.

In terms of training of SA Police Service personnel in cybercrimes matters, in April 2018, it was reported that about 1 612 members of the SAPS had been trained in the cybercrime environment and of that number, a total of 72 members had been trained in France on sexual related electronic crime. It was also reported that SAPS would be training 833 people in the current year.

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We support this Bill as we encourage the speedy finalisation of the cybersecurity aspects. Cybersafety is everyone's duty. We must all play a part in realising our NDP goal s that all people can feel safe. Hon Carter came here to cast aspersions on the processes of the Constitutional Review Committee, but she failed to tell this House that in that process, she was actually guilty of a cybercrime. Thank you very much.

[Applause.]

Mr S M JAFTA: Hon Speaker, in March 2012, Cabinet approved the National Cybersecurity Policy Framework, NCPF. The NCPF became a torchbearer for the consideration of a broad-based national legislation on cybercrimes and cybersecurity. Part of the reason for the consideration of a nuanced legislation on cybercrimes, was the recognition of the various overlapping mandates administered by different government departments.

The NCPF flagged all these challenges, including the fact that current legislation did not adequately address South Africa's cybersecurity challenges. Hon Speaker, the role of South Africa as a partner of the Organisation of Economic Co-operation and Development, OECD, coupled with the inordinate

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influence of ICT in our daily activities, is a rallying point behind national governments adopting cybersecurity strategies to address a wide range of threats.

The Cybercrime Bill lists a number of offences that will naturally arise out of the breaches of national security, including the manipulation of personal data and the interference with data as well as computer programs, computer data storage mediums or computer systems. It is often so that cyberbullies get away with crime. At a particular instance, lies were peddled against the Speaker of this Parliament under the Twitter account belonging to an elusive "Man's not Barry Roux".

Hon Speaker, under the current Bill, the electronic communications service providers are compelled to assist a court during proceedings to make available particulars of a person who distributed the malicious communications. Even worse, cybercriminals who commit these crimes outside the Republic will not evade the might of the law. The Bill establishes a territorial jurisdiction over cybercrimes. There is also an obligation placed on the electronic communications

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service providers and financial institutions to assist in the investigation of cybercrimes and to report cybercrimes.

What is critically not insignificant is the Bill's wisdom in protecting critical information infrastructure. The unmitigated need to protect the personal data of South Africans, especially through the protection ... Hon Speaker, the AIC supports the adoption of the Bill Thank you.

Mr W HORN: Speaker, earlier this year the SA Banking Risk Information Centre, Sabric, reported that South Africa has the third highest number of cybercrime victims worldwide, resulting in a loss of about R2,2 billion, as hon Swart has said.

Yet, in the Annual Report of the Department of Justice for 2017-18, it is stated that only 330 convictions were obtained in respect of cybercrime, even though people like the hon Maila boasts here today that this represents a 98% success rate. Speaker, we are of the view that this Bill will however go some way to enable policing and prosecution of cybercrimes.

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The proposals of the DA were incorporated with regard to judicial oversight over warrants obtained upon oral application. In the case of search and seizures without a warrant, the proposals of the DA not to allow access without a warrant being obtained after the seizure, have been incorporated and have strengthened and safeguarded the citizens' rights in this regard. Our proposal that crimes relevant to individual responsibility for data preservation require intent, and not merely negligent, has also been incorporated into this Bill.

We therefore hold the view that this Bill substantially adds value to the suite of legislation that currently exists to fight cybercrimes. The Bill was, of course, originally entitled the Cybercrimes and Cybersecurity Bill, and in that form it gave sweeping and unconstitutional powers to the State Security Agency. The DA and other parties opposed these provisions vociferously, and eventually the Bill was split.

While the DA supports the major portion of this Bill, the provisions of section 52 still gives sweeping and unconstitutional powers to the Minister of Police, a provision

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the ANC clung to stubbornly despite it clearly being out of sync with the rest of the Bill and being couched in the type of language typically found only in the now removed cybersecurity part of the Bill. This section could have the effect that all information on cybercrimes of which South Africans are the victims, but which was not committed solely by South Africans and exclusively within South Africa, or at least, whatever information in this regard the Minister so wishes, be hidden behind a cloak of secrecy.

Now the ANC colleagues will, like the Deputy Minister in the committee, will argue today that this is only to honour international protocol, but for as long as section 52(6) calls for a report to the Joint Standing Committee on Intelligence on what is called "the functions and activities" of the point of contact. It is quite clear that a government, like this one, who are not fond of accountability and transparency will bury all the information on crimes, it possibly can within the State Security - specifically if it points to government failure, which is, of course, precisely when we need that information. As these provisions remain unchanged, therefore the DA cannot support this Bill. I thank you. [Applause.]

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Mr G J SKOSANA: Hon Speaker and hon members, from the onset, the African National Congress categorically pledges its support for this Bill. The surge of cybercrime, security breaches and cyberattacks in the Republic of South Africa is a cause for great concern. While South Africa has various laws, which are used to address cyber offences, these do not comprehensively and uniformly criminalise conduct that is regarded internationally as cybercrime.

Driven by the duty to protect this country and its people and alive to the reality of these cyberthreats, the glorious movement of Mama Nontsikelelo Albertina Sisulu and Tata Nelson Rholihlahla Mandela resolved in the 54th National Conference that I quote:

There is a need to strengthen capability for cybersecurity to enhance protection of critical databases, systems and critical infrastructure resources, including protecting society against fake news, cybercrime, cyberattacks and hacking.

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Hon Speaker, a proposal to conduct research and draft a bill which would assist in addressing the problem of cybercrime was conceptualised. The end product of the study culminated with a draft bill called the Cybercrimes and Cybersecurity Bill.

Concerns regarding the balance between individual freedoms of expression and the right to privacy have been raised and were taken into account. The fundamental issue of the state's duty in securing cyberspace remains legitimate. Considering the issues raised, particularly with regard to cybersecurity which were delaying the finalisation of the Bill, the cybersecurity aspect was removed from the Bill. The rationale for this move was the urgent need for the Bill.

Cybercrime affects us all. With the relatively high levels of internet connectivity as a country, the rapid technological advances, the borderless platform in which cybercrime takes place, this Bill is imperative. Our reality is that we are not immune from attacks. Cybercrime affects the peace, stability and economy of a country. Hon members, recently, researchers at the World Economic Forum, WEF, found that executives in Europe and advanced economies had named cyberattacks as the leading risk to the business. Surely, there is a need to curb

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this risk, especially in our pursuit for higher levels of economic growth and investment.

In October 2018, Pakistan witnessed yet another cyberattack on its banking system. This recent cyberattack is the third major security breach in the country and second major on the banking industry during the last 10 months. Careem app and Habib Bank Limited were the victims of such cyberattack earlier. Reports of this major cyber security breach shook up the local banking industry, with the Federal Investigation Agency's, FIA, cybercrime chief saying almost all major Pakistani banks have been affected. Cheers!

IsiNdebele:

Bakwethu ukwethulwa koMthethomlingwa lo kungeminye yemisebenzi emihle eyenziwa yiHlangano ye-ANC. Kwamambala i-ANC iragela phambili ngokwenza iimpilo zabantu beSewula Afrika bona zibencono solo kwangomnyaka ka-1994. Ngalokho sitjhaba sekhethu ragelani phambili ngokusekela ihlangano ye-ANC ngombana ngiyo eyanikhupha emthlagweni omkhulu wokugadangelwa nokugandelelwa mbuso loya webandlululo egade udoswa phambili mipurelani yabontamozilikhuni.

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Bakwethu ningakhohliswa ziinhlango eziphikisako ngombana vele zona umsebenzi wazo kuphikisa. Ngilokho eabhadelelwa khona la ePalamende. Njengombana siya emakhethweni umnyaka ozako, iinhlango eziphikisako ziyaphalisana, zibanga ukuba yihlango ephikisako esemthethweni. Sizwile bona ihlango ye-EFF umongameli wabo utjhwile bona banamathuba wokobana bangabayihlango ephikisa ngokomthetho ngokwesiyeni [the official opposition.] Ngemva kobana uMma u-Patricia De Lille athlerile ehlanganweni ye-DA.

Simzwile nomkhulumeli we-DA atjho bona i-DA isazoba yihlango ephikisa ngokomthetho ngomnyaka ozaka ngokwesiyeni [the official opposition.] Lokho sitjhaba sekhethu kutjhabona i-DA ne-EFF ziphalisana zibanga ukuba yihlango ephikisako. Azibangi ukuba yihlango ezokubusa eSewula Afrika.

[Isithikamezo.]

English:

Ms M S KHAWULA: Speaker on a point of order

The SPEAKER: Hon Skosana, can we take this point of order.

Yes, hon member what is the point of order?

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IsiZulu:

Nk M S KHAWULA: Sihlalo, ngabe lo mnumzane useyikhohliwe yini lento okufanele akhulume ngayo? Njengoba esephaphalaza nje.

USOMLOMO: Cha, akulona iphuzu elikhalimayo lelo, mam' uKhawula.

Nk M S KHAWULA: Hhayi wena ungazosiphaphela lana.

English:

The SPEAKER: Please proceed, hon Skosana.

IsiNdebele:

Nom G J SKOSANA: Siyathokoza Somlomo. Kutjhobona iihlangano eziphikisako ziyaphalisana.

English:

They are competing to be an official opposition and not to lead South Africa. So, they have accepted that it is only the ANC, which is capable to lead South Africa.

IsiNdebele:

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Ngalokho sithi abantu bekhethu bangamorosi amavowudu waba bavodele iinhlango eziphikisako nezinomncopho kwaphela wokobana zize la ePalamende zizokuphikisa.

Siyakhumbula-ke abanye beenhlanganwezi bebabanga itjhada elikhulu la eNdlini yesiBethamthetho, bathi kunento abayibiza nge-*state capture* ukugolwa kombuso bathi fanele kube nekomitjhana ezophenya ukugolwa kombuso. Kodwana siyarareka namhlanjesi ngombana ikomitjhana ikhona kodwana abayisekeli. Ngibo abayiliyako bona ingasebenzi. [Isithikamezo.]

English:

The SPEAKER: Order, hon Skosana, can you take your seat.

IsiZulu:

Mnu T RAWULA: Somlomo, bengicela ukubuza ukuthi ilungu elihloniphekile lingawuthatha umbuzo na?

IsiZulu:

USOMLOMO: Uyafuna yini ukuwuthatha umbuzo, bhuti?

IsiNdebele:

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Nom G J SKOSANA: Umbuzo ngizawuthatha ngaphandle nasiqedako.

English:

Mr T RAWULA: But I am not your friend!

The SPEAKER: Alright. Hon member, take your seat. He is not taking a question. Proceed, hon Skosana.

IsiNdebele:

Nom G J SKOSANA: Iihlangano ebezibanga itjhada la eNdlini yesiBethamthetho zikhuluma ngendaba ye-*state capture* ukobana umbuso ugoliwe kumele kube nekomitjhana. Namhlanje ikomitjhana ikhona kunokobana bayisekele, ngibo abayiliyako ekwenzeni umsebenzi wayo begodu abantu abavela ngaphambi kwekomitjhana le bayabathuka babaziza ngamagama ngamagama. Abantu abanjalo sitjhaba sekhethu ningabathemba njani? Ningamorosi amavowudu wenu, vodelani ihlangano ye-ANC.

Abalingani bami abanye la siyabezwa bayakhuluma ...

[Isithikamezo.]

IsiZulu:

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Nk M S KHAWULA: Uxolo Sihlalo. Ngiyabonga.

IsiNdebele:

Nom G J SKOSANA: ... ukukhuluma kwabo ...

Nk M S KHAWULA: Awuhlale kancane baba.

IsiNdebele:

Nom G J SKOSANA: ... bayakhuluma baveza izinto ezinengi ...

IsiZulu:

Nk M S KHAWULA: Uxolo Sihlalo.

English:

The SPEAKER: Hon Khawula what is the point of order?

IsiZulu:

Nk M S KHAWULA: Ngiyabonga weSihlalo. Akathi ukuhlala phansi umhlonishwa akhombise ukuhlonipha phela. Nginephuzu elikhalimayo.

English:

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The SPEAKER: Hon Skosana, take your seat.

IsiZulu:

Nk M S KHAWULA: Ngiyabonga.

USOMLOMO: Uthini Mama uKhawula?

Nk M S KHAWULA: Awuve uhlonipha. Ngithi, kodwa lo mntwana emncane kangaka, ngiyaxolisa ukuthi lomntwana, lomhlonishwa emncane kangaka washabasheka ekhohlisa abantu ethi abavotele i-ANC, into ehlulekile [dismal.] [Ubuwelewele.]

USOMLOMO: Cha, Mama Khawula, kahle.

Nk M S KHAWULA: Abantu bangayivoteli!

USOMLOMO: Akulona iphuzu elikhalimayo leli. Qedela Bab' uSkosana.

IsiNdebele:

Sithokoze. Iye sibezwile abalingani bami abanye behlangano ye-DA bakhuluma la. Ngiyazwisisa izinto abazikhulumako kungombana

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bangaphasi kwegandelelo elikhulu. Baqaleno nomraro omkhulu lapha eTshwane ngombana uSodorobha weTshwane uBaba u-Solly Msimanga ubasikele igwayi likatiki ukobana bafanele bakhethe bona baqotha umphathi wakamasipalada namkha yena athokoze umsebenzi. Yikomo yemtjhade kibo ngombana nabangaqotha umphathi wedorobha bayo qalana nobudisi ngombana i-EFF izokuthlera esikhozini sabo, ngombana umphathi wedorobha yeTshwane umkhozi omkhulu we-EFF. Banekinga leyo yokobana abazi bona benzeni. Kodwana ke nangabe abamqothi umphathi wedorobha umraro abanawo kukobana uSodorobha u-Solly Msimanga uzokuthokoza umsebenzi. Nakathokoza umsebenzi-ke amanye amalunga we-DA kunye nabalandeli be-DA lapha eTshwane bazothlera ku-DA bavodele i-ANC. Ngalokho baqaleno nekomo yemtjhade, wayiraga umlandu, wayilisa umlandu. Kwanjesi ke sizwelana nabo khulu thina siyi-ANC kilemiraro ebaqalene nayo. Somlomo, sithokoza khulu kwamambala siyi-ANC siyawusekela uMthethomlingwa lo. Siyathokoza. [Iwahlo.]

IsiZulu:

Mnu M HLENGWA: Mhlonishwa Somlomo.

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The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES RESPONSIBLE FOR CONSTITUTIONAL DEVELOPMENT: Madam Speaker, I think we have heard quite a bit from all the parties in the House ... [Interjections.]

IsiZulu:

Mnu M HLENGWA: Somlomo ngicela ungithathe uma eseqedile ngoba kukhona udaba engifisa ukuluphakamisa aluphuthumi ngaleyondlela. Ngiyacela unginike ithuba ekugcineni.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Alright, we have all heard from all the parties the problems with cybercrime in South Africa that it is a huge problem that we need legislation to comprehensively deal with that because the current legislation is not advanced enough and that the cyber world is something we are all involved in. For example, we have just had Black Friday and we all got bombarded with Black Friday promotions. Overseas, the United Nations' National Cyber Security Centre said that shoppers are prime pickings the cyber criminals during Black Friday sales and some of these cyber scams are extremely sophisticated, like

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making fraudulent mobile applications, apps, using brand names of leading retailers. The fake apps are designed to fool people and to sharing their passwords or credit cards details in the hope of finding the best Black Friday deal.

I think this has been said by a number of speakers the Bill came to Parliament as the Cybercrime and Cybersecurity Bill and following the public hearings it was agreed by the committee to focus on the cybercrimes element of the Bill and take out the cybersecurity elements for later.

Now, when it comes to support for the Bill in the House it's the DA and the Economic Freedom Fighters that are saying that they are not supporting it. I'm a bit puzzled with the Economic Freedom Fighters, I know that the hon Rawula who spoke is not a member of the committee, it is Advocate Mulaudzi, but the provisions that you complained about in the Bill have been taken out. You complained hon Rawula about the Bill ... [Inaudible.] ... to massive states surveillance and massive powers to the Minister of States Security. That is all gone; it is not in the Bill anymore. You were reading the introduced version of the Bill not the Bill that is currently

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before the House. You complained about the cyber resource committee, it is gone and it is no longer in the Bill.

I really would urge the members of the EFF to relook at their opposition to the Bill. As far as the Democratic Alliance, they had a major problem which is causing them to vote against the Bill and that was with the point of contact which they claim - and I see the Minister of Police is here - that it gave unconstitutional powers to the Minister of Police. Now, sorry Minister of Police it doesn't give you any powers, it gives you a responsibility. That's all, but there's no power. What says the section about it? It says that the National Commissioner must have a point of contact to provide immediate assistance in investigations regarding cybercrimes both internationally and locally.

The duty on the Minister of Police is not the power is to - at the end of each financial year - report to the Chair of the Joint Standing Committee of Intelligence under functions of the point of contact, the number of matters in which assistance was provided and the number of matters in which assistance was received from a foreign state. That is all it

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does. There is no power to the Minister of Police, it is a duty. It's also ironic that when it came to public submissions on the section, it is used to be section 52 on the old Bill, that your bodies involved in human rights issues on accessed information right to know, centre of human rights which I think more aligned to the DA, the open democracy advice centre; they had nothing to say about the section. In fact, the DA had nothing to say until right at the end.

There were two submissions on the old section. One was that from a body called "I am governance" which was at the section should be amended to provide for the appointment of deputy information officers. The other submission on this clause in the old Bill was supporting the clause and saying that the point of contact should be adequately resourced. Now, it is the hon members of the DA, guess who that submission came from. That came from a certain Alan Winde, the member of the executive council, MEC, for Economic Opportunities in the Western Cape and your premier candidate for the Western Cape. So, he's the only one who made a submission and he said that he supported that section. Suddenly at the last minute the hon Breytenbach and Horn who I can't see here decided that there

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is something wrong. I think this is politicking. Look, we can't put down to possible qualification problems within the DA or hon Breytenbach, we can't put it down to that, but it is pure politicking of the DA.

It is pure politicking on the part of the DA. This is an important Bill for South Africa, but instead you want to pick objection to the Bill and with obscure section that you raised right at the end that no one else raises any problem with and that your own MEC in the Western Cape, your own premier candidate supports. So, please get your act together DA. That is generally about it. This Bill is important. We are all making use of the internet. We are all vulnerable to cybercrime. Let's ensure that this Bill is passed to ensure that we can combat cybercrime. Thank you. [Applause.]
Debate concluded.

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

Division demanded.

The House divided.

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AYES - 204: [Take in from minutes.]

NOES - 11: [Take in from minutes.]

Question agreed to.

Bill accordingly read a second time.

**CONSIDERATION OFF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND
CORRECTIONAL SERVICES ON CHILD JUSTICE AMENDMENT BILL**

USoswebu oMkhulu weQEMBU ELIBUSAYO: Somlomo, ngenhlonipho enkulu ngiphakamisa ukuthi lo mbiko weKomidi wamukelwe yile ndlu ehloniphekile.

There was no debate.

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

Motion agreed to (Economic Freedom Fighters dissenting).

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Report accordingly adopted.

CHILD JUSTICE AMENDMENT BILL

(Second Reading debate)

IsiXhosa:

Mnu L K B MPUMLWANA: Somlomo ohloniphekileyo, amalungu ale Ndlu ahloniphekileyo, iindwendwe ezixabisekileyo nesizwe sakowethu esindilisekileyo, bhotani. Le yingxelo yeKomiti yeMicimbi yeSebe lezobuLungisa noPhuhliso loMgaqo-siseko ngoMthetho siHlomelo oYilwayo wezobuLungisa kubaNtwana wonyaka wama-2008. (Child Justice Act 2008).

Umbutho wesizwe i-ANC uyawamkela lo Mthetho siHlomelo, ngoko ke nam ngokuzithoba, ndibongoza le Ndlu ukuba iwuphumeze.

Apha emthethethweni, umntu ukuze afunyanwe enetyala, kuqala kufuneka kuqinisekiswa ukuba ingaba ingqondo yakhe iyaqonda na kwaye iyayigqala na le nto ebeyenza. Kuye kuphinde kujongwe ukuba ingaba iyaqiga kusini na ukuba loo nto ayenzileyo ayikhomthethweni.

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Umhlathi wesi-7 womthetho ojongene nobulungisa kubantwana wama-2008 uthi:

umntwana ukususela ekuzalweni kwakhe ukuya kwiminyaka eli-10, akanakho ukugqala nokuqiqa okufunwa ngumthetho.

Esi sandulela mthetho ke, sihlomela lo mhlathi womthetho wama-2008 ngokuthi sinyuse le minyaka ifunekayo yokuqiqa nokugqala ukusuka kwi-10 kuye kwi-12.

Umhlathi we-11 walo Mthetho uhambisa uthi:

Umntwana one-10 ukuya kwi-14 etyholwa ngokona, kufuneka umtshutshisi ukuba abonakalise ngokungathandabuzekiyo ukuba lo mntwana unako ukugqala nokuqiqa okufunekayo.

Xa engakwazanga ukwenza njalo, umntwana uphuma etshaya. Nalo mhlathi ke nawo uyahlonyelwa ngokuthi kunyuswe ubudala ngokweminyaka ukusukela kwi-12 ukuya kwi-14 kodwa lungajikanga uxanduva lomtshutshisi lokuqinisekisa ukuba umntwana uyagqala kwaye uyaqiqa.

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Ezinye izinto eziqukumbela lo mthetho kwakunye nemihlathi efakelweyo, efana nokuba kuthiwe umntwana ngumntu omdala njl njl. Sizisiwe ke esi sandulela mthetho, apha kuthi ngumbuso, sasiphonononga, sisihla amahlongwana phezulu. Akubonakalanga mntu othi uyasichasa, ndiyothuka ke xa kubonakala ngoku ukuba ukhona, ndingazi nokuba loo mntu wenziwa kukuqonda ukuba siyasebenza okanye asisebenzi kusini na.

Siyaqhuba, sikhulula iswizwe kwaye lo mbutho wesizwe mawuthenjwe sisizwe, kuyo yonke into. Ukusukela ntlandlolo kwakusetyenzelwa ukuba masibe kule ndawo kwaye siya phambili sikhulula isizwe. Ndiyasicenga isizwe sakowethu, nokuba ke sinazo iimpazamo ezithile, kodwa awukho umbutho onokusikhulula ingenguwo lo. Siyihambile le ndlela, iminyaka, kwade kwalapha sisithwele esi isizwe. Asikhathazwa zizaphuselane ezisoloko zisixwaxwa, zifuna ukuba siphume ecaleni.

Ndiyawubulela umsebenzi owenziwe yile komiti, nomonde ethe yanawo ukuze sibe silapha. Ndiyababulela naba bantu bakweli cala lisekhohlo kuba abakhange basinike nkathazo kangako. Naba bomqokozo obomvu abakhange babonakalise kusichasa, ndingothuka ke, xa benokusuka nabo baphume. Hayi, andicengi, ndenzela

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ukuba xa niphuma bayazi abantu ukuba nibaleka umsebenzi ebekumele ukuba niyawenza, banibone. Ndakukhe ndimbone umntu ozakuphuma apha kuba esithi umntwana oneminyaka eli-10 uyazi ukuba kwenzeka ntoni na, kuba ninjalo kakade. Awusoze ungene eZulwini xa ungasazi isiXhosa kwaye ungavoteli i-ANC. Ndiyabulela.

English:

Adv G BREYTENBACH: Madam Speaker, hon members, Prof Ann Skelton, Director of the Centre for Child Law at the University of Pretoria, wrote this about the Child Justice Act in 2009:

Child justice is a barometer for society's broader concerns about safety and stability. Adults feel that children should be manageable, and when they seem to be out of control, this gives adults a feeling that they are losing control of everything. The world seems unpredictable when children act in ways that are untypical of adults' expectations of them.

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At the same time, people generally understand, at least in relation to their own children, that childhood and adolescence is a time of experimentation. Awkward behaviour during the teenage years is part of the journey from childhood to adulthood and does not necessarily spell a negative future. This is the tension that society experiences in relation to children who commit crimes.

The common law has long held that committing a crime requires both a prohibited act and a mens rea, or guilty mind – the criminal knowledge that the act was wrong.

There is no global consensus regarding the youngest age at which a child can be deemed to have the ability to form such a guilty mind and thus be competent to be tried and convicted of a criminal offence.

In 2007 already, the United Nations Committee on the Rights of the Child recommended an absolute minimum age of 12 for criminal responsibility, and urged countries to continue to increase it to a higher age level. So, while some countries – including some of our peers and neighbours like Mozambique and

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Brazil - have introduced legislation to determine the minimum age of criminal capacity to be 14 years, others like the Philippines have gone the opposite route and lowered the age to nine.

Hon members, it has been said that it is but a myth that children nowadays mature faster. While it is true to say that children do have access to more information today and consequently have a wider vocabulary range and are much more aware of the ways of the world than their counterparts of 50 or 100 years ago, scientists agree that, ironically, those parts of the brain that assist with decision-making processes develop slower than ever before. The issue of maturity is not about access to information but about the ability to process information including having the foresight to understand consequences.

Those in the 14 to 18-year age group will make decisions which may not be the same as those made at 21 and this is because, more often than not, the decision-making part of the brain matures slowly.

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Physiologists and psychiatrists agree that there are three stages of adolescence: early adolescence from 12 to 14 years of age; middle adolescence from 15 to 17 years of age; and late adolescence from 18 years and over.

At the time of the passing of the Child Justice Act by Parliament it was hailed as a good piece of legislation that worked towards long-term benefits for children and the country as a whole, allowing for a justice system that heals children and those who were affected by a child's actions, encouraging forgiveness and rehabilitation while looking after the needs and rights of children and victims through allowing for the child's background or upbringing to be taken into consideration, and ensuring that the individual needs and circumstances of children in conflict with the law are assessed before a decision is made on how to deal with the child.

We are convinced that, in order for us to be the caring society we aspire to be, it is the right thing to do to increase the minimum age of criminal capacity from 10 years to

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12 years, thereby extending the provisions of the Act to all pre-adolescent children.

We therefore support this Bill. Thank you.

Nk M S KHAWULA: Ngiyabonga Sihlalo, hhayi siyawuchitha lo Mthetho we-Child Justice Amendment Bill. Sihlalo ohloniphekile ngenxa yokuthi sisuka engcindezelweni yobandlululo. Indlela abantu bakithi abenza ngayo izinto incike kakhulu kwizimo abakhule zikhona ngaphansi kobandlululo. Lokhu kubalulekile ukuthi singakukhohlwa uma siphasisa imithetho ethinta loludaba lwabantwana. Iningi labantwana likhulela ngaphansi kwemindeni eyinhlakanhlaka ngenxa yendlela yohulumeni wobandlululo owashiya edwebe ngayo indlela yokuphila kwabantu abamnyama.

Imibiko yakamuva ikhombisa ukuthi lenyukile izinga lemindeni elawulwa yizingane ezihlala ngazodwana. Labantwana basencupheni yokuthi bawele esilingweni sobugebengu nezidakamizwa besebancane. Isiphakamiso sokwenyusa iminyaka abantwana abaqala kuyo ukuthweswa amacala isuka eshumini ukuya kwishumi nambili. Akwanele uma ubheka izimo iningi labantwana abakhula ngaphansi kwazo. Ngebhadi konke lokhu akuveli uma

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uyibuka ngeso elibanzi ngokomhlaba wonke. Kunenkinga etholakala kwelakithi kuphela ngenxa yemuva lethu njengoba sisuka kwingcindezelo yobandlululo. Njenge-EFF sithi akuwona umgondo omuhle ukubona abantwana ngenxa yokwehluleka kukahulumeni ukubabhekelela inhlalakahle yabo, okwenza bagcine bengumhlambi kazalusile.

Singakhohlwa ukuthi kwalona leshumi nambili leminyaka liphansi kakhulu kunesiphakamiso seNhlango yeZizwe yona eyaphakamisa ukuthi okungenani bangathweswa amacala uma sebeneminyaka eyishumi nane ukuya kweyishumi nesithupha. Thina njenge-EFF sivumelana ngeminyaka eyishumi nesithupha uma sesiphethe sizoyibeka lapho. [Ubuwelewele.] Siphakamisa ukuthi uhulumeni akayiqale emuva abeke phambili ukuguqula inhlalakahle yabantwana kunokujaha ukubaphosa ejele. Akekho umntwana ozikhethela ukukhulela emjondolo. Akekho umntwana ozikhethela ukukhulela emndenini ongenabo abantu abadala. Kukhona izindlela zokuziphilisa okugcina kuyizo izindlela zobugebengu. Noma sivumelana nenhloso yomthetho kodwa besingathanda umthetho uthi ukusabalala njengoba sengichazile ngasenhla.

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Ngakho ke siyawuchitha lo mthetho ngalendlela oyiyona njengamanje. [Ubuwelewele.] Akukho okunye sithi qu phansi! Izwe linjena nje yilemithetho. Izingane ziphila kabuhlungu kanje niphasise imithetho engavumelani nathi thina njengabantu abamnyama. Ngiyabonga. Ngaleyondlela nje ngithi qaphelani. ANC sizothatha ngowe-1920, sizonikhombisa ukuthi kuholwa kanjani, kuzokhululeka wonke umuntu walapha eNingizimu Afrika. [ubuwelewele.] Ngonyaka ozayo sithi abantu abavotele i-EFF, bangayivoteli i-ANC ... [Kwaphela isikhathi.]

Inkosi E M BUTHELEZI: Hon Speaker, at the outset allow me to pledge the IFP' support to this Amendment Bill, high violent crime and murder rates have earned our country the quotation as a "dangerous destination", but while crime is certainly a major problem, the rise of use of children by adults to commit crimes and subsequently to avoid jail time is on the rise. We see this phenomenon across our country and these acts by opportunistic adults to use their children as conduit are deplorable. We act to do something, therefore the amendment of this section 92 The Child Justice Act is mostly welcomed. It is very important for us to combat crime and try our best to prevent our children from becoming involved in criminal

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activities. We that said, it's worrying that we lack capacity within the social cluster in particular the Department of Social Development to ensure that our children have access to social and psychological services. Families are torn apart by effects of crime, it spares not a single life and the consequences are endless. It must be noted that we do not want to find ourselves in a state whereby children are being thrown into jail or rehab programs for months or even years and there upon exit from the system, they cannot dissocialise themselves to become active and productive members of the society.

We support this amendment in trying to protect our society and trying to keep our country safe. Children from very young age must know that crime will buy them a life time of misery and this Bill should be enacted may become a deterrent to the rising number of children committing crime on their own or by acting on instruction of the adult. The IFP supports this Bill.

IsiZulu:

Mnu S C MNCWABE: Ngiyabonga Somlomo, mangiqale ngokusho ukuthi siyiqembu le-NFP siyaweseka lo mthetho. Ngikuzwile

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Dlangamandla, mhlonishwa uMpumlwana ukuthi umuntu onaleminyaka eyishumi ukuya kweyishumi nambili akanawo umqondo odingakalayo ukuthi angenza icala lokuthi angaze agwetshwe, ahlaliswe ejele. Kuyiqiniso loko futhi kuyiqiniso ukuthi noma yimuphi uMshushisi obhekene necala elithinta abantu abaleminyaka esiyishoyo kumele aqinisekise ukuthi ngempela inhloso yokwenza lelo cala ibikhona uma ubheka iminyaka yomuntu. Sithi ke siyakuxhasa lokho ukuthi lo mthetho mawuphasiswe kodwa noma kunjalo kukhona esifuna ukukusho ukuthi masingakhohlwa njengoba umama uKhawula ebesho la.

Masingakhohlwa ukuthi ukuphasisa lo mthetho kuphela bese kungabibikho esikwenzayo ukulekelela osonhlalakahle nokulekelela odokotela bezengqondo ukubhekana nalezi zingane. Lokho siyobe singenzi ubulungiswa. Kudinga ukuthi sibaxhase osonhlalakahle bethu nalabo futhi abangodokotela bezengqondo ukuze bakwazi ukusiza lezingane.

Kuyiqiniso ukuthi Somlomo zikhona izigigaba ezenziwa yizo lezingane. Masikhulume nje ulimi lwaselokishini. Sinezingane ezaziqamba zona amagama zathi: zingama-Paramedics laphaya emalokishini, okutolikwa kuthiwe amaphara. Lokhu ke kuchaza

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ukuthi yilezingane esizithola emgwaqeni zibhema izidakamizwa. Maningi amacala enziwa yilezingane, ukubamba inkunzi, nayo yonke inhlobo ongayicabanga. Njengoba bezibiza ngamaphara ukuthi yibo abafika kuqala uma kunengozi basize. Akukho ukusiza abakwenzayo ngaphandle kokuntshontsha.

Futhi angikuveze ukuthi nemiphakathi yethu eminye ithwele nzima ngoba lezingane zaleminyaka azikhuzeki kalula. Kuntshontshwa amapayipi amanzi, kuntshontshwa ithusi. Kuningi okuntshontshwayo ngenxa yezidakamizwa ukuze umuntu akwazi ukuthola imali ye-"whoonga". Uma singeke sikwazi ukululungisa loludaba ngokugcwele siyobe singenzi ubulungiswa. Asikwazi ke ukuthi umphakathi wethu siwuyekelele. Yebo sasivumelene ukuthi abantwana bathweswe amacala kodwa masibhekane nodaba lwezidakamizwa -ama-"whoonga", ama-"nyaope", nalo lonke uhlobo olukhona. Kukhona futhi uhlobo lwezidakamizwa olwakhiwe olusha selukhona. Ngakho uma singakwazi ukubhekana nalezinkinga uma sihamba emgwaqeni sihlangana nabantwana abawuloluhlobo uma ukhuluma nje ngocingo wehlise ifasitela lemoto, lolo cingo lusuke siluhambile. Kufanele sibhekane naso sonke lesisimo ukuthi sibasize abantwana bethu singababophi kodwa futhi masilwe nezidakamizwa. Ngiyabonga.

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English:

Ms D CARTER: Deputy Speaker, the Child Justice Act, adopted in 2008 creates a criminal justice framework for children who are in conflict with the law. In accordance with the values that underpin our constitutional order, we noted that at time of the adoption of the act, it contentiously decided to set the minimum age of criminal capacity at the tender age of 10 and not 12 years, despite opposition hereto our civil society and organisations, professionals amongst others. The Act provided that the Minister was obligated to submit a report to Parliament, no later than five years after the prescination of the Act, to review the minimum age of the criminal capacity.

We welcome the report into the matter which was compiled in consultation with various stakeholders and we support this Reluctant Amendment Bill, Resultant Amendment Bill, which proposes to increase the minimum age of criminal capacity to 12 years, and which also gives effect to other recommendations proposed in the report. Thank you.

Mr S N SWART: Deputy Speaker, the ACDP played a key role in the drafting and finalisation of the comprehensive Child

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Justice Act way back in 2008, which deals comprehensively with child offenders and it incorporated pioneering restored of justice provisions to keep children who do not pose a danger to society out of prisons, where they will otherwise be subject to abuse and gangsterism. This is done by diversion from the formal criminal justice system where after certain programs had to be completed and the child was restored to play a meaningful role to society as a responsible citizen, there will be no formal prosecution or a criminal record.

One of the outstanding issues when we drafted the legislation then related to the minimum age of criminal capacity and it was decided that there will be further investigation by the Department of Justice within five years. This has culminated into a report on the review of minimum of age capacity which concluded that the minimum age of criminal capacity should be increased from 10 to 12 years and the rebuttable presumption be retained for children from 12 to 14 years.

This was substantiated by international research as well as statistics provided by the department and it was also supported by various non-governmental organisations, NGOs,

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such as, National Crime Prevention and Reintegration of Offenders, NICRO and the Centre for Child Law. As the matter of interest *the African Commission on Human and People's Rights, Principles and Guidelines on the Right to a Fair trial and Legal Assistance in Africa* states that the age of criminal responsibility should not be fixed below 15 years of age and so we are within that norm.

It is also important that diversion which the ACDP promoted as a restorative justice principle then, has been delinked from the issue of criminal capacity and as a result of not having these provision which is contained in this amendment and which the ACDP supports. Many children who are in conflict with law are falling through the cracks and could benefit from interventions, hence the amendment which we support.

The ACDP lastly raised concerns about adults who may use children to commit crimes, particularly now that the age of criminal capacity is raised to 12 years, in other words children below 12 have no criminal capacity can not be charged. That is a specific offence in terms of the Child Justice Act and we concerned that it doesn't appear that there are any prosecution in that regard and that is something that

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we need to monitor as Members of the Portfolio Committee and is an issue which the department and the National Prosecuting Authority will also be looking into. That having been said the ACDP will support this draft legislation. I thank you.

IsiNdebele:

Nom G J SKOSANA: Asithokoze Sekela Somlomo ohloniphekileko.

English:

"History will judge us by the difference we make in the everyday lives of children." Those are the words of the late former Secretary General of the United Nations, Kofi Annan.

With the ANC's position on the promotion of the rights of the child; the paramountcy of the rights of the minor child; our 54th National Conference resolution to improve the child justice system in mind; it goes without saying that the ANC supports this Amendment Bill.

Hon Deputy Speaker, the Child Justice Amendment Bill mainly amends section 7 of the Act, dealing with the minimum age of criminal capacity of children. Section 7 is amended to provide

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that a child under the age of 12 years does not have criminal capacity and cannot be prosecuted, and a child who is 12 years or older, but under the age of 14 years is presumed not to have criminal capacity, unless the state proves beyond reasonable doubt that the child has criminal capacity.

The amendment to increase the minimum age of criminal capacity of a child from 10 years to 12 years has necessitated a number of consequential amendments in various sections of the Act. Sections 10, 41, 49 and 67 relating to the consideration of diversion of a child are amended to remove reference to criminal capacity of a child.

Hon members, the Freedom Charter's call for imprisonment to be aimed at re-education and not vengeance and the Ready to Govern document reflect the restorative justice position of the ANC. As the ANC, we have placed an increased emphasis on the effective rehabilitation and reintegration of children in order to minimise the potential for reoffending or what we call recidivism. We introduced diversion programmes because we believe in giving people, especially the youth second chances in life. While it is necessary to correct wrongful behaviour

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and ensure accountability in children who are in conflict with the law, it is important to always remember that they cannot be treated as adults simply because their level of consciousness and cognition are different to those of adults. In building a society, we will never win if we do not build children and effectively correct them when they have transgressed.

Hon Deputy Speaker, research has shown that there is a strong link between socioeconomic inequalities and crime. The Oxfam report conveyed that South Africa is the most unequal society in the world. We are aware that many of the children in conflict with the law come from the lower economic rungs of society who happen to be black. While we do not condone crime, we are also aware that there are many child-headed homes and often, those children tend to resort to criminal activities to support their families. It cannot be that we promote the imprisonment of young children while there are other measures of correction which can be employed first.

Correcting behaviour is not just a Department of Justice and Correctional Services matter. It involves the Department of

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Social Development, the Department of Basic Education, the Department of Health and the departments in the Justice, Crime Prevention and Security, JCPS, cluster and more especially the society at large.

IsiNdebele:

Njeke, Sekela Somlomo ohloniphekileko, laba abathi batjho bazokubusa ngomnyaka ozako baqoqa inolwana. Thina ngesikhethu sazi bona inolwani iqoqwa ebusuku, kodwana bona bayiqoqa emini ilangalihlabile libalele. Bayabhudanga, babhudanga bahlezi baqalile. Ngalokho sitjhaba asingakhohliswa bosomalakazi abaleya amala namalanyana, amasela abangakhohliswa sithi i-ANC iyaraga iyaphambili ngokuthuthukisa isitjhaba seSewula Afrika. Sekela Somlomo ngiyathokoza, i-ANC iyawusekela uMthethomlingwa lo.

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

IsiZulu:

Cha, cha, cha, hlala phansi.

The DEPUTY SPEAKER: Hon member, hon Khawula.

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IsiZulu:

Nk M S KHAWULA: Yebo baba.

USEKELA SOMLOMO: Mhlonishwa Khawula, ufanele uthule ngize ngikuvumele ukuthi ukhulume.

Nk M S KHAWULA: Uyabaleka nje!

USEKELA SOMLOMO: Awukwazi ukulawula. Khuluma! Khuluma mama!

Nk M S KHAWULA: Sekela Somlomo, kwathiwa lana asingabizani ngamagama angekho emthethweni. [Ubuwelewele.] Wobani amasela? Nayingane yamasela izosiphaphela lana!

English:

Hon member, hon member, please sit down! Nobody was specified in any way in the speech ... [Interjections.]

IsiZulu:

Nk M S KHAWULA: Nilithathephi leli sela leli?

English:

The DEPUTY SPEAKER: Hon member, withdraw that!

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IsiZulu:

Nk M S KHAWULA: Cha, akuhoxise yena kuqala!

English:

The DEPUTY SPEAKER: Hon member, withdraw what you said to him!

IsiZulu:

Nk M S KHAWULA: Hhawu!

English:

The DEPUTY SPEAKER: You withdraw it. You are violating the rules. Parties are not dealt the same way as you as individual members are treated! Withdraw those words against the member speaking? Withdraw them.

IsiZulu:

Nk M S KHAWULA: Kulungile. Ngiyahoxisa.

The DEPUTY SPEAKER: Thank you, Ma'am.

IsiZulu:

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Hlala phansi ke. Hlala phansi ke. Ngiyabonga. Ungakhulumi enye into futhi ungayimoshi into enhle oyenzile yokuhoxisa. Hlala phansi mama. Ngiyabonga.

IsiZulu:

Nk M S KHAWULA: Cha, ngeke phela Sihlalo usuyangisabisa manje.

USEKELA SOMLOMO: Hhayi, hhayi, hhayi, ilungu elihloniphekile lenza kahle umalivumile lenze iphutha siyakwamukela lokho hlala phansi uthule.

IsiZulu:

Nk M S KHAWULA: Kodwa phela musa ukungisabisa.

USEKELA SOMLOMO: Hhayi, hhayi, hhayi.

Nk M S KHAWULA: Kodwa phela musa ukungisabisa uma usuyenza lento.

USEKELA SOMLOMO: Hhayi, hhayi, hhayi. Musa ukuqhubeka mama. Musa ukuqhubeka. Asivumelane kamnandi.

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English:

Thank you, very much. The hon Galo.

IsiZulu:

Nk M S KHAWULA: Nawe kodwa awukwazi ukuhoxisa lento yokuthi usuyangisabisa la e-Phalamende ngokwelungelo lami. Uyazi uyangisabisa ngokwelungelo lami manje. Ngicabanga ukuthi nawe kumele uhoxise loko okushoyo kumina manje. [Ubuwelewele.]

USEKELA SOMLOMO: Mhlonishwa Khawula ngicela uhlale phansi. Sengiyakuncenga ke sisi.

IsiZulu:

Nk M S KHAWULA: Thana uyahoxisa kuqala.

USEKELA SOMLOMO: Hlala phansi, mama.

IsiZulu:

Nk M S KHAWULA: Thana uyahoxisa ngizohlala ngempela.

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USEKELA SOMLOMO: Ngizokucela uphumele emnyango uyoshaywa wumoya ngoba ingathi awungizwa kahle. Ngizokucela uphumele emnyango uma uqhubeka. Qhubeka Baba u-Galo.

English:

Mr M P GALO: Hon Deputy Speaker, the instigation of crime by minor children, at the instance of adult child offenders, is at the heart of this discussion. The narrow provisions of section 92 of the Child Justice Act are restrictive and unnuanced. The use of minor children to commit crime, sometimes at the instance of fellow children, of slightly similar or older age, is not punishable in the South African legal system. Section 92's main target includes, solely, adult persons.

The Child Justice Act, admittedly, is a working document rather. This report attempts to remedy the section 92 lapses. To footnote the committee's suggested changes, "The amendment seeks to substitute the word "adult" with "persons" to deal with this". The Portfolio Committee on Justice and Correctional Services has its work cut out for itself.

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Hon Deputy Speaker, the Justice, Crime, Prevention and Security Cluster must meet regularly, as the report canvasses, to develop a solid programme of action in which persons committing crime under the pretext of minor children, can be brought to book. More broadly, we need to have a symposium of the Child Justice Act. Enacted into law only in 2008, the Act already has staggering number of amendments. Nevertheless, the AIC supports this report. I thank you.

Mr W HORN: Deputy Speaker, Doreen Gaura, a Programme Officer at the Just Detention International, in an article with the topic Gangs Making Killers Out of Our Children writes that:

The recruitment of children into gangs is nothing new at all as it is something that has been happening for decades. Children are generally vulnerable to exploitation because they are physically, mentally and emotionally easier to manipulate, intimidate and take advantage of, however, they become even more vulnerable to being coerced or seduced into criminal activity not only because of the reasons I have given there but also

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because they can be used as scapegoats in this event.

As is to be deduced from the report on this Bill, the Portfolio Committee has, in addition to the proposals initially contained in the Bill also included an amendment of the Child Justice Act, which close a loophole left by the provisions of the Act and which has assisted, rather than hampered gangs all over South Africa over the last years.

As it stands now in the Act, only adults who make use of children below the age of minimum criminal capacity, currently, therefore, children below the age of 10 years, to perform a criminal act on their behalf is guilty of a crime for doing this.

This has created the situation that many adolescent criminals, and more specifically younger members of criminal gangs all over the country, has used this loophole and have recruited and abused children younger than 10 years to break in, steal and in some cases even assault and murder on their behalf.

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This Amendment Bill will now also provide that even children between the ages of 12 and 18, who operate in this fashion, will be guilty based on the criminal acts that cause other children to commit on their behalf.

This will hopefully serve as some form of deterrent to these criminal gangs from abusing young children in this manner, but will also assist the war on gangs and gang-related crimes which our country is fighting. Therefore, Deputy Speaker, we support this Bill. I thank you. [Applause.]

Mr M S A MAILA: Thank you very much hon Deputy Speaker, and thank you very much hon members.

As we near the conclusion of the centennial birthday celebration of the two icons of our struggle who contributed immensely to our freedom, democracy and the birth of a new nation, Mama Nontsikelelo Albertina Sisulu and Tata Rolihlahla Nelson Mandela, we remember the words of uDalibhunga: "There can be no keener revelation of a society's soul than the way in which it treats its children."

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It is thus befitting that the ANC supports the Child Justice Amendment Bill. The Child Justice Act addresses the issue of children who are in conflict with the law. Since the Act came into operation, it established a child justice system which protects the rights of children who are in conflict with the law, in accordance with the values underpinning the Constitution.

Our Constitution is premised on the fundamental values of Ubuntu. While holding children accountable for their actions and safeguarding communities in line with Chapter 12 of the National Development Plan - Building Safer Communities, the Child Justice Act puts the issue of children in conflict with the law on the picture.

Under the Child Justice Act, which is the Principal Act, children under the age of 10 are deemed to lack the criminal capacity to be charged criminally. Section 7 of the Act provides that a child under the age of 10 who commits an offence is presumed not to have criminal capacity and can therefore not be arrested nor prosecuted.

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This Amendment Bill raises the minimum age to 12 years for purposes of diversion and preliminary inquiries. South Africa ratified the United Nations Convention on the Rights of the Child and the African Charter, and thereby incurred various obligations regarding the treatment of children - this includes the issue of children in conflict with the law.

A minimum age of criminal capacity below the age of 12 years is considered by the United Nations Committee on the Rights of the Child not to be internationally acceptable. State parties like South Africa are encouraged to increase their minimum age of criminal capacity to 12 years as an absolute minimum and to continue to increase it to a higher age level.

This Bill follows the approach of the glorious movement, the ANC, of restorative justice. With our firsthand understanding of the inhumane and punitive nature of apartheid prisons of yesteryears, which are something no one, especially children, should be exposed to, we committed ourselves to create correctional centres.

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We choose to correct people when they have transgressed. The restorative justice approach has elements of Ubuntu as opposed to the retributive approach which is punitive. The Freedom Charter's call for imprisonment is to be aimed at re-education and not vengeance and the Ready to Govern document reflect the restorative justice position of the ANC.

The ANC is for the rehabilitation of offenders, equipping them with the necessary skills, reintegrating them back into society and having them contribute to the economy. The Bill maintains that children in conflict with the law should not be treated or penalised as adults under the Criminal Procedure Act.

The Bill promotes the possibility of diverting matters involving children who have committed offences away from the criminal justice system, while children, whose matters are not diverted, are to be dealt with in the criminal justice system in child justice courts.

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This Bill promotes the spirit of Ubuntu in the Child Justice system. Since assuming power, the ANC ushered in the principle of the paramountcy of the interests of the minor child.

We put children at the centre, in line with the quotation that I made above. It can never be in our interests to place young children who have transgressed in prison cells as a point of departure. We subscribe to the Sotho saying that says "Thupa e kobjwa e sa le metsi." [Bend the willow while it is young.]

We believe that there is no tomorrow without our children. There is no hope for a brighter future without our children. As it takes a village to raise a child, the implementation of the Bill will require collaboration with the relevant departments in the social transformation and the Justice Crime Prevention and Security, JCPS clusters, the civil society, and the faith-based organisations, and most importantly, families, as families are the foundation of relationships.

The Bill is an indication that the ANC is a caring organization. This Bill is an indication that the leaders of

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the ANC are not self-serving, but are geared towards the welfare of the society.

The ANC is a parent that many children don't have. Therefore, this says to us, the ANC deserves a renewed mandate as it is in touch with the needs of the people. Most importantly, the ANC has actually made major strides, because it has made the White caucus to see what is right and what is wrong; at least now the White caucus can look at things and go the way that the ANC is going.

Therefore, this tells you, that the ANC is the leader of the society, and the ANC supports this Bill. Thank you, very much.
[Applause.]

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES RESPONSIBLE FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT (Mr J H Jeffery): Deputy Speaker, as you have heard, the Child Justice Act came into operation on 1 April 2010. The Act sets out how children in trouble with the law are to be dealt with in the criminal justice system. The Act has been very successful in

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reducing the prison population of children by providing for alternative sentences and for diversion.

One of the key issues when Parliament was processing the original Child Justice Act was the question of at what age a child has criminal capacity. In other words, at what age does the child have the mental ability to distinguish right from wrong and understand the consequences of their actions and accept responsibility for this. Before the Child Justice Act was passed, the age of criminal capacity in South Africa was seven years, so a child over seven could be held criminally liable.

When the Act was passed, there was then a debate around what the age should be. Some members in the committee at the time thought that 12 was a more appropriate age. On the other hand, we face the reality of public opinion and a society which had had enough of crime. There was also the issue of children being used by adults to commit crimes. Both sides solicited strong views, so the solution in the original Child Justice Act was to make it 10 years of age - move it up from seven to 10 - and require the Minister of Justice and Correctional

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Services to submit a report to Parliament to review the minimum age of criminal capacity. This report was duly done and submitted to Parliament in 2016, and this Bill gives legal effect to the recommendations of that report.

The various debates on the minimum age of criminal capacity around the world show that it is a complex issue. It is an emotive one, and there are no hard and fast or easy answers to these questions. As I think you have heard from other speakers, the United Nations Committee on the Rights of the Child considers anything below the age of 12 as not to be internationally acceptable, so where we are at the moment, 10, is not internationally acceptable. States are encouraged to increase their minimum age to 12, as the absolute minimum, and to continue to increase it to a higher level.

If we look at the rest of the African continent, 12 is in line with international trends. Things vary on the continent from Swaziland and Zimbabwe still being at 7, Kenya at 8, Ethiopia at 9, Cameroon and Côte d'Ivoire at 10, and then other countries like Uganda at 12, Egypt at 12, Ghana at 12, Angola at 14 and Cape Verde at 16, so there is quite a range. The

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provision would still remain that for a child between the ages of 12 and 14, the state must prove they have criminal capacity, but they can be diverted. In the past, they could only be diverted if criminal capacity was established. They can now be diverted if the magistrate, the presiding officer, believes that the child will benefit from the diversion programme. So, we feel that that would be very useful.

There is also a provision in the Bill that the age of criminal capacity must be reviewed again, and the Minister of Justice and Correctional Services must submit a report within five years of the Act coming into effect on the age of criminal capacity. The issue is, and it was raised, why we aren't going higher. Well, we want to be careful of the unintended consequences. In Brazil, which originally had its age of criminal capacity as 18, people were taking the law into their own hands and attacking street children, possibly because the system wasn't dealing with them.

In South Africa, a child who doesn't have criminal capacity is not just simply left to their own devices. Section 9 of the Child Justice Act makes provision for what happens to a child

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that doesn't have criminal capacity, and the main issue is that they must be reported to a probation officer or a social worker, and various things can then happen, such as referral to the Children's Court if the child is not being properly looked after, referring them for counselling or therapy, and so on. So, we need to see what the impact of this is before we move forward. We don't want to move too fast and find that things don't work and that people get left behind.

I am generally happy that everybody, with the exception of the EFF, is supporting the Bill. From what I understand from the hon Khawula's speech, they would rather have the age as 14. It is a great pity that she didn't attend the portfolio committee and that the EFF representative, Adv Mulaudzi, didn't attend and make those submissions. [Interjections.] Thank you very much.

Debate concluded.

Bill read a second time (Economic Freedom Fighters dissenting).

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NATIONAL ENVIRONMENTAL MANAGEMENT LAWS AMENDMENT BILL

(Consideration of Report of Portfolio Committee on
Environmental Affairs)

There was no debate.

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

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

NATIONAL ENVIRONMENTAL MANAGEMENT LAWS AMENDMENT BILL

(Second Reading debate)

The DEPUTY MINISTER OF ENVIRONMENTAL AFFAIRS: Hon Deputy Speaker, hon members, the National Environmental Laws Amendment Bill was introduced in Parliament by the late Minister Molewa, in May 2017. In August 2018, the Minister

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requested this House to refer it back to the portfolio committee to reconsider three clauses of the Bill. The three clauses have since been reconsidered by the portfolio committee and have been agreed upon and amended.

The National Environmental Management Laws Amendment Bill amends, amongst others, certain provisions of seven Environmental Management Acts: the National Environmental Management Act of 1998; the Protected Areas Act of 2003; the Biodiversity Act of 2004; the Air Quality Act of 2004; the Integrated Coastal Management Act of 2008; the Waste Act of 2008; and the National Environmental Management Amendment Act of 2008.

The main purpose of this Bill is to provide legal clarity on certain provisions of the Acts that I have just mentioned. The Bill amends section 24(g) of the National Environmental Management Act of 1998. This section has always been controversial as it allows persons who illegally commenced with certain listed or specified activities to rectify them by applying for an environmental authorisation upon payment of a fine and submission of an application for authorisation.

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The amendments now allow a person in control to apply for an environmental authorisation under this section. In order to curb the abuse of this section, the amendments now require a competent authority to direct the applicant to cease the activity pending a decision on the application in terms of this section, except if there are reasonable grounds to believe that such cessation or termination will result in serious harm to the environment. To further discourage abuse of this section, the administrative fine has been increased from R5 million to R10 million.

Through this Bill, we are also enhancing the powers and duties of the Environmental Management Inspectors. The power to appoint these inspectors is also now extended to local authorities so as to allow them to execute their functions more effectively with regards to environmental legislation and also to extend the reach of our compliance and enforcement in the environment sector.

Generic training that is provided will be uniform for all management inspectors across all the three spheres of government. The accountability of environmental management

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inspectors is also improved by enabling the establishment of a code of conduct for them.

Within the one environmental system, the Minister responsible for mineral resources is primarily responsible for enforcement action as far as mining activities are concerned. The Bill also amends section 31(d) of the National Environmental Management Act to bolster our environmental enforcement capacity by enabling the Minister of Environmental Affairs to address significant harm to the environment that is caused by prospecting, exploration, and mining or production activities after consultation with the Minister of the Department of Mineral Resources.

Importantly, this Bill strengthens the provisions relating to the financial provisioning for mine rehabilitation, a legacy problem that has plagued the country for quite some time, especially with regard to acid mine drainage and unrehabilitated mines which have now become the state's liability.

IsiZulu:

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Kafushane la sithi, labo okusuke kuyibona abangabanikazi balokhu okumbiwayo yibona okufuneka babuyisele isimo somhlaba endaweni yawo ngoba emuva kokuthi kade benza lokhu kumbiwa umhlaba uyahlukumezeka phansi bese kuba wumsebenzi kaHulumeni okufanele akhokhe imali evuselela lemihlaba esike isimoshakele.

English:

The proposed provisions will also assist in ensuring that failure to rehabilitate mines upon closure or abandoned mines do not become the state's responsibility and that the liability in this regard lies solely with the polluter, thereby further entrenching the "polluter pays" principle. There is a requirement in the Bill for the transfer of funds ... [Time expired.] Thank you very much. [Applause.]

Mr M P MAPULANE: Hon House Chairperson, hon Members of this August House, ladies and gentlemen, good afternoon. It gives me the greatest of pleasure to present the committee Report and to participate in this debate on the draft National Environmental Management Laws Amendment Bill, which represents

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the collective effort of the Portfolio Committee on Environmental Affairs.

After its introduction by the late Minister, Minister Edna Molewa in May 2017, the portfolio committee spend approximately 20 working days over a period of six months processing this piece of legislation into a product we are tabling today. This included the two-day workshop on the 30 and 31 January 2018, two days of public hearings on 24 and 25 of April followed by several days of deliberations culminating into the adoption of the Bill and the committee Report on 19 June. 2017, the portfolio committee spend approximately 20 working days over a period of six months processing this piece of legislation into a product we are tabling today. This included the two-day workshop on the 30 and 31 January 2018, two days of public hearings on 24 and 25 of April followed by several days of deliberations culminating into the adoption of the Bill and the committee Report on 19 June.

Hon members will remember that this Bill was referred back by this House two months ago on the 11 September 2018, following a request by the late Minister for a postponement on the

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second reading debate of this Bill. I am happy to report to this House that the portfolio committee working together with the department was able to address the four areas of concern as raised by the Minister and the committee has effected the necessary amendments to the Bill and has unanimously adopted a revised Bill on 08 November 2018.

Therefore, this Bill enjoys the support of all the parties represented in the committee. Consistent with our constitutional responsibility as law makers, we took sufficient time to thoroughly and meticulously examine and interrogate the draft legislation so that we satisfy ourselves that the legislation we bring to Parliament advances the interest of our people and takes forward the vision as articulated in both the Constitution and the National Development Plan. The Bill proposes a range of amendments to the main framework legislation governing matters environment in the Republic, which is the National Environmental Management Act 107 of 1998, referred to as Nema, as well as a number of Specific Environmental Management Acts, known as Semas, the seven of them that the hon Deputy Minister has referred to.

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The Bill introduces a new environmental management principle to the environmental sector that is promoting diversity which we do consider critically important. Despite the significant progress that we have made and has achieved as a country in transforming key sectors of our economy, the environmental sector in particular the biodiversity economy, continues to reflect the inequalities of our apartheid and colonial past, hence the need to introduce this principle of promoting diversity so that we are able to advance the total transformation of the sector and to ensure that the biodiversity economy reflects the demographics of our country.

The implementation of One Environmental System on 08 December, resulted in a paradigm shift in the regulation of environmental matters in the mining industry. This shift necessitated the promulgation of a number of laws to move the environmental aspects of the mining specific listed activities from the Mineral and Petroleum Resources Development Act, MPRDA, to the National Environmental Management Act whilst simultaneously assigning the Minister of Mineral Resources powers to grant certain environmental authorisations in the mining industry. This move from a fragmented approach to an

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integrated permitting system was in response to the Diagnostic Report of the National Planning Commission released in June 2011.

This Bill therefore seeks to introduce amendments to the Nema in order to realise the vision of the One Environmental System. The other critical area that this Bill advances is environmental sustainability. The Bill seeks to amend Nema in order to ensure that there is coherent legislative transition in relation to environmental issues associated with mining and related activities in particular matters associated with residue stockpiles and residue deposits.

Hon Chair, our country has recently emerged from a situation of unregulated and destructive economic activities which impacted heavily on the environment, particularly mining. Derelict and ownerless mines and mine dumps have become a permanent feature and sore sights in most of the former and current mining metropolis, signifying the total and complete disregard for the environment in the rush for gold extraction and other minerals deposits by the owners of the means of production. Therefore, this Bill among other things seeks to

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address this situation of environmental degradation by introducing amendments to Nema in order to ensure that owners of properties where mining and other activities harmful to the environment have taken place are held liable for the rehabilitation and remediation of that land.

The Bill further makes provision for the promulgation of financial provisions regulations to ensure that there is enough financial resources put aside for the rehabilitation of the mines during and post closure.

Three weeks ago on the 08 November the North Gauteng High Court gave a landmark ruling regarding the interpretation of section 48 of the Protected Areas Act which regulates mining in a protected environment, in a case that involved approval of mining in a protected area in a village called Mabola, in the Mpumalanga province. Coincidentally, the court judgement and interpretation is consistent with the new provisions as insisted upon by the Committee, especially regarding consultation with the affected communities before mining can be approved in a proclaimed protected environment.

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Biodiversity resources have increasingly come under a serious onslaught by highly organised criminal syndicates, be they on land or in marine protected areas. As a matter of fact, the threat started at sea with the poaching of abalones which is still continuing to date, from where the illicit practice expanded to land posing a serious risk to South Africa's rhino population, especially those species in the Kruger National Park. Elephants have also become targets for poachers and there is no guarantee that the onslaught on wild lions in the neighbouring Mozambique would not come to South Africa considering the trans-boundary nature of these crimes. The amendments effected in the Protected Areas Act must therefore be seen in this broader context of the threat to biodiversity even in protected areas.

Hon House Chair, in overall the amendments as introduced in the NEMLA Bill points to the ever increasing realisation that South Africa's environmental sector is increasingly facing pressure from different competing societal demands. The demand for raw materials, by-products of economic growth in terms of waste and atmospheric emissions, high rate of urbanisation, transportation infrastructure as well as sheer human greed are

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challenging to the sustainability of South Africa's environmental sector more than ever anticipated. The sense of environmental scarcity therefore becoming a lived reality in our country is a matter that necessitated these comprehensive amendments we are considering today.

Hon members, our generation of legislators is called upon to live up to the noble ideals espoused in section 24 of the Bill of Rights of our Constitution which calls upon us to bequeath to the present and future generations an environment that is protected and habitable for all. Through the adoption of this important piece of legislation, we shall be making our own contribution. I thank you, hon House Chair. [Applause.]

Ms J STEENKAMP: Chair, we as humans are completely dependent on the environment in which we exist.

Fellow South Africans, have you ever taken the time to think about what that really means? It means that, if we keep polluting our air, we won't have air to breathe. It means that, if we keep polluting our rivers and our oceans we won't

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have water to drink. It means that if we keep allowing our plants and animals to be poached, we will end up with no food.

Without the environment we as humans cannot survive. Yes, we should focus on growing the economy, creating jobs and fighting corruption. But if you think about it, we won't have an economy to grow or jobs to create or corruption to fight if we are not alive.

That being said, it is an even bigger disappointment that this government, under the leadership of President Ramaphosa, still places the environment so low on the list of priorities - a.k.a our new Minister. When it comes to waste, you don't have to look very far for proof of how this government is failing. Landfills are a mess, recycling is nonexistent, and there is no tangible plan for plastic.

The world is rallying behind plastic reductions and mass cleanups, yet this government has done little to nothing. Why aren't we taking proactive action when it comes to single-use plastics such as straws, plastic bags, ear buds, micro

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plastics and cutlery? Why aren't we joining hands with the private sector to solve this problem?

The current governing party prefers to place little emphasis on waste and recycling. It is an untapped sector. When the DA takes over the government, we will make sure that we focus on growing small business and small business opportunities by increasing the funding assistance and removing this ridiculous red tape.

Long story short, the Recycling and Economic Development Initiative of South Africa, Redisa, is finally out of the picture. But now the department has the Waste Bureau, which looks good on paper, until you dig a little bit deeper, and see the same staff that had to manage and monitor Redisa is back. This is the same staff which was never held accountable. The same staff is back, but now they're getting nice consultants' salaries.

When it comes to air quality, government keeps granting extensions to major emitters such as Eskom and Sasol. Just last week Eskom admitted again that they will be applying for

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yet another extension in complying with the minimum emission standards. I have no doubt that it will, yet again, be granted.

I am concerned that we have developed a tendency in this country to just throw another law or an amendment at a problem. The government doesn't care whether it solves the problem, as long as it looks good on paper.

I'd like to emphatically state that our environmental problems will not be solved on paper, if it's not enforced or enforceable.

We have to create an environment that promotes freedom to a safe and healthy environment, fairness in access to long-term jobs, the opportunity to start a small recycling business, and diversity in celebrating our similarities and differences within one environment for all South Africans. Thank you.

Dr S S THEMBEKWAYO: House Chair, the EFF is supportive of the spirit in which the Bill is intended, which is to amend certain provisions of a suite of environmental Acts in order

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to further strengthen one environmental system in this country.

We are particularly supportive of the inclusion in the National Environmental Management Act of a new environmental principle promoting diversity in the environmental sector, which requires the sector to advance and promote the full participation of black professionals.

However, we are not as confident in the ability of the sector to self-regulate and ensure that this provision is practically expressed.

State-owned environmental agencies are the most reactionary institutions in as far as the ideal of promoting black professionals is concerned. Because, in the main, these institutions still harbour the most vile racists in this country. The SA National Biodiversity Institute is one such organisation. They come here and present glossy reports, using a black CEO, but underneath that, you have a group of white women, in particular, who dictate the agenda and eject progressive black professionals.

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The Department of Environmental Affairs does not exercise sufficient authority over this entity and other entities such as SANParks.

We are supportive of the amendments to both the Protected Areas Act, and the Biodiversity Act in terms of including their respective CFOs in this organisation. We, however, condemn the indiscriminate inclusion of a new offence for noncompliance with section 48(a) of the Protected Areas Act. From our experience, these restrictive measures are not meant to really combat injudicious exploitation of marine resources, but rather, are used as measures to exclude communities living in these areas. Communities in fishing areas are the most marginalised, while white companies are allowed to exploit marine resources as much as they want.

In as far as the one environmental system is concerned - which seeks to have one set of environmental laws guiding the mining and water resources sector in particular, we are of the view that legislative mechanisms as provided for in these amendments, are necessary.

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What we are not sure about is the institutional capacity ... We are in support of these amendments to the environmental laws. Thank you. [Time expired.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! As hon Singh makes his way to the podium, I would like to assure members that we have made arrangement for buses in anticipation of a late adjournment. We are delaying the departure of the earlier bus from 17h20 to 18h00, and then we'll push the departure of the other buses back. I just thought I would advise members accordingly and allay their fears. There is transport arranged for this late sitting. [Interjections.]

Thank you. So the programme of the day will continue as had been agreed to. Hon Singh?

Mr N SINGH: Hon Chairperson, do I get an extra minute for allowing you to make the announcement? That would be great!

The HOUSE CHAIRPERSON (Ms A T Didiza): You have all your minutes! [Laughter.]

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Mr N SINGH: Thank you. Well, at last, this Amendment Bill has surfaced before this House and it is about time.

In considering this Amendment Bill today I would like to pay tribute to former Minister Edna Molewa, and also welcome the new Minister who had been the Minister of many portfolios. I hope she can handle this portfolio of Environmental Affairs as well as the late hon Minister Edna Molewa.

While I am not a fulltime member on this committee, I would like to address you on the importance of certain aspects of the Bill and the National Environmental Management Act in general.

As the IFP we feel there are issues of fundamental and of critical import to our domestic environmental framework laws as we move forwards.

Section 24 of the Constitution - which informs the National Environmental Management Act - provides the right to every person in South Africa to an environment that is not harmful

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to their health or wellbeing, whilst simultaneously mandating government to protect the environment.

Yet, just today, I heard on the news as I was driving in that we are losing the fight against air pollution. The area of Thabazimbi was quoted as an example, where pollution levels are way in excess of our health-based National Ambient Air Quality Standards, NAAQS.

The National Environmental Management Act principles set out in the framework legislation Act 107 of 1998 – which should guide all role players, in particular the state, in the manner in which the environment must be managed – are, in our opinion, simply being paid mere lip-service. Here I move to the issue of acid-mine drainage, which is a serious problem in South Africa. Many of the people who extracted gold and whatever other minerals from these mines left them in a state where it is now the government that has to rehabilitate these mines.

In future, when licences are being granted to anybody for any mining operation, whatever they are mining, there should be

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fund guarantees provided that, when they are completed with the mining, then we can use those resources where there will be a guarantee to rehabilitate those mines.

One of the main Sunday papers carried an article on the dangers of illegal mining - zama-zamas - taking place under the surface of the greater Johannesburg area.

Now, while we have to provide a framework for them within which they can operate - because they also need to use the underground resources for their benefit - we have to be careful about how this is done. From what I read - and it's quite alarming - Johannesburg could soon disappear from the face of the Earth because of what's happening underground!

So, the IFP will support this Amendment Bill because it provides a co-ordinated and integrated non-silo departmental approach based upon the principles and rights as enshrined in our Constitution.

Global biodiversity and the overall health of the planet are at worrying levels. We must think globally, act locally, and

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act fast. This is something that we ask the department to do. We support this Amendment Bill. Thank you.

IsiZulu:

Usolwazi N M KHUBISA: Sihlalo wezihlalo, i-NFP iyawuxhasa loMthethosivivinyo. Udaba oluthinta loMthethosivivinyo Wezemvelo Nokongiwa Kwayo luwudaba olumqoka kakhulu. Imithetho eminingi enganikezi kahle incazelo ephelele ukuthi isizwe siqonde futhi sibambe iqhaza ayemukelekile. Isizwe kufanele sazi iqhaza likaHulumeni nezinhlaka zokulawula ezokongiwa kwemvelo. LoMthethosivivinyo siwemukela siliqonda kahle ibanga elide okusadingeka ukuthi lihanjwe ukusondeza ulwazi lwezemvelo nokongiwa kwayo kubantu bakithi ikakhulukazi emazingeni aphantsi. Izindlela zokongiwa kwemvelo zibalulekile. Izindlela zokuhlomula kukho ekongiweni kwemvelo futhi nakho kubalulekile. Izindlela nemigomo eqondile nehlelekile eletha isithunzi kubantu bakithi ebabencishwa amathuba njengokuba ngosomabhizinisi abancane futhi bahlomule kuloMthethosivivinyo kubalulekile. Ukuvikeleka ezifeni nasothulini lomoya okuqhamuka uma kuthintwa ezemvelo yizo zonke izinto ezibalulekile. Ukuvikeleka kwintuthu ephuma uma kunowoyela nokunye kubalulekile kanti nabo kufanele balibambe iqhaza

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bafundiswe ukuthi bangayonga kanjani imvelo. Siyakwemukela futhi ukuthi kukhona ukujeza okuyobakhona uma becekela phansi imvelo. Kuba nenkinga uma sekunezinto ezithinta ezemvelo bese kudingeka ukuthi abantu bakithi bagcwalise amafomu. Njengawo loMthethosivivinyo, maningi amafomu agcwaliswayo. Kufuneka imininingwane eminingi kanti nabantu bakithi abawatholanga amathuba okuthi baye esikoleni, bancishwa wona ubandlululo.

Kudingeka labo abazobaqeqesha abangamanxusa abanye babe ngabahloli babalekelele ukugcwalisa lamafomu. Siyazemukela futhi nezindlela zokukhalaza ezibekiwe kuloMthethosivivinyo. Kumele licace kahle iqhaza lomphakathi mayelana naloMthethosivivinyo bese kusetshenziswa nabantu noHulumeni. Sengikushilo lokho, ngiyaqonda ukuthi ... eziningi. Ngiyabonga. Siyaweseka.

Ms H V NYAMBI: In South Africa, we all have a constitutionally enshrined right to an environment that is not harmful to our health or wellbeing, meaning that we hold constitutionally protected right to clean air. This right was mandated by section 24 of our Constitution, which amply says that:

"Everyone has the right to an environment that is not harmful

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to their health or well being and to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures.”

We do understand that South Africa faces a range of environmental challenges, many of which are rooted in the country's colonial and apartheid past. The legacy of poor environmental management during the apartheid regime continues to bedevil us in democratic South Africa. Environmental regulation at the time was meant to protect narrow minority interest, leading to the formulation of environmental policies and services within a framework that perpetuated social inequality among our people. It generally disregarded the impact of poor environmental quality on the black majority population, as black settlements were often located near industrial areas that exposed them to heavy incidents of industrial pollution, for example those communities in South Durban. Limited access to electricity in those unsuitable and highly polluted, overcrowded informal settlements resulted in the burning of fossil fuels, further compromising air quality.

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This situation was aggravated by the fact that certain polluting industries, notably the mining industry was largely shielded from environmental regulation and was not required to rehabilitate land after closure prior to 1994. Consequently, dust blowing from mine dumps and the toxic residue of open mine stockpiles continues to affect the health of our people in nearby settlements that surround these open mine stockpiles.

I would like to draw the attention of the House that whether we talk about climate change, air quality or the degradation of the environment, our vulnerability to them all is aggravated by the legacies of our apartheid past that promoted environmental racism, confining the majority of our people to degraded landscapes, highly polluted and overcrowded settlements. We see that some of the existing environmental challenges such as climate change exacerbate the socio-economic conditions that confront our people, and are deeply rooted in policies that excluded the majority of South Africans from effectively participating in the mainstream economy of the country, at the time. It is indisputable that climate change affects everyone, but not equally;

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vulnerability to climate change is dictated by both individual and social factors.

However, our democratic government has made significant strides in transforming a largely fragmented environmental governance framework to address the historical legacy of inequality and to strategically place our country on the path to sustainable development that benefits all South Africans and those who live in the Republic.

The National Environmental Management Law Air Quality Act of 2004 has been amended so as to provide the Ministers with the discretion to establish a National Air Quality Advisory Committee that will enhance consolidated partnership between government and civil society. The amendment also provides clarity on the process to follow and rectify the unlawful commencement of a listed activity under this Act. The Bill makes it clear that a provincial department responsible for environmental affairs is the licensing authority where a listed activity falls within the boundaries of more than one metropolitan municipality or district municipality and provide for contextual amendment to section 36(5) (d) in order to

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detail the circumstances under the Minister of Environmental Affairs in the licensing authority.

The National Environmental Management Laws Amendment Bill makes provision for the metropolitan and district municipalities with the power too, after consultation with organs of state whose areas of responsibility will be affected by the exercise of the suspension, and after affording the holder the atmospheric emission license an opportunity to make a submission in respect of the intended revocation or suspension, to revoke or suspend and atmospheric license.

The Bill also provides for an appeal process against the decision taken by the metropolitan and district municipalities to the municipal council. The ANC supports the Bill. Thank you.

Mr T Z HADEBE: Chairperson, the DA is cognisant that in order to realise the quest for "one nation with one future built on freedom, fairness, opportunity and diversity for all," requires a healthy and productive population. Citizens afflicted by poor health due to living in degraded

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environments are less likely to be able to seize opportunities and reach their full potential.

Declining health also places a heavy burden on the health-care system. Our history of forced human migration, settlement and bloody conflict has had lasting effects. In many cases, the most vulnerable and disadvantaged citizens have been forced to live in the most degraded environments. It is really worrying to see that 24 years into democracy, there is still little or no change at all.

The current system of state-ownership of all mineral rights means that landowners and communities have little say in the mining of land where they live. The power of the state to grant mining licences should be balanced by legislative requirements that ensure mining takes place in consultation with local communities that may have to deal with the impacts of mining.

In addition, the DA affirms the right of municipalities and provincial governments to participate in zoning approval for mining activities. Chairperson, the recent spate of events

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which necessitated the intervention by the courts are an embarrassment and an indictment to the ANC or the government. Our communities had to turn to courts in order ensure that their rights and livelihoods are protected.

Similarly, it is unfortunate that the government itself had to run to court in order to secure almost R2 billion earmarked for rehabilitation of the Optimum and Koornfontein collieries owned and operated by Tegeta Resources in order to stop the Guptas moving the funds out of the country. Not long ago, we witnessed an unprecedented decision when an application was signed off for mining to go ahead in the Mabola Protected Environment in Mpumalanga.

Mabola is in a strategic water source area, generating critical water supplies for agricultural, industries and human use. Currently, National Environmental Management Act allows for the regulation of all spheres of the environment, including waste management and air pollution, but noncompliance with environmental law remains very high in our country. Hence, amendments are required to be effected where there are grey areas or shortcomings.

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It is necessary to adopt complementary subsidiary laws or amendments to allow for more defined protection of specific environmental resources, while at the same time recognising the importance of economic development. Access to leisure opportunities, most notably in our protected areas and along our coastline, has also been largely inaccessible to a significant portion of our population.

This remains a concern for the DA. The DA will thus pursue policies that break down barriers that deny South Africans the use and enjoyment of our environment. All South Africans must be able to experience and take pride in our unique history and environment.

The DA commits itself to address the Sustainable Development Goals, SDG, especially goals 13, 14 and 15, and the preservation of the ecosystems on which humanity relies. Let's create "One nation with one future build on freedom, fairness, opportunity and diversity for all." Thank you. [Applause.]

Dr Z L LUYENGE: Hon Chairperson, on behalf of the ANC, allow me to declare upfront the support that the ANC has behind this

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Amendment Bill. The National Environmental Management Laws Amendment Bill allows government and other agencies to work towards achieving a number of objectives, including firstly, the challenge of waste.

The landfills in our cities are bursting at the seams. There are already warnings from the City of Johannesburg, for example, that it is running out of space for rubbish and it risks hitting crisis levels in six years. The city is even considering measures whereby household refuse will be transported by train to a landfill site in Mpumalanga and ratepayers will have to shoulder the costs.

This idea of the Johannesburg City is characteristic of political parties that dwell in the realm of phenomena and want to punish the working people, rather than address the root cause of the problem. It is similar to the raising of water tariffs in the City of Cape Town, in order to punish the people for drought which is a natural phenomenon, even when the dams are relatively full.

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On sustainable development and job creation, South Africa hosted the watershed World Summit on Sustainable Development and Country Operational Plan 2017, COP17. Our aim was to contribute towards a just and fair world that protects its environment and promotes sustainable development. We have to move towards a more sustainable development path that will create new green jobs which will help to offset employment losses experienced in other sectors.

We also have to open up new investment opportunities and export markets; support the creation of a knowledge-based economy and allow South Africa to set standards and demonstrate our leadership. As part of our strategy to fight poverty and unemployment, government – particularly at the local and provincial levels – must support waste and recycling cooperatives who are experiencing many challenges on daily basis.

The three areas where intervention is needed urgently are as follows: Access to materials; access to markets, and business development. While we acknowledge that we need rapid industrialisation in order to create jobs and fight poverty,

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we need to tighten and implement our laws in order to ensure that extractive sectors such as mining do not compromise the health and wellbeing of local communities or the environment.

This requires that there should be more synergy between the monitoring and implementing departments guided by a consistent and rationalised legislative framework. The prospects of our country's economic growth can only be enhanced if national departments work together with provincial and municipal administrations to safeguard our national treasures.

For instance, the upsurge in rhino poaching in recent years, has had a detrimental effect on our national heritage, ecological systems, and tourism industry. We call on government to consistently improve our crime prevention strategies and work with communities to root out this phenomenon. The criminal justice system must also impose harsh sentences on those convicted of this crime that undermines our development goals.

In Conclusion, Chairperson, in South Africa we often decry the poor implementation of our good policies. This National

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Environmental Management Laws Amendment Bill allows us to address some of the inherent weaknesses of our legislation and policies and also to keep up with new challenges.

It allows our government to develop an approach that reduces the number of processes that are allowed in information-gathering that is necessary for decision-making when new development projects are considered. It will reduce unnecessary burdens on red tape and strengthen licensing processes in order to achieve more efficient and integrated environmental management.

IsiXhosa:

Umbutho wesizwe kaLuthuli, kaTambo nokaMandela uma apha eqinisekisa ukuba uyabancedisa aba mama baqokelela ubugoxo ukusuka kumlambo iNciba ukuya kuthi ga ngoMzimkhulu ngeenjongo zobuthengisa besenza le nto kuthiwa yi-recycling kwaye uliqhwabela izandla eli phulo. Senza isiphakamiso sokuba isebe lincediswe laa mibutho ingenanzuzo kunye nabahlali ngokuthi kubekho iinqwelo eziza kuqokelela oba bugoxo. Kufuneka bancediswe ukunqanda ukulinyazwa ziinyoka ezithi zifumaneke xa kuqokelwa obo bugoxo. Sifuna ukuba baqhubeleke beqokelela

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ubugoxo ukuze bakwazi ukugxotha ikati ingalali eziko. Ngumsebenzi omhle lowo owenziwa ngabantu bakuthi, ingakumbi usenziwa ngoomama kuba alikho ikhaya ngaphandle komama. Umama uyakwazi ukudibanisa amathe neenyembezi khona ukuze kulalwe kutyiwe.

Ngegama lamakhosikazi sithi laa msebenzi wokuqokelela oba bugoxo ayingomsebenzi omawujongelwe phantsi. Kufuneka sancedisane nesebe ukuqinisekisa ukuba sidala imisebenzi ngookopolotyeni babantu basemakhaya kwaye ibengookopolotyeni babantu abaza kuqinisekisa ukuba indlala yinto yayizolo. Urhulumente okhekelwa yi-ANC usazimisele ukukhokela abantu ukuba bakwazi ukuziphuhlisa...

English:

...and participate in their own development.

IsiXhosa:

Ndiyabulela Sihlalo weNdlu. [Kwaqhwatywa.]

IsiZulu:

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UNQONGQOSHE WEZEMVELO: Angibonge Sihlalo, angizukwazi ukuba mude ngoba nginesikhathi esincane kodwa bengifisa nje ukuthi ngithi ...

English:

... hon Steenkamp this very legislation puts together all the issues that you have raised. So, in this legislation the issue of waste that you have raised, you know very well that it is addressed, hence we talk about recycling, recovering as well as the issue of reuse. To hon Singh, thank you for supporting the Bill. The same goes to you about the issues that you have raised like the issues of pollution and acid mine drainage that has also been covered in this Bill. It actually gives the powers to the Minister of Water and Sanitation to be able to access some of these funds in order to rehabilitate as well, which was not the case before.

IsiZulu:

Kuwena baba uKhubisa uyihlaba esikhonkosini ngoba ukube abantu bakithi bayakwazi ukubaluleka kweZemvele ngabe bayakwazi ukuyigada imvelo kodwa sishaywa yilenkinga yokuthi abantu abaningi abazi ukuthiumhlabathi uma ungawuphethe kahle

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uyaguga. Uthi uyafaka uhlamvu lungamile ngoba abazi. Le Mithetho yonke siyithathe sayishwambakaqa kulomthetho owodwa uzolungisa zonke lezinkinga esizishoyo ukuthi imiphakathi yakithi ikwazi ukuthi ezinye izinto izigade. Konke nje okushiwo la angiboni ukuthi kukhona. Nalokhu okushiwo uMhlonishwa oqeda ukusuka la udaba oluphathelene nemfucuza esingakuxoxa ukuthi ... [Kwaphela isikhathi.]

Debate concluded.

The HOUSE CHAIRPERSON (Ms A T Didiza): Are there any objections to the Bill being read a second time.

Hon MEMBERS: No!

NATIONAL ENVIROMENTAL MANAGEMENT LAWS AMENDMENT BILL

(Second Reading debate)

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you. The Bill will be sent to the NCOP for concurrence. Indeed, in honour of the late Minister Edna Molewa, we would like to thank the

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committee as well as the House for having processed this Bill and also the caretaker Minister at that time who had to be there to ensure that the work of the Environmental Ministry goes on. Again, thank you to all of you. [Applause.]

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER
EDUCATION AND TRAINING ON NATIONAL QUALIFICATIONS FRAMEWORK
AMENDMENT BILL**

There was no debate.

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

Motion agreed to.

Report accordingly adopted.

NATIONAL QUALIFICATIONS FRAMEWORK AMENDMENT BILL

(Second Reading Debate)

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Setswana:

TONA YA LEFAPHA LA THUTO E KGOLWANE LE KATISO: Modulasetulo, ke batla go simolola ka gore molao o o re agetseng South African Qualifications Authority, SAQA o re file maatla a go netefatsa gore motho yoo badileng mo dikolong, dikholetšheng, le diyunibesithi tsa Aforika Borwa fa a fiwa pampiri ya gore o feditse dithuto tsa gagwe, o tshela a itse gore makwalo a gagwe a tla amogelwa mo dinageng tsotlhe tsa mafatshe kagore dikolo tsa rona, dikholetšhe le diyunibesithi, fa di latela tsamaiso e e tswang ko SAQA, di dira gore mongwe le mongwe fa a tla a re nnya, ke badile, ke pasitse, ke tshwere pampiri e, re a itse gore SAQA e dirile gore a nne le kamogelo ya thuto e ntle, e go kakeng gotwe ga re e tseye, ekete ke selo se se sa tsamayang sentle.

Re a itumela fa rele ANC gore ntlo e ya SAQA go simolola ka ngwaga wa 1996 go fitlhela letsatsi leno, e dirile tiro e ntle thata mo go tsa thuto mo Aforika Borwa. E re thusitse gore sotlhe se re se balang ko dikolong, dikholetšheng, le diyunibesithi re itse gore se kwadilwe. Re itse gore go lebilwe gore a se ke thuto se se dirang gore motho a nne le kitso e e ka mo thusang mo botshelong jwa gagwe. Re itumela

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gore re le Aforika Borwa, mo go tsa thuto le tsamaiso ya katiso, ba lefatshe ba itse gore borutegi jwa rona bo tsamaelana le borutegi jwa tsa diyunibesithi le dikholetšhe tsa mafatshe otlhe.

English:

Chairperson we are extremely proud as the ANC, that through the work of SAQA, we have a system and institutional structure which can provide guarantees that the credibility and trustworthiness of our qualifications and institutions is protected.

Setswana:

Mme re a itse gore le fa go ka nna le ntlo e e tshwanang le SAQA, go nale dibodu tse di ratang go senya, ba ba tlareng, ke badile, ba itse gore ga ba bala. [Tsenoganong.] Ba ba tla tlisang pampiri e e sa ba tshwanelang. Ke gone moo re tlisetseng molao o mo Ntlong e.

English:

The National Qualifications Framework, NQF Amendment Bill serves to provide this protection of the credibility and

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trustworthiness of our qualifications against those who misrepresent their qualifications. The Bill goes further and proposes measures to sanction people and organisations that perpetrate such misrepresentation.

Setswana:

Motho o ka tla ko go wena a go bolelele gore ke morutabana yoo itseng go ruta dipalo, mme fa o tsaya pampiri e a e tlisang mo sekolong sa gago, o tla fitlhela gore motho yoo o bua maaka.

English:

We therefore believe that passing such legislation is an absolutely right thing to do. The Act, creating SAQA, requires the Minister to uphold the coherence and public credibility of the NQF. The misrepresentation of qualifications is a concern in the public and the private sectors. So employers, institutions and citizens can feel confident that individuals have earned the qualifications that they purport to have.

IsiZulu:

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Umuntu ongenayo ongafuni ukufunda eskoleni, uzozibhalela nokuzibhalela iphepha athi uphasile, kodwa uyazi kahle ukuthi akakafundi futhi akakangeni eklasini. [Ubuwelewele.]

English:

If we allow such individuals to be able to fool our institutions; our entire system will lose legitimacy. We are at the moment dependent on the voluntary request by individuals and employers for a qualification to be verified. SAQA is also unable to ensure that those who misrepresent their qualifications are actually penalised for attacking the integrity of our qualifications system.

So what this Bill does, it gives SAQA teeth. The Bill strengthens SAQA's ability to verify qualifications; puts in place a section on offences and penalties; and enjoins Quality Councils to consult SAQA whenever they need to advise the Minister about NQF matters. We believe that this is an incredibly important piece of legislation. And we don't think there is a nuisance factor to it because the credibility of our qualifications is absolutely imperative.

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Setswana:

Go nale ba ba sa batleng molao o, bare o senya nako ya batho mme fa go tla ngaka a go boelelela gore o pasitse mo yunibesithing, ke ngaka ya tota mme fa oya ko go ene o bobola, o fitlhela gore motho yoo ga a bala le go bala. Ga a itse se a se dirang, o tla go fa molemo o o tlang go balayang. Ga re batle seo mo Aforika Borwa. Ke jalo re tlang ka molao o. Ke a leboga Modulasetulo. [Legofi.]

The HOUSE CHAIRPERSON (Ms A T DIDIZA): Hon members, just to say that you might have seen in your screen that there was a bit of a challenge with regard to the speaker's list but we have asked IT to solve that. Thank you. Hon September ...

[Interjections.] [Laughter.] I can see that there are some negotiations here with regard to time factor. Proceed; Chairperson of the committee.

Ms C C SEPTEMBER: Hon House Chair, hon members, the education legislation and the Constitution have a specific intent to uphold national norms and standards, and in the case of the National Qualifications Act, importantly, to ensure that South

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African qualifications are able to be benchmarked against international standards.

The National Development Plan reminds us that we need to have a strong and simple quality assurance and a qualification system to support public provision and to enable and regulate private provision.

Afrikaans:

Die ANC stem saam dat jeugwerkloosheid steeds hoog is, maar die ANC-regering maak pogings soos byvoorbeeld die werkskonferensies, die beleggerkonferensie om hierdie verskynsel aan te spreek. Die ANC maak 'n beroep op die jeug om nie betrokke te raak by die aankoop van matrieksertifikate, meestersgrade en doktorsgrade nie.

Die ANC het gratis onderwys vir die armes ingestel en dit is die beste om die geleentheid aan te gryp, om behoorlike onderwys te verkry. Die kwaliteitsrade is die primêre liggame met 'n direkte rol in beherende kurrikula, assessering en sertifisering.

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Hierdie wysigingswetsontwerp voor die Huis vandag reageer op die erns van bedrieglike kwalifikasies, om sodoende die integriteit en geloofwaardigheid van ons kwalifikasies te handhaaf en te verseker.

English:

This Amendment Bill before us today responds to the seriousness of the matter of fraudulent qualifications.

Afrikaans:

Die Suid-Afrikaanse Kwalifikasie-Owerheid, SAKO, het reeds 'n nasionale register vir bedrog ingestel en hierdie wetswysiging sal dus nie 'n bykomende sogenaamde las vir die entiteit wees nie. Dit sal die behoefte aan verdere versterking in die wet aanspreek. Dit sal die kwessie van vervalste kwalifikasies aanspreek en gevolg stel vir die oortreders van bedrieglike aktiwiteite.

Die probleem met werkloosheid word vererger deur die feit dat daar gewetenlose verskaffers is wat nie deur die departement geregistreer en geakkrediteer is om 'n gehalte versekeringsliggaam te wees en om leerprogramme te lewer nie.

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Hierdie verskaffers bedryf onwettige aktiwiteite en gee sertifikate aan mense met vervalste kwalifikasies. Stappe word geneem om sulke onwettige verskaffers te vervolg. Die wet word versterk deur die wetswysiging.

As the ANC that will outright win the election in 2019, we are confident that SAQA has prepared itself for this task and has reported in verifying the qualifications of applicants for high-level positions. From 1 August 2009 to date, SAQA has checked South African qualifications for national departments and foreign qualifications of all other departments. That also includes public entities and provincial departments as well as municipalities.

Through this process, they have already detected different incidents of fraud from 2009-10, 2011-12 right up to the year 2014-15, as well as the 2016-17.

It is noteworthy that the Head of Communications at Managed Integrity Evaluation says they have noticed a large number of people misrepresenting themselves in the job market, meaning

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they falsify their qualifications. She continues to say and I quote:

In order to guard against this, companies need to do a thorough background check on qualification before they employ people. It is very important that this is applied to every position, to ensure that people who are on board are qualified and are who they say they are.

She says people who falsify their qualifications could end up in jail when they get caught because it is a criminal offence. The portfolio committee had to deal with the University of Zululand that was issuing fraudulent academic qualifications.

The South African National Qualifications Framework, NQF, along with that of New Zealand and Scotland, was one of the pioneering first generation of the NQF. The ANC don't support a shortcut to use the labour law only. In any event, employers can still follow the disciplinary route, but the problem has to be elevated, as the Bill proposes. The current mechanisms that have been in place seem not to have worked, hence, the Bill before us today.

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To oppose the Amendment Bill because of the perceived encroachment on the role of the Council of Higher Education is ludicrous because the Higher Education Act and the provisions made are clear regarding their autonomy. Furthermore, according to the NQF Act, they must manage a sub-framework. We need to look at what the NDP says. It says that we need to end the competition amongst the quality councils in favour of the greater good of quality education in South Africa.

So the Bill is not taking away roles and responsibilities of the quality councils in terms of these matters; but it is clarifying and strengthening the South African Qualifications Authority, SAQA's, role to deal with misrepresentation and fraud.

To strengthen self-regulation of the process, we are a developmental state and can't opt out of our responsibilities because we are not a neoliberal government that believes that we need to keep the state out. If the individual lies about the qualification, the individual's name will appear in the register, and the individual will face the consequences,

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should this be declared to be fraud in a court of law? If the institution lies, the same thing will happen to them.

We totally agree with what we saw in the newspaper in 2014 when hon Davis of the DA saw it fit to lay a charge against one of the SABC persons who, according to him, lied about her qualifications and said that the police must treat the matter as a criminal matter, so that it sends a signal that qualification fraud must not be tolerated. We totally agree with that member of the Democratic Alliance.

The ANC agrees totally with the Bill before us and ask that you support the Bill. The misalignment of processes and time lags of accreditation and registration conducted by the NQF bodies was also a problem, and the registration of private providers with the department has now been remedied in the Bill, by ensuring that they do so within 30 days. Thus, the unintended consequences due to the very long delays are now remedied in the Bill.

For these and many of the different clauses, the ANC supports the Bill. We urge all South Africans to register to vote ANC.

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We remind all young people in the country that the deadline for NSFAS is at the end of the week. We ask that they honour and support the deadline by applying for the student fund. We ask, in particular, the Western Cape that is doing very badly in the applications, the Northern Cape where it is not going very well as well as the Eastern Cape to apply and honour the deadline.

We take the opportunity to thank everyone that has supported us and has taken us to where we are able to bring the Bill here before the House, in particular Dr Lloyd, the Minister's advisors, Mr Boshof and the other officials that have assisted us to make sure that we can bring the Bill, a very important piece of legislation, before the House. Thank you very much. Vote ANC.

Prof B BOZZOLI: The real issue about degrees is not about who has or hasn't got one, it is fraud. We had Hlaudi Motsoeneng pretending he had matric, Pallo Jordan pretending he had a PhD, Danny Jordaan calling himself Doctor and the humble job-seeker pretending he has this or that certificate to gain an advantage over an honest person. We also have numerous

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colleges all over the place, offering fake degrees or certificates to the naive and gullible. All this must stop.

But the Government is going the wrong way about it. They quite rightly emphasise the criminality of fraud by setting sentencing guidelines for those found guilty of it, but they then go overboard in setting rules as to how it can be exposed. In a nutshell, they seek to centralise everything. They believe that big government is the answer to everything. In this case, their centralising obsession has led them to decree that all companies - and there are a quarter of a million of them - all educational institutions and all government departments must, by law, consult the Department of Higher Education and Training's SA Qualifications Authority, SAQA, database to verify the qualification of every single person they are thinking of appointing to a job or admitting to study. And if the database does not have proof of that qualification, they must then ask for further work to be done by SAQA.

This would mean that the numerous agencies, which at the moment assist universities and companies in verification,

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would be replaced by a leviathan of a database containing millions of records and a bureaucracy expanded to answer queries on a far bigger scale than at present.

It would also mean that the job seeker and the employer, the aspirant student, the university, indeed the entire economy, higher education sector and civil service would all depend upon the capacity of one government body to respond accurately and efficiently to their requests; which may run into thousands per year.

So, we oppose the Bill for four reasons. Firstly, we believe this provision will place an intolerable burden upon SAQA.

Secondly, it will be, as Universities South Africa and ABSA have both said in their comments on the Bill, unenforceable.

Thirdly, where the law is obeyed, it will be yet another obstacle to easy and quick employment in times of desperate unemployment and economic stagnation.

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Lastly, finally, there is the risk that properly qualified people whose names do not appear on the database purely for bureaucratic reasons, risk the stigma of being labelled frauds or of losing out on the offer of a job.

It is extraordinary that during our economic decline, the governing party should think that this kind of bureaucratic overreach is what it is needed. We can do better than this. Thank you. [Applause.]

Mr N S MATIASE: Madam Chair, the National Qualifications Framework Amendment Bill is a Bill that has long been needed in this country. By empowering SAQA in the way this Bill does, many of the challenges that we see, when it comes to the authenticity and verification of qualifications, can finally be addressed.

Fraudulent qualifications are a problem across all sectors of society and all industries. People claim they can do certain jobs and they can carry out particular tasks because of qualifications they claim to have, when in reality they don't.

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While institutions claim that their degrees are credible, when in fact they have never been approved or accredited.

In the public sector, there have been scandals where teachers and government officials have been found to have misrepresented their qualifications; claiming to have qualifications, when they never had.

We cannot be having a chief engineer without an engineering degree, an accountant who didn't study accounting, a lawyer who didn't study law or a teacher who has not been trained.

If we are to have effective service delivery, we need qualified people. And this bill will allow both the public and the private sector to verify whether qualifications that people present in their Curriculum Vitae, CVs, are in fact true; ensuring that those who are employed are properly qualified and can do the job they have been hired to do.

By providing clear guidelines on how to evaluate foreign qualifications, this Bill has made life easier for South

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Africans who study abroad but had difficulties in getting the qualifications recognised.

What this Bill also deals with, Madam Chair, is institutions that claim to offer properly verified qualifications when in fact the qualifications they offer have never been accredited nor have they been tested. And the people running these institutions are simply frauds and fly-by-night who macerate as such to rob desperate young people of the little money they have.

We do have certain concerns, however, as to how the legislative requirements of this Bill will be enforced and if SAQA has the necessary capacity to carry out what this Bill requires from it.

The EFF thus, however, support the Bill. And going forward, SAQA must be properly equipped to enforce the amendment of the National Qualifications Framework Act. Thank so much.

[Applause.]

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Mr X NGWEZI: Hon house Chairperson, South Africans are no strangers to the phenomenon of misrepresentation of qualifications. In fact, it is so common that it is a little bit frightening.

Numerous reports have come out that individuals who sit in high profile and high earning positions on the merits of falsified qualifications or in some cases simply with no qualifications at all – which is another story all together.

The Bill is premised on the efforts to redress this phenomenon and to put in stringent measures in dealing with this state of affairs.

All of this is well and good however what is concerning to us as the IFP is the weight of the burden this Bill imposes on employers and institutions of education as job creators and skills providers.

The IFP also noted a great concern that doing so is worrying because SAQA would be empowered to decide on its own and

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without canvassing a right of reply, that an individual's qualifications are fake.

Once SAQA has determined that a particular qualification is misrepresented in terms of its own process, it should not proceed to record the details in the register without providing a right of reply. This also potentially infringes on a right of recourse or remedy should an individual or education institution end up in the register incorrectly or an opportunity for a review of the SAQA decision or to challenge such a decision.

Of course, an endeavour to unveil more corruption and abuse is welcomed. The administrative burden that it places on one umbrella body who, at present, cannot manage its own affairs is worrying. The IFP supports this amendment Bill; and the declaration was read on behalf of iNkosi E M Buthelezi. Thank you. {Applause.}

Prof N M KHUBISA: House Chairperson, the NFP supports the National Qualification Framework Amendment Bill. To create this Bill seeks to create an enabling mechanism or legal

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instruments for the South African Qualifications Authority, SAQA, and the three quality councils to have legislative competence to address challenges with regards to fraudulent or misrepresented qualifications or part qualifications.

In this regard, a provision is made for the referral of all qualifications or part qualifications presented for study, employment or appointment to SAQA for verification or appointment to SAQA for registration. And of course, there are two different terms which are important here. One is verification and the second one is evaluation which the Bill seeks to address. Furthermore, a provision is also made for the referral of fraudulent qualifications or part qualifications to the relevant professional body. There are also penalties that are attached to the Bill.

A provision has also been made to allow SAQA as the body with overall responsibility for the National Qualifications Framework, NQF, and for the co-ordination of the sub programmes to be consulted when the quality control solution, QCS, address or advise the Minister on matters relating to their sub framework.

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House Chairperson, there are concerns... yesterday's newspapers were abuzz with issues of fake or misrepresented certificates or part certificates or part qualifications. In a reply to hon Killian by the Minister, it was found that there were 982 fake qualifications in the year 2017-18 alone. From April 2018 there 444 fake qualifications. Therefore, it shows that the system was however loose. And according to the Minister there was no agreement between Umalusi and SAQA. Therefore, this Bill seeks to tighten the system.

There was also a loose working relationship with the Department of Home Affairs and the Department of Home Affairs could not do the job alone and the process took too long. Therefore, this Bill is important. I think it is a step in the right direction because there are so many people who have represented their qualifications. We are aware that recognition of prior learning, RPL, is important and we take cognisance that a lot of people out there have got experience and it has got to be assessed accordingly but, it is something else when somebody will fake a qualification. Therefore, we believe as the NFP that this Bill was long overdue and for that reason we want to support it. Thank you very much.

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Ms D CARTER: Chair, the Congress of the People shares the concerns raised with regard to the growing occurrence of fraudulent qualifications and the challenges associated therewith. As we understand it, the Bill seeks to mitigate and reduce qualification fraud by giving South African Qualifications Authority, SAQA, the questionable impossible task of establishing and maintaining a massive database of amongst other things every qualification ever legitimately offered legitimately offered in the country and by whom, the name and identity, details of the person who has obtained the qualification, be it domestically or internationally and the details of those who have attempted to commit qualification fraud.

Coupled hereto, it will be expected of every single employer and educational institution to verify with a database the educational details of every applicant seeking a job or an educational place in the institution and to report attempts at qualification fraud.

We understand and support for underlying and for noble intent of a Bill. However, Cope feels - and we are of the view that

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that endeavouring to establish and maintain such a database of this scale is first and foremost unfeasible task that it would create massive red tape and unworkable bureaucracy which if not fully populated and operational could have a serious negative knock-on effect on job creation and on the economy.

Now, with that way for SAQA or government as a whole would ever have a capacity to undertake this task. As it is, the Budget Review & Recommendations Reports, BRRR, points to the financial and administrative constraints already been experienced by SAQA.

Chairperson, we cannot conceivably support this Bill. It is simple not implementable and the consequences of it, certain failures outweighs its noble intent. Thank you.

Ms S MCHUNU: Chairperson, South Africa is not immune from the scourge of fraudulent and misrepresentation of qualifications by institutions who purport to offer or award qualifications knowing very well that they have no legal authority to do so.

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This degree mills have over the years let unsuspecting students to enrol for unaccredited qualifications providing them with certificates that are not worth the paper they are written on. Similarly, there are individuals who intentionally circumvent legitimate processes to get fraudulent qualifications that they use to secure admissions at universities to get jobs in both government and in the private sector.

We have seen people being appointment to head boards of our public entities others appointed in very strategic positions in our municipalities through using misrepresented qualifications like the case of the City of Tshwane, Marietha Aucamp. These people have done a disservice to our country. The South African Qualification Authority, SAQA, maintains a list of misrepresented qualifications and reports by monthly to the Minister.

As at the end of January 2017, there were about 1276 misrepresented qualifications. Out of this number 445 were national and 832 were foreign qualifications. This shows that without a deterrence mechanism to arrest the scourge, the

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credibility of our country's National Qualifications Framework, NQF, will be under threat.

The ANC government had to put mechanisms in place to ensure that we close all the gaps and this legislation is one such mechanism. The ANC has continuously advocated for the need of government to strengthen its capacity to deal with corruption.

The 54th National Conference of the African National Congress took a strong stance against corruption since it goes against every rule and principle for which the ANC was founded. The Bill empowers SAQA to verify all qualifications and part qualifications referred to it as already indicated that SAQA has maintained a list of misrepresented qualifications.

However, it did not have any legal standing. So Clause 4 in this Bill empowers SAQA to establish and maintain separate registers for professional designations fraudulent and misrepresented qualifications and part qualifications. SAQA is also empowered to evaluate foreign qualifications or part qualifications and to formulate and publish criteria for evaluating foreign qualifications or part qualifications.

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This Bill serves as a deterrent mechanism for those who engage in qualifications fraud and misrepresentation of and will be names and shamed. We have noted concerns raised by some stakeholders indicating that Clause 4(e) in the original Bill was not adhering to the Promotion of Administrative Justice Act, as it was arbitrarily and that the implicated individuals needed to be heard before their names were included. So, all these concerns have been taken into consideration.

The National Learners' Records Database has been a contentious issue because in essence, it ties with SAQA's ability to create and manage the accurate and updated database required by this Bill. This is a concern raised by various stakeholders. We conducted an oversight to SAQA to satisfy ourselves that SAQA is able to assume this responsibility and as its mandate is expanded convincingly, SAQA demonstrated the ability to execute this mandate. The committee also amended the clause to ensure verification criteria is included in the policy that SAQA will develop and also promote for the holder of the qualification.

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We surprisingly noted that the DA reserved its position to support the adoption of the committee report on this Bill. The DA did not object to supporting the Bill. However, they objected to Clause 7, 32A (1). Let me remind the DA of the position when they cheered on the resignation of the former SABC member over the misrepresented qualifications. I want to quote Gavin Davis who said "Let this saga be a lesson to other qualifications fraudsters inside and outside the SABC. The people of South Africa are not prepared to tolerate public officials who lie and cheat their way to the top."

The members of the DA should have consulted with their colleague. This shows that you are not on the same page and you are sending different messages to your constituencies. Maybe, you realised that they are more qualification skeletons that are about to surface in your benches. But, I do want to say that ...

IsiZulu:

... sifuna ukubabonga abantu abafana nelungu elihloniphekile unguMholi wQembu Eliphikisayo ongazange asikhohlise ngeziqu zakhe, ohlali nje yena nomatikuletsheni wakhe. Ngifuna ukusho

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ukuthi u-ANC njengenhlangano enakekelayo inohlelo okuthiwa yi Recognition of Prior Learning lapho uma ngabe umuntu enamakhono nobuchwepheshe ewathole ngokufunda okungavamile uyakwazi ukuthi ahlolwe anikezwe ama-credit. Ngizobeka umbono wokuthi ilungu elihloniphekile uMholi wQembu Eliphikisayo asebenzise lelithuba lokuzuza. Singu-ANC siyawuseka futhi siyawemukela lo mbiko we-National Qualifications framework. Ngiyabonga kakhulu. [Ihlombe.]

The CHIEF WHIP OF THE OPPOSITION: Thank you very much, Madam House Chair. For those learned individuals in the House today expecting an academic lecture from me, I'm sorry to disappoint you. This is a Parliament, not a university convocation. [Interjections.]

The Constitution of the Republic is very clear about who qualifies to be a member of this House. The framers of the Constitution made it this way so that it didn't matter whether you are a mineworker or a brain surgeon; you could still participate in our democracy. [Applause.]

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How ironic it has been to see the EFF, the so-called vanguard of the working class, argue now for some form of qualified franchise where only those with university qualifications can get elected and serve in this Parliament. You see, this is the ultimate hypocrisy. The EFF ... [Inaudible.]

Ms N V MENTE: Point of order. [Interjections.]

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

Ms N V MENTE: No, that's very ... [Interjections.] That's misleading. It's extremely misleading. [Interjections.]

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

Ms N V MENTE: It's extremely misleading. [Interjections.] It's the DA's position in KwaZulu-Natal that people must have qualifications. [Interjections.]

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon members, order!

Ms N V MENTE: The EFF did not come up with qualifications. He must deal with his people ... [Inaudible.] [Interjections.]

Mr M WATERS: Chairperson, on what rule is the hon member standing on?

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

Ms N V MENTE: He must leave the EFF out of it.

Mr M WATERS: Chair, what rule is she standing on?

Ms N V MENTE: You must not ... extremely mislead the country. [Interjections.]

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

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Ms N V MENTE: You must read your rules. It says you either say what you want to say or you quote a rule.

Mr M WATERS: Chairperson, on what rule is she standing on? What rule?

Ms N V MENTE: I said point of order. You must go back to school and read.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon member Mente, that's your point of debate. It's not a point of order in terms of the rules. Therefore, that was not a point of order. Hon Steenhuisen, can you proceed?

The CHIEF WHIP OF THE OPPOSITION: You see, this is the honest form of hypocrisy.

Mr N S MATIASE: Point of order, Madam Chair.

The CHIEF WHIP OF THE OPPOSITION: No, this is harassment now. Come on!

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon Matiase, what's the point of order?

Mr N S MATIASE: Can hon Esterhuizen take a question?

The CHIEF WHIP OF THE OPPOSITION: No.

Mr N S MATIASE: It's a very private and personal question.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! If it's a private question it's not for the House.

Mr N S MATIASE: Can he take a question?

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please take a seat? Hon member ... [Inaudible.]

Mr N S MATIASE: I want to humble him today.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Can you please take a seat?

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Mr N S MATIASE: He's too pompous!

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please take a seat, hon member? Hon Matiase, can you take your seat?

The CHIEF WHIP OF THE OPPOSITION: You see, this is the ultimate form of hypocrisy. The EFF likes to play dress up as miners and domestic workers, but they don't want real miners and domestic workers to be represented in this House.

[Applause.] Like the old English upper classes that kept the working class locked out of Parliament with their Oxford degrees and their Cambridge qualifications, they don't want ordinary South Africans to be part of the decision-making process in this House. [Applause.]

Let me be very clear. I don't have a university degree. I've never pretended that I did have one. [Applause.] I enrolled for a Bachelor of Arts, BA, in politics and law, and due to financial and work pressures I couldn't finish it. I'm not ashamed of this and you can laugh all you like. I'm not ashamed of this because I knew from an early age that I wanted to be a public representative and that I wanted to work in

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politics to make a difference in the lives of ordinary South Africans. [Interjections.]

Mr T RAWULA: Order Chair. Chair?

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

Mr T RAWULA: You're not ashamed that you don't have a degree but are you ashamed to mention that you also don't have matric?

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon member! That's not a point of order. Can you please take your seat?

Mr T RAWULA: You also don't have matric. Mention it as well. [Interjections.]

An HON MEMBER: Gucci communist!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, I've just been speaking to the members of the NA Table because

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unfortunately this system here ... I can't switch off the microphone because hon members know you must stand on a point of order and mention which rule. You can't just stand and make a point of debate. Hon Steenhuisen, you are protected. Can you proceed?

The CHIEF WHIP OF THE OPPOSITION: I was elected as a city councillor at the age of 22. For the last 20 years, wherever I've served, I've represented the citizens of this country honestly, diligently and with my very best efforts.

[Applause.] I've never once used my position to line my own pockets. I've never once abused provincial tender processes to make myself and my family rich. [Applause.] I've never once stolen the savings from the poor and vulnerable to buy fancy houses and swimming pools.

Mr P D N MALOYI: Point of order. Point of order.

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

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Mr P D N MALOYI: This is irrelevant. We ... [Interjections.]
... are discussing the Bill, not Steenhuisen and his
qualifications. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member. Can
you take your seat? Hon member, it's a point of debate. You
can proceed. Hon members, it's within the context of the
debate.

Mr M WATERS: Chairperson, will you please protect the speaker?
He's being badgered by the ANC and the EFF. This is very
relevant to the debate on false qualifications.

The HOUSE CHAIRPERSON (Ms A T Didiza): I am protecting the
speaker. Hon Waters, I've just protected the speaker. Can you
proceed, hon Steenhuisen?

The CHIEF WHIP OF THE OPPOSITION: It amazes me that this party
of academic elitists, who parade on Instagram in academic
gowns, is the one party that consistently resorts to thuggery
and chaos in this House. If that is what a university

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education gets you; if that is superior logic, frankly, you can keep it.

But let's call out the last 48 hours for what they really are. A smokescreen. Whether it's this ridiculous attack on me or the disgustingly personal denigration of Minister Gordhan and his family or the vile abuse that the EFF has meted out to journalists who have exposed them, it is a smokescreen. A smokescreen to mask the corruption of their party and the network of patronage and rent seeking that resulted from the looting of Venda Building Society, VBS, Bank.

The EFF knows that this is fatal to their brand because they have stolen from poor people that they claim to represent. They are desperate to refocus the public's attention on something else and they will use anything, me or Minister Gordhan, to do so.

Ms M S KHAWULA: Point of order, Chairperson.

The HOUSE CHAIRPERSON (Ms A T Didiza): What's the point of order?

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IsiZulu:

Nk M S KHAWULA: Sihlalo, nginephuzu lokukhalima okuphambukayo. Lana kwakhulunywa kwathiwa lento yokuthi i-EFF [Akuzwakali.] ye-VBS ayilungile ... [Ubuwelewele.]

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, what's the point of order? Can you please take your seat?

IsiZulu:

Nk M S KHAWULA: Yilena engiyishoyo. Kodwa angasijwayeli kabi.

ILUNGU ELIHLONIPHEKILE: Nawe usijwayela kabi-ke

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please take your seat? That's not a point of order. Order, hon members!

Ms N V MENTE: Point of order.

The HOUSE CHAIRPERSON (Ms A T Didiza): What's the point of order, hon Mente?

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Ms N V MENTE: The member is casting aspersions on the members and he is misrepresenting facts. [Interjections.] He says the leaders of the EFF are VBS looters. Leaders of the EFF are Members of this Parliament. [Interjections.] He must substantiate what he says. He must bring a substantive motion in order for him to mislead the country. [Interjections.]

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

Mr M WATERS: Chairperson! Chairperson!

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Can you please take your seat, hon member?

Ms N V MENTE: You must go back to school. There's no thing ... [Interjections.] There's nothing that's going to bite you there. Go to school!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Mente, can you please take your seat? Order hon members! Can I make a ruling? Order! Hon Waters, can you please take your seat?

[Interjections.] Hon members of the DA, can you please quieten

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down? Hon member, in terms of the point of order that you raised that relates to Rule 85, there hasn't been any impugning on the character of the member. [Applause.] The reference was to a party and that is not out of order. [Interjections.]

Ms N V MENTE: The reference was made to the leaders of the EFF. Leaders of the EFF all sit here in this Parliament. [Interjections.] The reference was made to the leaders, not to the party. You must not be biased, sis Thoko. It was meant to ... the leaders and the leaders of the EFF sit here in this Parliament. [Interjections.] They don't sit in the air. They sit here. They are members of this House. You ought to protect them.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Mente, order! Hon Mente! Hon Mente, can you take your seat? Can you take your seat?

Mr M WATERS: Hon Chairperson, may I address you please?

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member Mente, can you take your seat? I've made a ruling on that matter and if you have objections you can send it to the relevant processes. What's the point of order, hon Waters?

Mr M WATERS: Rule 92; point of order. Chair, it's quite obvious that the EFF can dish it out but can't take it. The fact is that the EFF are VBS looters, if they like it or not.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Steenhuisen! Hon Steenhuisen! Hon Mente, can you please take your seat?

Ms N V MENTE: No, we are not going to be insulted! It's not going to happen! [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please ...

Ms N V MENTE: We are not going to be insulted by racist DA people! [Interjections.] We are not going to be insulted by racist DA people!

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Mente! Hon Waters, can you take your seat? Hon Mente, I've said I've ruled on the matter. If members want to challenge the ruling they can proceed. Can you conclude your speech, hon member?

Mr T RAWULA: Order Chair! Order Chair!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, what's the point of order?

Mr T RAWULA: Yes, we are not going to be told by racists here that we are corrupt. [Interjections.] They must withdraw that we are corrupt because we have not been proven by any court ... They remain racists of note. They are ... [Inaudible.] In fact Chairperson, they are the ones that received money from the Guptas and they even sent back a thank you note. These racist and corrupt people! They come here because they use their white privilege! They think that they themselves are immune. ... [Inaudible.] ... racists!

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The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please take your seat, hon member? Hon member! Hon member, can you please withdraw that statement where you refer to a member as racist?

Ms P T VAN DAMME: Point of order, Chair! Point of order!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, can you please take your seat? I will rule on the matter later in the day. Hon Steenhuisen, can you proceed?

Ms P T VAN DAMME: Point of order, Chair. I am up.

An HON MEMBER: You are racists!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, can you please take your seats? I will look at your statement precisely because there was a lot of noise. I will then come back and make a ruling to the House. Hon Steenhuisen, can you please ...

Ms P T VAN DAMME: Chair? Chair? Chair?

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The HOUSE CHAIRPERSON (Ms A T Didiza): What is your point of order?

Ms P T VAN DAMME: Here I am!

The HOUSE CHAIRPERSON (Ms A T Didiza): What's your point of order, hon member?

Ms P T VAN DAMME: Not only are they VBS looters. They are elitists! They are Gucci communists!

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member! Hon Van Damme!

Mr T RAWULA: Van Damme, you are just a moron in the DA. You are in a racist organisation.

Ms P T VAN DAMME: You are Gucci communists! You are racist!

Mr T RAWULA: You are a racist organisation and Van Damme is one of those morons that you can fool. You'll never deceive us!

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members!

Ms P T VAN DAMME: You are everything that ... Not only are you VBS looters ...

Mr T RAWULA: You are in a racist organisation!

Ms P T VAN DAMME: You are racist!

Mr T RAWULA: You remain in a racist organisation ... insignificant in the DA. You remain insignificant in the DA because you are a moron. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members! Hon members! Hon Van Damme! [Interjections.]

IsiZulu:

Nk M S KHAWULA: Anike niziphathe kahle!

English:

Mr N M HLENGWA: Hon Chairperson?

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members!

[Interjections.]

IsiZulu:

Ms M S KHAWULA: Yinina enintshontsha imali yababampofu.

English:

You are the ones stealing money from the poor.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members! Hon members of the EFF, can you please take your seats? I have said I will come back to this House with a ruling. Can you please not degenerate the House and be in order? All of you! I also told hon Van Damme to take her seat. [Interjections.]

Mr N M HLENGWA: Hon Chair?

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Hlengwa?

Mr N M HLENGWA: Hon Chairperson, am I audible? I rise in terms of Rule 92(1). Chair, I request you to exercise your powers and kick people out. [Interjections.] [Applause.] We will not

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be subjected to a tit for tat between the DA and EFF in this House. We are not here for their politics. So Chairperson, I request you to please assist us so that we can do the business of the House. But we can't just now be ...

IsiZulu:

Omagotshana walo msangano osuwenzeka la. Sesiyaqhaphazeka phela manjena.

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member. Thank you very much, hon Hlengwa. I have ...

IsiZulu:

Nk KHAWULA: Ayi ngeke, ngeke! [Ubuwelewele.]

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member Khawula!

IsiZulu:

Nk M S KHAWULA: Ha-e, awulungise-ke indaba yomagotshana bemisangano ...

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English:

... as to what the meaning of that is.

The HOUSE CHAIRPERSON (Ms A T Didiza): Take your seat!

IsiZulu:

Ms M S KHAWULA: Yebo, akayilungise-ke leyonto

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you take your seat, hon ma Khawula?

IsiZulu:

Nk M S KHAWULA: Umsangano wani lo awushoyo?

English:

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you take your seat? I have ruled on this matter and I don't want a debate. Anyone who has a problem can actually consult the appropriate authorities in terms of the rules. Hon Steenhuisen, can you please conclude? Hon Matiase, can you take your seat?

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Mr N S MATIASE: Point of order, Madam Chair?

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please take your seat?

Mr N S MATIASE: Can you please switch this one on?

The HOUSE CHAIRPERSON (Ms A T Didiza): I'm not going to allow anybody to proceed on this debate now. Proceed hon Steenhuisen, and conclude your speech.

The CHIEF WHIP OF THE OPPOSITION: Like fascist organisations the world over, they know that the best form of defence is attack. They hope that by unleashing their fighters on Minister Gordhan and me, they will escape the scrutiny of their party's dodgy dealings, their hidden hypocrisy and their leaders lavish lifestyles. We are not afraid of this little band of wannabe revolutionaries with their academic posturing, who think that by quoting Karl Marx, Frantz Fanon and chairman Mao makes them friends of the working class. You don't need a degree to see the EFF for what it is – an elitist clique that steals from the poor and the downtrodden. [Applause.] We will

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continue to call them out, without hypocrisy and without fear and without favour. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! Hon Kilian. [Applause.] Order hon members! Can you please take your seats? There is a member on the podium.

Ms J D KILIAN: Hon Chairperson, what a lively debate. I rise as the member of the ANC to support the committee recommendations that the National Qualifications Framework Amendment Bill as amended by the portfolio committee be adopted. The Bill before the House today is a vastly improved Bill and I believe that we should thank the department and the officials from legal services in Parliament but also committee members, particularly the ANC and also the DA from time to time actually lived up to the opportunity and they should be commended for improving the Bill.

The Bill is a critically important instrument to root out corrupt practices relating to qualification fraud and to safeguard the integrity of our National Qualification Framework. We all know the history of our country. How

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generations of black people have been unable to access quality education and were not allowed to access education institutions of their choice to achieve credible, authentic qualifications for their preferred professions.

During the last 24 years, the doors of learning and teaching have been opened so that growing numbers of black South Africans could access schools and universities to qualify as medical doctors, engineers, auditors, dentists, oral hygienists, attorneys, technicians and a whole number of other professions and trades. With the introduction of fee-free higher education at the beginning of this year, millions of more young South Africans of all colour and creed, from poor to working class families will be able to - through hard work - achieve their qualifications at universities and Technical and Vocational Education and Training, TVET colleges.

However, together with the growing numbers of well qualified people, absorbed into senior positions in the public and private sectors, they were also those who unfortunately took the opportunity and tried to misrepresent their qualifications to be employed. This was not only South African qualifications

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that were defrauded but also foreign qualifications. The fake degrees and certificates were issued by fly-by-night institutions parading as education businesses and presented by those who were not willing to make sacrifices to study diligently and to achieve authentic qualifications.

All of us can recall the number of high profile individuals who claimed to have obtained qualifications which they knew full well that they did not achieve. The SABC today still pays the price for appointing people without verified qualifications. The Department of Public Service and Administration at the time, issued a directive to all public entities to utilise the South African Qualification Authority, SAQA verification service but as members could have anticipated, the DA Western Cape challenged the directive hence we now have a Bill to drag the DA along.

Once this Bill is enacted, all qualifications presented for study, employment and appointment must be verified through SAQA. All foreign qualification must also be verified and evaluated by the same body. Members before me have already indicated that the Bill also makes provisions for offences

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related to the presentation of fraudulent qualifications and also for those education institutions that enrolls students into courses for which they were not duly accredited.

We welcome - as the ANC - the support from the NFP, IFP and strangely also from the EFF. We welcome the support of all parties for this Bill, which we all believe is very necessary. The DA however, tried every step of the way to torpedo the Bill. DA members flip-flopped on the reasons why they are opposing the Bill. They are yet to present a coherent substantiated argument why they oppose the Bill; hon Bozzoli quoted four reasons. We have listed seven reasons what they offered during the committee process. They said they reject the Bill because it's based on the wrong premise. We should tweak the labour law to allow employers to dismiss staff who have lied about their qualifications, so much for a party that is committed to clean governance.

They say allow for self regulations, the ANC says, no! The ANC says stop fraud and maintain the integrity of our qualifications and part qualifications. The DA said SAQA does not have the capacity to implement the Bill but it's

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incorrect, SAQA has the capacity. There is an online enrolment to determine and verify qualifications for institutions who wants to access the online facility.

Some concerns were expressed about the national learner database. That learner data base exists for the past 21 years. It has the capacity to enrol 85 million South Africans education qualifications and particulars. Why are we concerned? We have the institutions to do that. The DA said the Bill undermines the autonomy of the Council for Higher Education, CHE it's all wrong, it was never an autonomous body; it was always an advisory body.

The DA said the Bill is not implementable, yet we have proved that it is implementable. In fact, the search in fraudulent certificates for trades in one year was remarkable, 8 000 irregular records were enrolled. This is an important piece of legislation but the real reason why the DA does not like this Bill, now finally the Western Cape government can no longer act like a little island on its own. It must now work through the South African Qualifications Authority. They worked through independent verifications service providers and got a

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kickback of some other nature because those bodies also do that for universities.

What is important is that the ANC is ready to fight corruption and fraud wherever it occurs. [Interjections.] That is why we appeal to all genuine, loyal South Africans, those who love this country and want to make it a haven for law-abiding citizens to support the ANC in its effort to clean up government and to restore the integrity of all our institutions and our qualifications. I thank you. [Applause.] [Interjections.]

IsiXhosa:

UMPHATHISWA WEZEMFUNDO EPHAKAMILEYO NOQEQESHO: Ndiyabulela Sihlalo ohloniphekileyo, abahlali bonke baseMzantsi Afrika bazibonele ukuba urhulumente wendibaniselwano akasebenzi kakuhle. Akukho ukonwaba xa kukho urhulumente wendibaniselwano, kuloko sisithi kubo, khethani i-ANC, umbutho omkhulu oza kuphatha ilizwe lethu kakuhle. Sithi kuni hambani niye kuvota kuba nizibonele. Sicela ukuba niye kubhalisela ukuvota ukususela ngomso.

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Ms Y N YAKO: On a point of order. House Chairperson, there is no coalition between the EFF and the DA. [Interjections.] I want the Minister to withdraw.

The HOUSE CHAIRPERSON (Ms A T DIDIZA): Can you please take your seat, hon member? That's not a point of order; it's a point of debate. Hon member! Order!

IsiXhosa:

UMPHATHISWA WEZEMFUNDO EPHAKAMILEYO NOQEQESHO: Iza kusinceda ke i-EFF ngokusicacisela ukuba le ndibanisela yabo ne-DA siyibize ngoluphi uhlobo. Ndiyabulela Sihlalo ngokuba...

Mr T RAWULA: On a point of order.

The HOUSE CHAIRPERSON (Ms A T DIDIZA): Hon member, what's the point of order you are rising on? On what Rule are you rising?

Mr T RAWULA: I respect the Minister but the narrative is wrong ... [Interjections.]

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The HOUSE CHAIRPERSON (Ms A T DIDIZA): Can you please take your seat?

Mr T RAWULA: ... she must withdraw. She must not go around saying that we got ... Its wrong.

The HOUSE CHAIRPERSON (Ms A T DIDIZA): That's not a point of order. Can you please take your seat?

Mr T RAWULA: But you are wrong.

The HOUSE CHAIRPERSON (Ms A T DIDIZA): That's not a point of order; it's a point of debate.

IsiXhosa:

UMPHATHISWA WEZEMFUNDO EPHAKAMILEYO NOQEQESHO: Xa sibuyela kwixesha lolonyulo abantu baza kunibuza kwaye kuza kufuneka nibacacisele ukuba le nto yenu, yintoni kanye kanye?

[Kwaqhwyä.]

English:

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The MINISTER OF HIGHER EDUCATION: House Chairperson, a lot of members have supported the Bill and I am very grateful for that. I must thank the hon Steenhuisen for making it the most exciting debate on Higher Education we have ever had in this House. [Applause.] Very interesting.

I disagree with the hon Bozzoli. The Bill does not impose an intolerable burden. We have a very extensive learner record database within the SA Qualifications Authority, SAQA, already, with over 20 million learner's records on what is a digital database that can be accessed fairly speedily.

We also believe that this legislation and its requirements are indeed enforceable. It is absolutely wrong to create an impression, hon Carter, that every applicant has to be verified. It is the individuals who are to be appointed following a process of selection. It is not every applicant, it is the person who has been designated ... [Time expired.] Thank you very much and thank you for the support. It's a wonderful piece of legislation. South Africa, please vote.

Debate concluded.

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

Division demanded.

The House divided.

Voting

[Take in from minutes.]

Question agreed to.

Bill accordingly read a second time.

**CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF
PORTFOLIO COMMITTEE ON CO-OPERATIVE GOVERNANCE AND TRADITIONAL
AFFAIRS**

There was no debate.

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

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Declarations of vote:

Mr C D MATSEPE: Chairperson, the DA notes with concern that the Department of Co-operative Governance, which should be setting an example to municipalities and provinces, was unable to submit its annual report on time. This resulted in the portfolio committee not being able to interrogate it or conduct the necessary evaluation of the department's performance and expenditure.

We further note that the Auditor-General has issued a disclaimed audit opinion to the Department of Co-operative Governance, primarily for its failure to address problems in the Community Work Programme, CWP, relating to implementing agents, registers, and payments to workers. The department has acknowledged that the CWP has been an ongoing problem and, despite repeated promises, the situation is worsening. The Auditor-General identified irregular expenditure of R301 million in the Community Work Programme and noted that he was unable to verify various performance targets, including the number of workers employed.

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The Department of Co-operative Governance was also taken to task on its supply chain management issues. Contracts were extended without approval. Bid documents lacked the necessary criteria, and competitive bidding was not invited. The regression in this department has been startling.

The Department of Traditional Affairs, on the other hand, continues its run of unqualified audits, as does the SA Local Government Association, Salga. Challenges were identified at the Municipal Infrastructure Support Agent, Misa, the Municipal Demarcation Board, and the CRL Rights Commission, and work must be done to ensure that these entities improve their performance in future.

Of particular concern is the Auditor-General's note that the executive authority - the Minister - provides little or no assurance and that intervention is required at the Department of Co-operative Governance at both a senior management and accounting officer level. This is a scathing indictment on the department. We acknowledge that Minister Mkhize's time in office has been relatively short, but much more needs to be

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done to fix the situation at the Department of Co-operative Governance and Traditional Affairs.

IsiXhosa:

Nks N V MENTE: Sihlalo weNdlu, okokuqala, ndifuna ukuxelela le Ndlu into yokuba ngowama-2019 siyabuya kwaye siza kubuya ngamandla athe chatha kunala sinawo ngoku. Asinoyiki xa ninonke kwaye akukho nento le eninokuze niyenze. [Uwelewele.]

English:

Whether you like it or not, we will take you to court on a daily basis! We will tell people to go to school on a daily basis. We earned our stripes. We earned our gowns. We will always pride ourselves on our education. [Interjections.]

IsiXhosa:

Okwesibini...

English:

...we do not support the Budgetary Review and Recommendation Report of the Department of Co-operative Governance and Traditional Affairs. Firstly ...

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IsiXhosa:

... iinkosi azilingani eMzantsi Afrika kwaye akukho nomnye umntu okwaziyo ukuyicacisa ukuba kutheni na lento iinkosi zingekalingani nanamhlanje?

English:

We call ourselves democrats. That is number two. Integrated development plans, IDPs, are created on a daily basis, yet the budget does not align with what the IDPs do on the ground with the people. The ward councillors and the ward committees created are fake. It is only the ANC-deployed cadres that go and decide on the budget.

IsiXhosa:

Uhlahlo lwabiwo-mali luyalahleka apha phambi kwenu kodwa...

English:

... none of you are doing anything about it. You say we must come here and adopt the report. We are not going to adopt...

IsiXhosa:

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... imali eza kuhlafazwa nje nakanjani ngamalungu eewadi abe engalungisanga nezoo ndlela. Abantu basezilalini basathwala abantu ngeeleleli xa besiya kubangcwaba. Aninazo neentloni ezi ngaloo nto.

English:

Some of you ... Chief Mandla, you know what I am talking about. Number three ...

IsiXhosa:

... xa nisaba imali ninika urhulumente wasekhaya i-9 ekhulwini kufuneka...

English:

... to talk about rural development. Where is the synchrony in that? How do you synchronise rural development and local municipalities that a get a budget only to pay salaries and do nothing else? Yet you come here and say you have been in government for 24 years. There is nothing you can do.

The Auditor-General just gave us a damning report, and 75% of the municipalities, all of them, have debtor audits. They have

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failed audits. [Interjections.] Some of them did not even submit. Only 33 municipalities out of 257 are clean in South Africa. There is nothing we are going to support here.

[Interjections.] [Applause.]

Mr X NGWEZI: House Chairperson, the National Development Plan, NDP, has in recent years become an excuse for shifting government in action to 2030. Whenever issues are raised, political parties go to Vision 2030. However, the year is 2018. The time is now, and this department has been taking a back-to-basics approach since 2011, yet protests in communities have increased, residents are unhappy with service delivery, and the slow pace of transformation within our communities, especially in the most rural parts of our country, have all flared up.

Co-operative Governance and Traditional Affairs' clear inability to drive change on a local government level goes against every pillar on which this department rests. Targets are set each year in line with the Back-to-Basics programme, but once municipalities are audited or investigated by external institutions, I cannot help but think that this

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department is failing our people dismally. There is a clear lack of consequences for officials and municipal leaders who contravene the law.

Further to this, let me ask where this department was when municipalities directed funds to the VBS Bank without the requisite requirements. Why did the department not take any action or raise a red flag earlier? It appears that Co-operative Governance has become a co-operative corruption network of municipalities where officials and ever-changing Ministers are dumped to handle local government affairs. To compound matters, this department is unable to investigate the use of public funds for political purposes. Especially at district and local government level, we have seen and reported on numerous occasions the use of public resources to bolster the ANC's efforts in trying to win by-elections. This practice is unethical, it is illegal, and it robs our citizens of the funds that would be better spent in delivering better services to our communities. [Time expired.]

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Mr A M SHAIK EMAM: House Chair, the NFP welcomes the report of the Department Co-operative Governance and Traditional Affairs tabled here today.

The department did not submit its financial report in the 2017-18 financial year and, as a result, could not submit its financials. We are further concerned about the department's inability to implement projects in the programme for traditional leadership transformation and socioeconomic development, particularly the women's empowerment projects, food security, and HIV/Aids prevention products. The poor performance in the oversight of conditional grants remains a concern, and we call for urgent attention in this respect. Whilst irregular expenditure was highlighted in the previous year, it continues with no consequence management. The department only achieved 70% of its performance targets in the Municipal Infrastructure Grant.

The NFP notes the recommendation of the portfolio committee and wants to emphasise the need for stringent oversight mechanisms to be put in place to ensure that the department

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follows the strategic plan it has brought forward and to ensure that implementation does take place.

The issue of the VBS Bank and the involvement of the municipalities despite the fact that they know the rules and know the law, as well as corrupt politicians that may have been directly involved in the looting of VBS Bank, is a matter that must be investigated thoroughly and these people held to account. The NFP supports the report tabled here today. Thank you.

Mr M L W FILTANE: Chairperson, the voice is back.

[Interjections.] [Laughter.] In his budget speech earlier this year, the Minister said that 31% of the country's municipalities are dysfunctional, and an equal number was heading down the same path. The UDM welcomes the interventions the Minister has committed his department to. However, the Minister has failed to acknowledge that the governing party's deployment policy is at the centre of all this rot.

In his audit findings for the 2016-17 financial year, the Auditor-General found that South African municipalities were

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in a state of overall deterioration. Amongst others, he highlighted a lack of decisive leadership to address the lack of accountability. He must ensure there are consequences for those who flouted basic processes that hampered effective municipal governance. The problem can be traced to the deployment decisions of this governing party where internal factions determine the quality of councillors and officials it places at the coalface of delivery. How daring!

Consequently, services are not delivered, and the communities are robbed of their right to basic services. It will be important that the 16 teams already created by the department to be sent to different municipalities as part of the intervention be drawn from South Africans who are qualified to do the job, not unqualified cadres. [Interjections.] The criteria must be qualifications, competence, and knowledge of the work to be done - but not ANC party membership. Please! This is an obvious defiance of legislation that sets out what minimum criteria are in order for a person to perform their function at a satisfactory level, yet people are being employed without this minimum requirement. This shows a sheer

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disregard of this law. It must stop. Or else, step aside in 2019. [Interjections.]

With the signing into law of the Public Audit Amendment Bill, the Auditor-General must have more responsibility and clout to ...

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

Mr M L W FILTANE: ... and, in particular, the municipalities. For the sake of our people, we support the report. [Time expired.]

Ms D CARTER: Chairperson, it is hard to find any solace in the fact that the Department of Co-operative Governance and Traditional Affairs obtained a clean audit. What value can we place on a clean audit if we compare this outcome against the department's actual performance when measured against its purpose?

The department's vision is -

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... a functional and developmental local government system that delivers on its constitutional and legislative mandate within a system of co-operative governance.

Yet, we know the majority of our municipalities are in a state of dysfunction, that they frustrate and hamper our developmental objectives, and that they fail miserably to deliver upon their mandates. The crisis affecting our local government spheres has been smouldering and burning for more than a decade and has now reached beyond critical proportions. This is despite various attempts by the Department of Co-operative Governance and Traditional Affairs to take remedial action, including Project Consolidate, the Local Government Turnaround Strategy, Operation Clean Audit, and the Back to Basics programme. The reality is that the governance of our municipalities, their financial viability, and their ability to deliver basic services are regressing.

It is at the coalface service delivery, our municipalities with which citizens interact and rely upon on a daily basis, that we face our greatest crisis - a crisis that has the potential to bring down the whole of government and destroy

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our developmental project. At a recent meeting with municipal managers, Minister Mkhize noted that "the fish rots from the head" but then proceeded to state that "if municipalities must change, the municipal managers must be in the forefront of that change".

Mr Mkhize misses the most fundamental requirement for good governance. It doesn't start with the administration. It starts with the political leadership of municipalities. Good, clean and progressive governance requires ethical political leadership. We note this report and the observations made with disappointment. Thank you.

Mr M R MDAKANE: Chairperson, members of Cabinet present, and hon Members of Parliament, the ANC supports this report. This report is meant for us to deal with the issues that are facing the local authority, the local municipalities, in our country.

IsiZulu:

Kungumsebenzi wethu sonke amalungu ePhalamende akhona ukuthi senze ngcono zonke izindawo esihlala kuzona emadolobheni nasemakhaya. Kungumsebenzi ke esiwubonile ukuthi ukuba

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uMnyango we-Cogta ubambisene kakhulu nomasipala ukuthi ukwazi ukwakha amandla omasipala basebenze ngokuthembekile. Abaningi sebeyasebenza ngendlela efanele. Abaningi basengxakini enkulu yokuswelakala kwezimali. Umsebenzi ofanele wenziwe amalungu ePhalamende wonke ukuthi bacele abantu bonke abahlala ezindaweni ezahlukene ukuthi babhadale bakwazi ukuba into abayithola kuhulumeni bakwazi ukuthi bazikhokhele. Uma bengazikhokheli kubanzima kakhulu ukuba uhulumeni abe nemali yokwenza ngcono impilo yabantu bakithi ezindaweni abahleli kuzona.

Zonke izinhlelo ezenziwe uhulumeni nohlelo lonke ngakomasipala luhamba kahle kakhulu. Kodwa siyavuma ukuba akusibo bonke omasipala esinabo namadolobha asebenza ngendlela efanelekile. Amanye amadolobha awanazo izingqalazizinda.

English:

Some of them are working very hard to improve the quality of life of all our people. It is the ANC's view that the trust that is given to us by the majority of our people ... [Time expired.]

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Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

**CONSIDERATION OF REQUEST FOR APPROVAL BY PARLIAMENT OF TREATY
ON THE PROHIBITION OF NUCLEAR WEAPONS IN TERMS OF SECTION
231(2) OF CONSTITUTION, 1996**

There was no debate.

Mr M S A MASANGO: Hon House Chair and hon members, the Portfolio Committee on International Relations and Co-operation recommends that Parliament approves the ratification of South Africa on the Treaty on the Prohibition of Nuclear Weapons which was signed at a high level signing event on 20 September 2017 at the United Nations, UN. The committee is mindful and cognisant of the existential threat that the nuclear weapons pose to humanity and is therefore fully supportive of the applicable international humanitarian law and the UN Charter on this matter adopted on 24 January 1946. Thus far, 69 states have already signed this treaty and 19 states have ratified it in their national parliament. The

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committee joins the campaign by South Africa and other state parties that all other countries must sign, ratify and accept, approve or accede to this treaty with the goal of universal adherence, unless such a state can prove to the UN that signing this treaty will and I quote from the declaration "jeopardise its supreme interests". In view of the ANC's support for global peace and security and its quest for humane world order, an overwhelming majority of the UN member states has voted for South Africa to serve a third two-year term in the United Nations Security Council from 2019. This bears eloquent testimony to the nobility of South Africa's contribution towards a nuclear free world.

IsiNdebele:

Gadesi-ke ngibawa bona isitjhaba njengoba sibabona laba engikhohlwe amabizo wabo bona bararene kangangani. Into ebararako le batjho uNgqongqotjhe uPhandor angatjho bonyana yini ni into ebararako le. Sibawa bona isitjhaba ngomnyakozako njengombana into ebararako le ibarare njengotjwala esiswini, bakhiphe amehlo enyameni, babone banyana ... [Isithikamezo.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Masango, may I just request the interpretation services to follow the debate and to provide the necessary services to the members who are not familiar with the language in which the hon member is debating. Continue, hon member.

IsiNdebele:

Nom M S A MASANGO: Iye ngisatjho-ke ngithi njengoba nibabona barareke kangaka ngikhohlwa amagama wabo begodu itjhebiswano elihle kangaka lilethwe yi-ANC ikutana izaba yinye tere ezakujama esikulini poro i-ANC. Nivode kuhle. Ngibawa bonyana iPalamende le isekele ukusayinwa kwesivumelwano lesi. Ngiyathokoza! [Iwahlo.]

Declarations of vote:

Ms S V KALYAN: House Chair, the DA does not object to this treaty. However, I would like to talk about South Africa's relationship with Russia and also talk about Russia keeping the boats from Ukraine captive for such a long time and not releasing them. If we are talking about peace worldwide and the reduction of nuclear weapons, there has to be an appropriate behaviour that goes with it, but South Africa's

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silence on the whole issue between Russia and Ukraine is deafening. We should put our money where our mouth is, and if you are talking about peace at the expense of offending our Russian friends, we should be honest and upright about it. Stop waving your hand at me; let's talk about facts. If your Russian counterparts are doing things that are wrong, you must stand up and say so. How are we going to take up our seat on the UN Security Council if we are partisan? Thank you.

Mr T RAWULA: South Africa is the only country in the world that has ever been willing to dismantle nuclear weapons that were constructed and controlled. The apartheid government did this at the request of the United States because the West was scared of black people having their hands on nuclear weapons. This is why they were more than happy for the murderous and criminal apartheid state to have nukes but made sure the weapons were dismantled before the 1994 elections.

This Treaty on the Prohibition of Nuclear Weapons looks good on paper but like all agreements regarding nuclear weapons ignores the current reality. The five members of the UN Security Council have the five largest nuclear arsenals in the

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world, while the apartheid State of Israel has 80 nuclear war heads. As we speak, the United States is the only country to have ever used atomic bomb and which has over 6 000 warheads is threatening to leave nuclear arms treaty with Russia.

The United States, most of the West and Israel have been in constant state of warfare with the oppressed of the world on behalf of capital and have undermined the sovereignty of other nations since nuclear weapons were first invented. The countries continue to build nuclear weapons and refuse to dismantle and destroy them. In 2003, Libya, with one of the most progressive regime in the world and with the highest standard of living on the continent agreed to have all materials, equipment and programs aimed at the production of nuclear dismantled.

Eighty years later, the West provided military support to reactionary forces in Libya who killed Gaddafi and destabilised the country, leaving the country of Libya in the state of chaos as the oil wealth was looted by the multinational companies while the people suffer. If they had nuclear weapons as a deterrent, would this have happened? As

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the EFF we believe in a nuclear-free world, but it means very little if all countries without nuclear sign up to this treaty and those who have nuclear weapons do not. History has taught us that those who are the greatest threat to the world peace are those with nuclear weapons and until then, it makes little sense for other countries to disadvantage themselves and thereby undermine their sovereignty. With regard to explaining coalition, we can say that we have never been in a coalition. Thank you very much.

Mr M HLENGWA: Hon House Chairperson, as this House moves today as it is required in terms of section 231(2) of our Constitution, cognisance must be taken of the import of the Treaty that will now be made binding on our republic.

The urgent need for the abolishment and deconstructing of existing nuclear weaponry worldwide cannot be stressed enough. Such weaponry if used will have catastrophic consequences not only for its target area, but also transboundary and almost certainly globally as well.

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Nuclear weapons pose a direct and constant threat to humanity. In the case of South Africa, thankfully your nuclear arsenal was dismantled with the dawning of our new democracy.

Yet, there are still major superpowers each with many thousands of nuclear weapons, the combined results of which will destroy lives on this planet multiple times over.

The argument that the arsenal is required as a deterrent and the assurance of national and sovereign security fails dismally when compared against the real probability of the number of times of near misses through accidental misuse of such arsenal.

IsiZulu:

Ngakho ke Mhlonishwa Sihlalo kumele sonke sikuqonde kabanzi ubungozi benuzi nobudedengu bondlovu kayiphikiswa uma singakuphoqi ukuthi lesi sivumelwano kube yisivumelwano somhlaba wonke jikelele. Kuhle ke ukuthi iPhlamende laseNingizimu Afrika liyakuqonda ukuthi linesibopho kubantu bakithi nabasemhlabeni wonke ukuthi lime eceleni kwalabo abaphokophelele ukuthi babe nozinzo emhlabeni wonke.

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Ubushokobezi osebudlange izwe lonke lakithi buyasiphoqa futhi ukuthi ngasonke isikhathi sihlezi siqaphile ukuthi inuzi ayifiki ezandleni zabantu abangagcina sebebanga ukuthi abantu bafe ngendlela engafanele ukuthi yenzeke. Kuyisibopho sethu futhi ukuthi siqhubeke nokufaka ingcindezi kwamanye amazwe ukuba azihlanganise nalesi sivumelwano njengengxenywe yomsebenzi okumele siwenze kwiNhlango yeZizwe njengoba sizobe sithatha isihlalo sethu kuMkhandlu Wezokuvikela waloya mzimba.

Ngakho ke uma siphuma lapha kumele ukuthi ngasonke isikhathi sinikeze uhulumeni wezwe ukwesekwa okusezingeni eliphezulu bokuqonda ukuthi amalungelo wabantu asezandleni zethu nokuthi kumele ukuthi bavikeleke ngasonke isikhathi.

English:

Having said all of that hon House Chairperson, the IFP support this request for approval of the Treaty on the Prohibition of Nuclear Weapons. I thank you.

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Mr A M SHAIK EMAM: Thank you, hon House Chair. The NFP welcomes and supports the report on the approval of the Treaty on the Prohibition of Nuclear Weapons tabled here today.

Hon Chairperson, nuclear weapons is a threat to peace and stability throughout the world. The failure of particularly India, Pakistan and Israel to sign the Treaty is a risk to world peace.

We knew not long ago hon Chairperson, with Iraq particularly, who had no serious challenges of their own, but had interference by certain superpowers on the deceit and lies that they were nuclear weapons, destroyed the entire country and found no weapons whatsoever.

What is this all about hon Chairperson? It is about power, it is about control, it is about controlling the resources that they don't own. This is about the control of resources that belong to other sovereign states, and; this is where we have a serious problem. Now this Treaty seeks to create a nuclear free-world.

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Hon Chairperson, there are some countries who have a stockpile of nuclear weapons, and in doing so, very inconsistently, they will not allow other countries to equally, stockpile nuclear weapons.

Now, surely we need to be consistent that it is not good enough for someone or it is good enough for everybody. Why should some countries be able to stockpile and then ensure that others don't; clearly because there is a hidden agenda behind it?

Hon Chairperson, what do we need in the world is clearly a nuclear-free world. This indeed will ensure there is peace and stability, but clearly, we must be honest about it, it is not going to suit everybody because they need to have some sort of power and the nuclear weapon is one example. If you take the state of Israel and its stockpile of nuclear weapons, and yet no one has been able to deal with it, and; the question is why?

Hon Chairperson, it is time that law-abiding countries stand together in the quest to create a society where peace,

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stability and democracy will prevail, preventing some countries from violating human rights and respecting the sovereignty of other states without the threat of nuclear weapons. The NFP supports this report tabled here today. Thank you.

IsiZulu:

Nk R M M LESOMA: Mangibonge Mphathi wohlelo ohloniphekileyo, singuKhongolose siyaweseka lo mbiko wekomidi obekwe kule Ndlu wokuphumelelisa ukuthi iNingizimu Afrika ivume ukuthi ...

English:

... the Treaty on the Prohibition of Nuclear Weapons within the African spirit of a new dawn in the international space. The Treaty is in line with South Africa's long-standing disarmament policy's domestic legislation and international obligations.

It is also in line with our support for the Treaty on the Non-proliferation of Nuclear and the African Nuclear-Weapon-Free Zone Treaty, also known as "Mphelandaba Treaty", which ban nuclear weapons on the African continent.

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South Africa was one of the first states to sign the Treaty at the high-level signing event on the 28 September 2016 at the United Nations as the Chairperson of the portfolio committee has alluded, not waiting. It is South Africa that was one the original sponsors in the United Nations General Assembly of the resolution mandating the negotiations towards a legacy binding instrument to prohibit nuclear weapons - leading towards their total elimination.

The Treaty on the Prohibition of Nuclear Weapons was adopted in the United Nations in July 2017. The ANC, the only movement of the people supports, inconsistent with the United Nations Declaration that South Africa signed in 1946, against weapons of mass destruction, as evidenced by the colossal damage that such weapons can inflict in our humanity, for instance, Hiroshima and Nagasaki in Japan in 1941.

#Register and vote for the ANC. The ANC supports the Treaty.

Thank you. [Applause.]

CONSIDERATION OF REQUEST FOR APPROVAL BY PARLIAMENT OF CHARTER

ESTABLISHING THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

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**AVIATION SAFETY ORGANISATION, SASO, IN TERMS OF SECTION 231(2)
OF CONSTITUTION, 1996**

Ms D P MAGADZI: House Chairperson, the report of the Portfolio Committee on the Southern African Development Community, Charter on Aviation Safety Organisation, is hereby presented and the ANC would wish to request the Parliament that we adopt this report. The Charter basically is talking to our SADC communities to say that there is a need for safe aviation throughout the country, there is need for efficient use and development of the aviation space throughout the SADC region. The aviation sector is a very important sector in the economy states and the protocol on transport and letereology requires that Member States harmonise the policies, legislation and make sure that the civil aviation is in unison, in planning legislation and other related matters, so as to comply with International Civil Aviation Organisation. I move that this report be adopted by the House.

Declarations of vote:

Mr C H H HÜNSINGER: House Chairperson, as the subsidiary institution of the Committee on the Southern African

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Development Community, the aviation safety organisation aspires to enhance the safety of civil aviation by complimenting to the extend required the certification and oversight capabilities amongst Member States. South African's membership will substantial enhance the competency within the region in support of the objective to comply with international aviation safety standards. With the combine population of over 277 million people, the economic benefit of regionally aligned airspace co-operation should be apparent.

Aviation plays a vital in role in contributing to the economies of Member States. Tourism contributes to the movement of people into and out of the region and amongst Member States air transport is increasingly becoming the preferred mode of carriage. This and many other regional collaborative benefits should be explored. Apart from harmonising, policies and procedures in fostering the development of international civil aviation through co-operative agreements amongst Member States, these agreements will serve as a useful platform to fast track cost effective innovations, like the use of drones to inspect and monitor of

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infrastructures and borders, manage conservation programs and general mobility assessment and management.

Imperative however would be to establish and enhance general standard of safety in civil aviation over the whole region. Through the air traffic navigation services and the South African Civil Aviation Authority, South Africa has been contributing towards improvement of Member States' lack of specialised expertise and by supplementing the needs for technical staff; subsequently the Democratic Alliance is in favour and in support of this decision towards formal membership in accordance with section 231 of the Constitution. I thank you.

Ms Y N YAKO: House Chair, as the EFF we welcome this charter which will establish the Southern African Development Community Aviation Safety Organisation. The EFF is an organisation committed to the ideal of Pan Africanism and at the practical level this means, amongst others, regional and continental integration, co-ordination and co-operation. This charter will help strengthen aviation safety in this country and region. It will help various members of the SADC, co-

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ordinate and harmonise regulations when it comes to aviation safety. It will help assist and ensure that member states comply and are up to date with international agreed norms, standards regulation for civil aviation and security. It will help in the development of regional and national aviation safety programs, but this charter should not be the end in itself, but be used as an example and mechanism to increase regional and continental economic, social, governance and cultural interdependence and integration.

With the goal that Southern Africa and African countries are not simple extractors and exporters of mineral resources or consumers of goods but producers of wide range of products traded across continent, so that we not reliant on foreign powers but as African we produce, we trade and we consume goods made by the continent, by each other, and also able to move freely across the continent. By doing this we begin the process of re-asserting and once again establishing our sovereignty and independence.

This requires continental and regional organisation such as SADC, African Union, AU and Pan-African Parliament to be given

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teeth and a muscle so that they can move forward with plans, programs and structures but have the necessary capacity and political will to implement what is agreed upon. We are still a long way from where we want to be but the signing of the Southern African Community Aviation, Safety Organisation Charter is a small step in a right direction.

IsiXhosa:

Ndifuna ukubhekisa phaya kuMphathiswa obethetha ngorhulumente wendibanisela, ndithi kuye, ngela xesha besisenza isiphithiphithi, sijikela nina izinto kuMasipala oMbaxa iNelson Mandela khange nithethe.

English:

So, we can do that in the City of Johannesburg and City of Tshwane Metropolitan Municipalities.

IsiXhosa:

Aniyithethanga into yorhulumente wendibanisela kuMasipala oMbaxa iNelson Mandela...

English

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...and that is very tricky. Thank you. [Interjections.]

Inkosi E M BUTHELEZI: House Chairperson, sub regionally co-ordination in the SADC member states as regards to civil aviation safety oversight and infrastructure development, will not only results in a safer and more efficient civic aviation services but also create jobs through the development of additionally infrastructure. Aviation plays an important role in interlink the work through its fast and efficient transport of people and goods. The armourisation of civic aviation standards ensures uniformity and sentinity whose equity to greater efficiency and sentinity. SASO goes further in that it will provide assistance to member states in the performance and certification and severance task.

The Charter is additional aligned to the National Development Plan. It seeks to create enable rather than heavily liquidated compliance environment. The IFP do support the Charter establish the Southern African Development Community Aviation Safety Organisation. I thank you.

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Ms D CARTER: Chairperson, we support the approval of this charter which establishes Southern African Development Community Aviation Safety Organisation. We note that the establishment of SASO will assist SADC states with the civil aviation safety oversight responsibilities, facilitate the development of efficient and effective civil aviation infrastructure across SADC region and should assist in creating an environment conducive to growth and job creation.

We trust that SASO will assist our region in meeting International Civil Aviation Organisation standards, recommend practises and in developing and implementing regional aviation safety program. We welcome the Charter and the establishment of SASO and we will monitor its establishment and functioning. Thank you.

Mr L RAMATLAKANE: Chairperson, the ANC supports the Development of the Aviation Charter in the region; the important thing is that the safety is going to be important in terms of our sky. The Chair has already spoken to this part, but before I even get into detail, I just wanted to say; this denial of the coalition of the EFF and DA, why denying this

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thing Mashaba will be not in the office, in fact Gauteng would in the role, you are the one who created this. Do not deny the fact, in fact go and explain to the people, what it is about, whether is a coalition or no coalition.

The ANC support the creation of the Charter. Thank you.

Agreed to.

Report accordingly adopted.

**IMPLEMENTING THE NATIONAL DEVELOPMENT PLAN IN PHASES TO ENSURE
EFFICIENT MONITORING AND EVALUATION OF ITS TARGETS, MEASURED
AGAINST THE MEDIUM TERM STRATEGIC FRAMEWORK**

(Subject for Discussion)

Xitsonga:

Nkul M J MASWANGANYI: Mutshamaxitulu, Vaholobye, swirho swa Yindlu ya Huvo ya Rixaka, ndzi lava ku teka nkarhi lowu ndzi vulavula hi nhlokomhaka leyi nga tshahiwa laha henhla.

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English:

We are greatly honoured and humbled to receive this opportunity to reflect on the implementation on the National Development Plan, NDP. It is significant that this reflection occurs six years after the adoption of the plan at the tail end of the current Medium-Term Expenditure Framework. We undertake this reflection inspired by the legacy of Tata Nelson Mandela and Mama Albertina Sisulu whose centenaries we celebrate this year. We are inspired by their vision, character, wisdom and clarity.

Ho Chairperson, the general election of 1994 marked a significant step in the building of a new nation in South Africa. South Africa has emerged as one of the most diverse nations across the globe. It marked a beginning of a process of democratisation of the South African society. This process was further entrenched with the adoption of the Constitution. The task that lies ahead of us is how we use the political power to combat impoverishment and improve the living standards of our people.

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As such, what emerged in our country was a fragmentation of the country along racial and ethnic lines. South Africa's colonial experience was based on the intersection of relations of power based on class, race and gender. According to the report by the High Level Panel on Assessment of Key Legislation and Acceleration of Fundamental Change, I quote:

Colonialism and apartheid have left South Africa with a deeply divided and inequitable distribution of people and economic activity. This spatial inequality traps disadvantaged communities in poverty and underdevelopment, creates inefficient cities and robs poor, rural people of secure livelihoods.

The coming to power of the Nationalist Party in 1948, and the subsequent introduction of the racist national development ideology of apartheid brought about a new, carefully conceived all encompassing set of laws and policies focused on systematic segregation, exclusion and suppression. These laws and policies built on and reinforced the exclusionary and exploitative national development logic. Apartheid was implemented with precision.

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This is the mess that the ANC inherited in 1994. In order to respond to this apartheid construct, the ANC developed the Reconstruction and Development Programme which translates the aspirations of the majority of our people into a coherent and a holistic programme, which is people-driven and that defines a development path which our country should follow to meet the aspirations of the masses of our people.

Hon Chairperson, I want to indicate that at a macroeconomic policy level, the ANC 53rd national conference of the ANC embraced Vision 2030 and NDP as a critical basis for united action by all South Africans to build a truly united, nonracial, nonsexist, democratic and prosperous society. The NDP is an all encompassing comprehensive national plan that is grounded in the ideals of the Freedom Charter, the tenets of the Reconstruction and Development Programme, RDP, and the principles and directives of our Constitution. The NDP specifically requires interventions towards policy instruments and agreements on moving to the next phase of the new growth path. The NDP speaks to the multitude of needs and challenges facing the country, their underlying causes and factors inhibiting change, and provides detailed guidance on

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responding to all of these. To address these challenges which are all located in the inherited colonial and apartheid space economy, the NDP puts forward a series of proposals on six pillars.

What has the ANC government done and accomplished in regard to the NDP? Hon Chair, allow me to highlight key achievements in the implementation of the NDP in relation to the ANC manifesto commitments. More than one million households have been connected to the electricity grid since 2014. Reliable water services have been provided to more than 300 000 households in 2017, while overall access to water has increased from 80% in 2002 to 85% in 2006. More than a million households have been given access to decent sanitation since 2014. A total of 17 million people have benefited from social grants, the majority of whom, about 10 million, are orphans and vulnerable children. The ANC has expanded access to free education for children from poor households where more than 9 million children attend no-fee schools and receive free meals at schools, which represent at least 80% of our schools. The proportion of South Africans with postschool qualifications increased from 9,3% to 14% between 2002 and 2016. The National

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Student Financial Aid Scheme, NSfas increased from R2,4 billion in 2008 to R20,3 billion in 2018-2019. Life expectancy was 54 years in 2008 and it is now 64 years. The prevention of Mother to Child Transmission programme continues to ensure that we are able to reduce HIV transmission to newborn children. In 2004 more than 70 000 babies were born HIV positive and in 2017 this reduced to 4 200.

Because we are not arrogant, we acknowledged that unemployment and inequality remain very high. Unemployment remains a major challenge, in particular youth unemployment. There are interventions to create jobs for youth. Amongst them is the Youth Employment Scheme, Yes, programme which targets one million youth jobs over three years.

In conclusion, I want to acknowledge the persistent challenges of unemployment and inequality. These challenges cannot be carried by government alone, therefore we reiterate the position of the ANC that we should build strong links and social compact with community organisations, trade unions, religious bodies, business organisations, women and youth structures as well as other organisations to ensure that, in

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actual practice, South Africans act as their own liberators. However, despite the challenges of the day, the ANC still represents the dreams, hopes and aspirations of the millions of our people who are marginalised and who are concentrated in the periphery of our mainstream economy. Their interests are at the heart of the ANC's agenda. Now is the time, vote ANC!

Xitsonga:

Inkomu, Mutshamaxitulu

Mr S C MOTAU: Chair, in a democracy worth its salt, the dismal record of the ANC on the lack of economic growth and disastrous unemployment rate would be a sure indicator that the President of the country and his political party would be kicked out of government in the next election.

In this regard, the National Planning Commission, NPC, at its Lekgotla in Benoni, early this year in February 2018, made the following observation, and I quote:

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The NPC considers strong leadership and a capable state as critical preconditions for proper implementation of the NDP.

The commission is deeply concerned that the trends pertaining to key objectives of the NDP, namely, to reduce poverty, inequality and unemployment have seen a backward slide.

The South African economy is currently in a low growth trap, sitting at average GDP growth of about 1%.

The result is that poverty rates have increased from 36,4% to 40% by 2015; unemployment has increased to 27,7% as of the third quarter of 2017 - we know this has also gone high - and inequality remains very high. This is not me; this is the commission responsible for the NDP.

This a very gloomy bleak picture, indeed! The problem with the lack of progress in achieving the goals of the NDP is a dire lack of implementation of the plan. Without an implementation

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plan, the best strategic plan in the world is tantamount to fruitless and wasteful expenditure.

The Department of Planning Monitoring and Evaluation, DPME, has recently reported to the portfolio committee that it has proposed an NDP Five-Year Implementation Plan. This is a bit too little too late! While the NPC produced the NDP, the President of the country, President Ramaphosa was a very important cog in that process as deputy chair of the commission - the commission has no hand or role in the implementation of the plan. Little wonder nothing is happening!

The DA believes that the good men and women of the NPC should be roped in to champion the implementation of the NDP, to facilitate the success of this important plan. The NPC has identified 54 priorities, drawn from each of the chapters of the plan. Nearly ten years ago, the commission's recommendations were adopted by government, by this Parliament and the various stakeholders in the country. Nothing has happened.

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Assessment, monitoring, evaluation and reporting without enforcement authority and capacity – as is currently the case with the DPME – is futile, as we can see from the stark failure of the NDP to achieve its set targets. Lack of strong leadership and a capable state, the ANC's majoritarian job-killing laws and the lack of consequence management are responsible for this failure. Cadre deployment strikes again-and-again while the unemployment lines grow longer-and-longer.

The President must take primary responsibility and accountability for the implementation, successes and failures of the NDP. The buck stops with him. He should scrap the DPME and establish a dedicated NDP strategic and implementation unit located in the Presidency under his leadership. After all, ... [Time expired.] Thank you very much. [Applause.]

Mr N S MATIASE: House Chair, Frantz Fanon once correctly affirmed that the ruling elite in the post independence, when is confronted with a core sets of beliefs and a logic that contradicts theirs, develops a strange response called cognitive dissonance.

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Sesotho:

Ebe ba a idibana!

English:

This is the most appropriate explanation of the ANC's confusion and obsession with National Development Plan. They made plans knowing fully well that those plans are not practicable. Today, signs are all over that there is no chance that the broad vision in the NDP would be realised in the current economic framework.

The NDP proposes to create nearly 11 million jobs by 2030 and to reduce the unemployment rate to 6%. Further, it proposes to reduce inequality and eliminate extreme poverty by 2030. This sounds good but it is not attainable. .

The NDP proposes that there will be 11 million jobs created by 2030 and in this does not count in people who are unemployed. It imagines no place in South Africa where there is 0% unemployment rate. It accepts that the levels of inequality will persist until 2030 and it offers concrete measures to ensure that it eliminates unemployment and inequality

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altogether. It proposes that 6% of economic growth shall be maintained until Jesus comes. I don't know what plans are in place.

All these are in contrast with what the Freedom Charter called for, and the ANC has abandoned this. The charter, proclaimed that:

The people shall share in the country's wealth! The national wealth of our country, the heritage of South Africans, shall be restored to the people. The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole. All other industry and trade shall be controlled to assist the wellbeing of the people. All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

The list is endless. We therefore need to go back to the vision of the Freedom Charter and take the following practical steps:

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- (1) Immediate placing of the land and all natural resources at the hands of the people for redistributive and productive use;
- (2) immediate creation of a state bank that will help catalyse development and finance people who are excluded from mainstream banking;
- (3) placing all strategic sectors of the economy, including mining and banks at the hands of the people for socialisation of the country's wealth;
- (4) immediate provision of free quality education to strengthen the productive forces in the country; and
- (5) rapid and focused building of the capacity of the state to direct and manage development in the country, to ensure maximum participation in the economy by the marginalised majority of our people.

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Lastly, these are not possible, however, if we maintain the current neoliberal management style of the economy. The country needs a decisive break from mainstream economic thought. The EFF in this case provides very cogent and practical solutions that will humble those who have benefitted from the history of colonialism and apartheid, who come here and speak as if we owe them something.

They come here and speak as if they have not robbed our people of ages and generations, to a point where our people have got nothing other than to fight – and fight until they get what belongs to them. No one will silence us nor bribe us. Thank you so much. [Applause.]

Mr M HLENGWA: House Chairperson, this is probably one of the lamest debates we have ever heard in this House. The ANC trying to come here to work clerical about the duties and responsibilities that they have, which is not their money but the taxpayer's money and they come here and tell us about the National Development Plan, NDP, which they have neglected at every turn.

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There is no consistency. There is no acceptance. The Congress of South African Trade Unions, Cosatu, on the one hand wants its dysfunctionalist anti-NDP. The South African Communist Party, SACP, whatever it is left of it, it is anti-NDP and when they all sneeze, the ANC catches the cold and there is no development.

The hon member who moved this motion comes here to come and tell us what about the NDP has actually achieved. Well, let me tell you what it has achieved, since it was implemented. The unemployment stand at 27,5%, stunted economic growth which has been revised downwards, credit rating downgrades, the highest inequality in the world, escalating crime, a technical recession, state capture, irregular, wasteful and fruitless expenditure, corruption day in and day out. That is what the so called NDP has actually delivered for us.

Hon member comes here to make a desperate but very petty pitch for an election campaign. The bottom line is that the ANC has failed dismally at its own plan. You have achieved zero of all the things that you have committed. Out of ten, 0%, if it has been soccer match, you would be getting a red card. You have

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fouled the people of South Africa. You have looted day in and day out.

You have lined your pockets for the benefit of your election campaigns. You have used state resources to campaign. The bottom line is the NDP is only just something you used to placate, to advertise and to pretend that you are doing something. Had you been committed to the NDP, then all the nice cities it contains would have actually materialised but none of them have.

All you have done, you have you have sit in this House day in and day out and you have protected corruption and you have protected looting and at the end of the day your are a bunch of failures.

The hon Chairperson of the committee of Public service and Administration comes here and he speaks about HIV/Aids and the mass rollout of Antiretroviral, ARVs. He forgot to tell us that it was the ANC that brought about the age of denialism and the IFP had to take you to the Constitutional Court for people to get Nevirapine and prevent mother to child

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transmission. On a scale of success you get zero out of ten. You are anti-NDP and you are anti-progress. You have failed the NDP. [Time Expired.]

Mr A M SHAIK EMAM: Hon House Chairperson, allow me to start of by saying that in order to achieve the goals of NDP 2030, we all need to take collective responsibility. What we need is to have work together and the question that we need to ask is that what we have done.

What I have just seen here again is grand standing. The easiest thing to do is to stand here and insult somebody else, but the question is what have we done in the last few years to correct that path and do the right thing and ensure that we achieved what we were desired to do with regard to the 2030 NDP goals? We did nothing. All we do is we come here and lets be honest, I am going to give you a good example.

Somebody said we don't have capacity. It is a capacity problem, but an ideal example is this. If you take hon Steenhuisen, there is a whole lot of you and cry about him for only having a matriculation certificate, but I can tell you

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personally that he has proven without any doubt that you don't need a degree to be able to deliver. Clearly, he has shown that.

Now, even though he has shown that, there will be those that will be insulting him and questioning him but the fact of the matter is you will not find him standing up on frivolous motion not even knowing what the rules are. He will be quoting them. So, don't you think we should give him credit for that? It doesn't mean that you need to have a degree, because if you needed a degree.

Let me give you an example, many people in this country have got lots of degrees and Master of Business Administration, MBAs, and everything. So, why is the NDP not implemented? Why it is not implemented? What you need is passion, commitment, dedication and most important while the Minister of Higher Education is here. What is the next thing you should do? You should introduce a degree that is what they want o integrity where you don't steal and you don't loot. Maybe that is the degree we should be having, because if we can do that, can you

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imagine how much we will save in this country, because that is what is all about.

Now, let me tell you, if you do away with fraud and corruption, if politicians don't interfere and loot and steal, half of our battle is won. If we can introduce proper consequence management, we can reach this goal. I think it will be helpful if we stop grand standing, but work together to find common ground to be able to deliver to the people because all of us represents all the people in this country.

Why can't we work together? That is where the solution is. So, coming here and standing here and grand standing are not going to solve the problems of the country. Working as a unity will solve the problem. Thank you very much. [Applause.]

IsiZulu:

Nk M S KHAWULA: Ngithi ake ngibongele i-DA isikwazile ukuthola ilungu elisha lonyaka ozayo. [Ubuwelewele.] Liyakhankasa.

[Ubuwelewele.]

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The HOUSE CHAIRPERSON (MS M G BOROTO): No, hon member that is not the point of order. I am going to switch off your microphone now. Continue, hon Majeke.

Ms C N MAJEKE: Hon Speaker, hon members, the success of any NDP depends on its approach towards an appropriate economic strategy. This approach must form the core, and the base, on which it rests. The South Africa needs an economic shift.

The HOUSE CHAIRPERSON (MS M G BOROTO): Order! Hon members, the noise is above the speaker on the podium. You are drowning her.

Ms C N MAJEKE: This requires that we go to the root of the structural problems in the economy, and systematically address them, but continue to build the economy at the same time.

The NDP, currently, fails to go to the root of the structural problems, as it entrenches existing power relations. There is no space and hope for real economic shift. Whilst there are positive elements of the NDP, its economic paradigm negatively impacts all dimensions of the plan and the lack of coherence

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in its proposals. This undermines the achievements recorded thus far at the NDP.

It should also be recognised that all aspects of economic policy and plans are interconnected. Therefore it needs to talk to and reinforce each other towards a credible, sustainable and full development. This means, the industrial policy must talk to the regional development strategies and competition policy. All plans must ultimately link to agriculture and food security.

The current economic role of the state must place priority on employment strategies. We have to speedily and push for the full blown industrialisation of our economy. This must be followed rational approaches in combating historical economic inequalities and poverty.

It is only when we fundamentally transform the structure of our economy, and promote a new path of growth that the NDP can be seen to be succeeding.

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The government has to address all the defects that have been registered by various stakeholders in order to adequately and suitably make any progress with regard to the implementation of the NDP. The South Africa is not very different from other development experience elsewhere in the world and interventions in the economy need to be encouraged by the state.

Whilst there was some form of consultation the development of the NDF as it is leaving document, it must be, all times, be made to reside with the people. The citizens must be encouraged, through deliberate consultative efforts, to own and lead any development.

The development requires proper consultation that is not selective and superficial. The plan must never fail to represent a broad social consensus for it to be successfully implemented. As with all policies, the devil is in the detail. We still are yet to see this detail. I thank you.

Afrikaans:

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Adv A D ALBERTS: Die Nasionale Ontwikkelingsplan, NOP, word oor die algemeen aanvaar as 'n sinvolle plan wat, indien dit korrek geïmplementeer word, Suid-Afrika vorentoe kan neem. Die realiteit is egter dat Suid-Afrika se ekonomie krimp, morele degenerasie vier hoogty en misdaad is buite beheer.

English:

Despite the creation of the National Development Plan, NDP, South Africa is staring down the abyss of junk status and social implosion. The NDP has a good story to tell but the reality foisted upon us by the ANC is nothing but a nightmare people are living in from day to day.

Even though a broad consensus exists that the NDP can take the country forward – not perfectly so but generally – the very document itself is mired in a controversy of legitimacy.

You see, the ANC government only quotes the NDP when it suits them and further obfuscates their policy positions by quoting from a myriad of other documents that contradict the NDP in some way or another. Examples include the Freedom Charter which has no legal status, the Department of Trade and

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Industry's Industrial Policy Action Plan, the Economic Development Department's plans, etc. There are so many plans that one cannot know where policy certainty and rationality will come from.

Afrikaans:

Om die kroon te span word die besluite op die ANC se kongres nou as die hoogste gesag geag, met die gekke beleid van onteiening sonder vergoeding wat op die land afgedwing word sonder dat dit in die NOP voorkom.

Ons moet nou aanvaar dat die NOP eintlik dood is en dat die ANC beleid opmaak op taktiese vlak bloot ter wille van oorlewing en nie in belang van die land nie.

English:

The NDP is dead. The ANC killed it off. From now on we will only see kneejerk policy reactions from a party trying to slow down its inevitable demise.

The evidence of this is abundant. A bankrupt Public Service, bankrupt state-owned enterprises wherever one looks and

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populist policies that concentrate power and destroy market value in totality.

The ANC wants everyone to believe that the grass is greener on its side. However, I'm reminded of a beloved character, old Mnr [Mr] Genis, from the Afrikaans series called *Koöperasiestories*, who uttered the following truism in Afrikaans.

Afrikaans:

"Die gras is so groen aan die anderkant want daar is soveel bemesting". Ek dank u.

Ms D CARTER: Chair, the NDP begins with a problem statement. It notes that our transition from apartheid to a democratic state had been a success; that we managed to build democratic institutions and stabilised the economy. But, despite these successes too many people remain trapped in poverty; that we remained a highly unequal society; that too few South Africans work; that the quality of school education for the majority is of poor quality; that our state lacks capacity in critical areas; that whilst there had been significant progress, we

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remain divided with opportunity still shaped by the legacy of apartheid; and that our Constitution obliges all of us to tackle these challenges.

The NDP was meant to be our blueprint for how we could collectively eliminate poverty and reduce inequality by 2030. It sought to accelerate economic growth, develop a capable state, promote investment in a competitive economy and create jobs.

The Medium-Term Strategic Framework, MTSF, was in turn meant to break the NDP into five-year plans of action and inform budget priorities with a view to work towards the achievement of the vision and the goals of the NDP.

The MTSF for 2014-19 was structured around 14 priority outcomes which covered the focus areas identified in the NDP and the ANC's 2014 electoral promises. The ruling party has failed horribly to give effect to these priorities and its election mandate. Worse, we have regressed.

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Yes, Minister, Basic Education remains dysfunctional and broken, condemning our youth to a life of joblessness and poverty. I need to say thank you to you for gracing us with your presence today because we have not seen you many times this year.

Our public health care system has in effect collapsed. Our SOEs, which should be providing efficient, competitive and economic infrastructure, now sabotage our development prospects. What capabilities the state had, has been purposefully decimated. Our bloated civil service is neither efficient nor effective and frustrates our intended developmental outcomes. Most of our municipalities are failing and many face total collapse.

Instead of creating inclusive growth, the ruling party has conspired to destroy our economic prospects. Instead of creating jobs and reducing poverty and inequality, a growing number of South Africans face never finding gainful employment. Poverty and inequality continues to rise. Worse, the institutions built to support our democratic and

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constitutional order have come under attack and have been damaged.

The ruling party has driven us to a low road of stagnating growth and misery, policy confusion, indecision and gridlock, rising social tension and a worrying and uncertain future. Thank you.

Mr D J MAYNIER: Chairperson, I never thought that I would say this but I completely agree with the hon Shaik Emam. If the ANC had a degree it would be a degree in corruption and it would've been awarded with distinction. [Applause.]

On 15 August 2012, the Minister in the Presidency responsible for the National Planning Commission, Trevor Manuel, tabled the NDP in Parliament. We were told that the NDP was supposed to be a broad strategic plan, rather than a five-year plan which established priorities and handed down supply targets in the Soviet Union. However, like the five-year plan which failed in the Soviet Union, the NDP has failed in South Africa.

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The NDP aimed to achieve an average growth rate of 5,4% per year but has only achieved an average growth rate of 1,5% per year. The NDP also aimed to employ an average of 650 000 people per year but has only employed an average of 365 000 people per year.

However, the most devastating indictment of the NDP is the fact that there are now only three emerging market economies in the world with slower per capita income growth than South Africa. These include Qatar, which was recently under siege; Argentina, which recently experienced a currency crisis; and Venezuela, which was ruled by a mad left-wing dictator who is so loved and admired by the fake revolutionaries in this Parliament.

The fact is that the NDP is dead and buried in South Africa, and yes, ginger, you should listen. Maybe you'd learn something. [Interjections.]

This comes as no surprise because at the heart of the failure of the NDP is the fact that ...

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Maynier, please take your seat. What's your point of order?

Ms Z S DLAMINI-DUBAZANA: Thank you, hon House Chair. I rise in terms of Rule 84. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, hon member, I'm listening. You say Rule 84?

Ms Z S DLAMINI-DUBAZANA: Hon Minister Zulu is a member of this House. She must not be given some labelling name like ginger.

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay. Hon Maynier, you know that we have to respect one another. Rule 84 clearly describes that. Please refrain from calling names. Continue.

An HON MEMBER: Who's ginger?

Mr D J MAYNIER: The fact that the NDP is dead and buried should come as no surprise, because at the heart of the failure is the fact that the NDP being pursued by government is the opposite of the national democratic revolution being

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pursued by the governing party in South Africa. That is why the SA Communist Party is neutral on the NDP and why Cosatu rejects the NDP.

Who can forget Jeremy Cronin's scathing attack on the NDP? Listen to the hon Jeremy Cronin. He thinks the NDP is: "more of a vision". He thinks the NDP consists of: "some useful insights and recommendations, intriguing but untested proposals, summaries of programmes long under way, and much else". And he thinks the NDP is: "sandwiched between an opening section of cringeworthy poetry and a clumsy attempt to present social contract theory". This from a Cabinet member responsible for implementing the NDP!

In the end, the NDP is dead and buried in South Africa. That is why we have 9,7 million people who do not have jobs or have given up looking for jobs in South Africa. I thank you.

[Applause.]

IsiZulu:

Nk Z S DLAMINI-DUBAZANA: Sihlalo weNdlu ehloniphekile, malungu eNdlu ehloniphekile, uKhongolose ubone kufanelekile ukuthi

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sikhulume nomphakathi siwucacisele ngenqubo esayithatha singuKhongolose ukuthi ngo-2030 naku esizobe sikubekile ezithebeni. Senza lokhu ukuthi sibonakalise ukuthi thina phela singumbutho owavumelana nani ukuthi nomakanjani siyonibhekelela kuzo zonke izidingo zenu.

Kepha uthe uKhongolose uma usuhleli ubheka, ngoba phela kufanele sikhumbule bahlonishwa ukuthi lenqubo i-National Development Plan, NDP, 2030 yasungulwa ngo-2012 okuchaza ukuthi siqeda isikhathi esibekiwe sokuqala sale nqubo. Usethi uKhongolose engathi lenqubo njengoba sithi ingo-2030 asikwazi ukuthi sifike ngo-2030 bese kube yima siyibheka ukuthi abantu bethu bakutholile yini lokho esabathembisa khona. Kuthe uma ususuka uKhongolose wathi asiyithathe manje i-NDP siyiqaphe ngezigaba. Nikhumbule bahlonishwa ukuthi kusele iminyake engamashumi nanye ukuthi sifike ku-2030. Nani mphakathi waseNingizimu Afrika kusele iminyaka engamashumi nanye ukuthi sifike ku-2030. Ukhongolose uthe, kusukela manje kuze kufike ku-2030 njalo eminyakeni emihlanu sizokubheka ukuthi izidingo zenu ... siqikelelile ukuthi sikhonile ukuzifeza yini. Uma sikhumbula kahle njena njengoba nibeza abanakwethu ngasekunxele sami bamatasa basho konke ukuthi, akuzange

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kubekhona ukukhula emnothweni. Phela ukukhula komnotho akusho ukuthi iNingizimu Afrika kuphela ekufanele ifake isandla kakhulu ngoba iNingizimu Afrika iyingxenye yomhlaba wonke.

Kepha simbonile uMongameli we-ANC eqoka izithunywa ezine ukuthi masihambe ziye emazweni. Uma sezifika emazweni zikhone phela ukuthi zikhulume ngezinto esinazo kuleli lizwe lakithi ukuze zikhone ukuthi zibuye zize la izinkampani zizotshala izimali ukuze sikhone ukuthi abantu bethu bathole imisebenzi. Saphinda sabona uMongameli wakuleli lizwe, uBaba uRamaphosa ethi makabize ingqungquthela ukuthi sike sihlangane sibone ukuthi zinhloboni zotshalomali ezizosiholela inzalo enkulu kubahlali, osomabhizinisi abancane nosomabhizinisi abakhulu. Futhi sabona futhi singuKhongolose ukuthi uHulumeni kaKhongolose uvuselele i-agro-processing. Ibikwenzelani lokho? Ngoba ibibona ukuthi, hayibo! Labaya balimi abahleli laphayana uma benombila akasakwazi ukukhiqiza, akasakhoni ukuvelisa imisebenzi. Uhulumeni kaKhongolose, uma unamehlo, uma nengqondo bantu baseNingizimu Afrika uzobona ukuthi zikhona izinto uKhongolose azenzile eziningi engisazoqhubeka nazo ... [Akuzwakali.] Uma ngiqhubeka ngikhuluma ngiqhubeka kanjena, simbonile umama wakwaZulu, uNgqongqoshe Zulu lapho uHulumeni

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kaKhongolose emphathisa lo Mnyango Wokuthuthukisa Kwamabhizinisi Amancane. Uthe efika khona wathi uzosebenzisa uhlelo lokuthengiselana phakathi kukaHulumeni nomphakathi. Lapho ubethi, uyabona labo somabhizinisi abancane uzobabeka phambili, u-30% kunomayini ekuHulumeni kuzoba ngeyabo.

Okuchaza ukuthi ngamanye amazwi laba abangahlelekile ngokomthetho nalabo abahlelekile ngokomthetho njengomama abahlala eThekwini bedayisa ezemvelo, omama abahleli kuphi emgaqweni bedayisa ubuhlalo nabo bayazuza. Siyamubonga uHulumeni kaKhongolose ngoba uyakhombisa phela ukuthi uyahola futhi uyohlala njalo uhola futhi uyaphila. Siyawabona amaphutha ethu siphinde siwalungise. Akukho emazweni wonke jikelele lapho inhlango ebusayo ibuye ihambe ibuyele kubantu ifike ibatshela ukuthi, sibonile ukuthi lento ebesiyihlelile ngathi ayisezokulunga, sesishintshe uhlelo lwamasu lonyaka. Sesithi sizolubona, siluqaphe siluhlale emuva kweminyaka emihlanu. NguKhongolose kuphela okwazi ukuthi ubuyele kubantu, okuchaza ukuthi uKhongolose uthembekile kubantu babo laba abamuvotelile, uthembekile ubonakele ukuthi uyakwenza lokho. Ngikhuluma nje lomnyango ophethwe ngumhlonishwa umama uZulu wona ube usungula into ekuthiwa phecelezi i-Small Enterprise

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Finance Agency, Sefa. I-Sefa isikhona ukuthi ixhase osomabhizinisi abancane abangu-286 000 ngemali engango-R5,5 billion. Lokhu-ke bantu baseNingizimu Afrika kusho ukuthi, ikakhulukazi labantu esikhuluma ngabo, bakhonile ukuthi banikeze amathuba omsebenzi phela kubantu abancane lapha nalaphaya abangu-312 000. Uyabona-ke uma umuntu ezofika ezoma la kule ndawo yokuma umuntu okhulumayo ezothu ayikho into eyenziwa nguKhongolose kuchaza ngempela ukuthi ayikho into ayaziyo, ayikho futhi nento azokhuluma ngayo.

Mangike ngikhulume futhi ukuthi uKhongolose utheni ngezemfundo. Ukhongolose ngezemfundo ubonile ukuthi izwe laseNingizimu Afrika lixakekile yindlala, ubuphofu buxakile, abantu abanamali waze wathi imfundo yona le sizobona ukuthi laphaya emazingeni amancane ukuthi abantwana mabaye ezikoleni bazofunda bhusende bangayikhokhi imali yesikole. Baphinda bathi laba abazingeni aphakeme sizothatha nanku umfundaze i-National Student Financial Aid Scheme, NSFAS, sibafundise. Okuchaza ukuthi akasekho umntwana - usho njalo uKhongolose - ozohlala ekhaya agijimisane nezinkomo, akasekho umntwana osohlala ekhaya elibele ukhlanza ikhaya. Kuzofanele ukuthi bonke abantwana bahambe baye esikoleni ngoba uKhongolose uvule

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iminyango ukuthi noma wubani, noma ukuthi akawuphasanga umatikuletsheni wakho uzokhona ukuthi uhambe uyowugedelela lowomatikuletsheni wakho uwuphase ukuthole konke lokhu okufunayo, kungenxa yemisebenzi kaKhongolose ngoba uKhongolose ungumholi womphakathi. Ngiphinde futhi ngiqhubeke ngezempilo, yebo ngiyabezwa abanakwethu bekhuluma ukuthi vele bekuyithina ebesithe ukulashwa kwesandulela ngculazi ... [Awuzwakali.] Ukhongolose akaveli asuke alale ebusuku avuke ekuseni esenenqubomgomo ukuthi into izokwenziwa kanjani. Ukhongolose uyalala ayibuyekeze into ayibone ukuthi injani. Ifana nani lento? Ifana nayo lento yomhlaba, kweyomhlaba uKhongolose uvumile ukuthi make sibheke sishintshe izakhiwo ezikhona kuMthethosisekelo wethu. Kodwa-ke asigijimi sihambe sivuke ekuseni sezivuka ne-policy ngoba kumele sicabange. Uma uwumholi awufani nomuntu ongaholi.

Umholi uyabekezela, umholi uhlala emalahleni, umholi ubekezela noma sekuthiwa akenzanga lutho kungangokuthi kuyenzeka ukuthi ingalali, nguKhongolose-ke lowo inqola emasondosondo.

[Ihlombe.] Kubalulekile ngisho ukuthi uKhongolose uthe uma usubonile ukuthi nali icebo lana, isandulela ngculazi lena singakhona ukuthi sithenge imithi, singakhona ukuthi sibe

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nebhajethi ukuthi kuthengwe imithi bese loku kubhebhetheka kwalesi sifo sikhone ukuthi sikunqobe, bakwenzile lokho. Kwezenhlakahle, ngithi kogogo nomkhulu emakhaya njengoba eshilo usihlalo waleli komidi ethi ningu-17 million ngempela hambani ngomhlaka-25 nangomhlaka-26 Januwari 2019 niyobhalisa ngoba kubalulekile ukuthi nibhalisa khona nizovota, nivotele le nhlango ebonile ukuthi kufanele ukuthi noma ngabe ungoluphi uhlanga uhole imali elingana neyanoma ekabani. [Ihlombe.] Ukhone ukuthi uthathe isinkwa usibeke etafuleni, ukhona ukuthi abantwana bakho ubathengele ukudla kubalulekile. Ngisho ukuthi-ke ... [Ubuwelewele.] impesheni yogogo isebenze kakhulu. Isebenze kakhulu ngoba uKhongolose ubonile ukuthi phela yindlala le, isisu asikweletwa, wathi sizobudambisa lobuphofu, wathi nansi imali. Waphinda wazimbona futhi izintandane wathi nakhu okuncane. Waphinda futhi wazibona izingane ezizalwe zingena bazali wathi nakhu okuncane. Uyazi kuthiwa alikho isoka elingenasici.

Siyavuma singuKhongolose ukuthi ningasibeka izici kodwa abantu ngaphandle bona bayalazi iqiniso. Namhlanje kuleNdlu sizwa kuthiwa uKhongolose uhlulekile, awunayo indlela yokubhekana nabangaziphathanga ngendlela. Bahlonishwa bakuleNdlu,

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kuyiphutha elikhulu ukuthi sithi singabahlonishwa silethiwe lapha wumphakathi ukuthi sizosebenza siphinde futhi sikhethe iphela emasini kulokhu esikulalele. Uma nje ubulalele kahle, ngiyamazi uKhongolose ukwazi konke lokhu ngoba uKhongolose ...

English:

... is very much empowered to listen.

IsiZulu:

Ngolwesine uma ubheka i-Gazette Bulletin kaHulumeni ishilo ukuthi uMongameli, onguMongameli wezwe nomongameli kaKhongolose, usayinde umthetho we-Public Audit Act 5 of 2018. Lowo mthetho uchaza ukuthi kune indlela yokubhekana nabangaziphathanga ngendlela kumali esetshenziswa ngendlela engalungile, ukusetshenziswa kwemali ngendlela engenamsebenzi, ngakhoke angazi mina ukuthi yikuphi-ke manje lokhu abakufunayo. Usukumile umhlonishwa u-Maynier uthi nje, "uma ubabona kumele nje bathole iziqu zenkohlakalo" Kanjani ngoba phela yithi uKhongolose esiqoke ikhomishana kaZondo ngoba asinakho esifuna ukukufihla, asifihli lutho sithi, "konke akuvele" [Ihlombe.] Abantu sinesivumelwano nabo. Kumele ukubonile lokho ukuthi laba bantu okumele sibavotele

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baneqiniso. Uma bengenxanga kahle bayasho. Uma benze kahle bayasho. Isikhathi sona bayasidinga. Asike sibanikeze esinye isikhathi sokuthi basihole ngoba kuyafuneka ukuthi basihole laba bantu ngoba bayayazi lento abakhuluma ngayo ngoba bahambile baphumela ngaphandle babuya, bebuya nolwazi, asilisebenzise. [Ihlombe.]

Mhlonishwa Sihlalo, ngimuzwile ubaba u-Motau, ubaba u-Motau uthi ...

English:

... the economy is at its lowest GDP growth. Somebody said on the other side saying that it is a disaster. You see that sometimes maybe it is very important to go to school and understand some terminology.

IsiZulu:

Uyabona iyinkinga ... [Ubuwelewele.]

English:

... because once you say the economy is a disaster then you have a serious programme because ...

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IsiZulu:

... awuzazi ukuthi ukhuluma ngani. Uthi ukuntuleka komsebenzi kuyanda kukho konke kulokhu akubalile uze wathi makuhlakazwe Umnyango Wokuhlela, Ukuqapha Mokuhlola bese i-National Planning Commission, NPC, ayihambe iyoba ngaphansi kwehhovisi likaMongameli, ibe ngunompempe, ngumdlali kanye nomqeqeshi, kusho bona. Ngisho kumpakathi ukuthi umphakathi awubabheke abantu abawufaka ehlathini ngoba ungangena ehlathini ungaziboni ukuthi usungenile ehlathini ngabantu abanobuciko ekukhulumeni bekhuluma ngezinto abangazazi ukuthi ziqale kuphi futhi zizophelela kuphi.

Sengivala-ke, ngimzwile umhlonishwa u-Matiase ethi isu alisebenzeki, mhlonishwa, ukuze uKhongolose uthi asibuyele kwizigaba ezinhlanu zokungenisa uhlelo, ubuqinisile. Yingoba uma u-ANC ehlala phansi ecubungula i-National Development Plan ebuka i-Medium-Term Strategic Framework, MTSF, outcomes sibonile singuKhongolose ukuthi yebo iyasho i-outcome ukuthi ...

English:

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... let's say outcome 3, people of South Africa ...
[Inaudible.] must feel free but ...

IsiZulu:

... ayikho into eshoyo ukuthi kuzokwenzeka kanjani, kuzokwenzeka kuphi, sizobona kanjani thina malungu aNdlu ukuthi silandelele ukuthi, uthe uNgqongqoshe Wemfundo Eyisisekelo uzokwakha izikole ngoba ufuna ukuthi afeze u- ezemfundo ngendlela ehloswe yi-NDP kodwa kufuneka sazi ngokwendawo ukuthi uzozakha kuphi lezi zikole, lithini inani labantu kule ndawo azokwakha khona, wobani abazohlomula. Yingakho-ke u-ANC ebonile ukuthi kufanele ashintshe indlela enza ngayo, indlela owuzoqapha ngayo nendlela esizoyihlola ngakhona le-NDP.

Ngaphandle kwalokho bekuzoba yilento eshiwo yilaba abangasokunxele kodwa-ke singabasoli futhi singuKhongolose ngoba phela thina singuKhongolose siyahola. Uma sihola kufuneka sikuthathe konke noma yikuphi ukuze nabo babonakale ukuthi bakhulumile. Mhlonishwa Sihlalo weNdlu ngibonga kakhulu, ngithi, singuKhongolose siyabonga kakhulu nalokhu okushiwo yi-opposition besikulibele. [Ihlombe.]

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THE CHIEF WHIP OF THE OPPOSITION (Mr J H Steenhuisen): I've been asked to read my speech from earlier again but I won't do a second reading of it. Madam House Chair, before the clock ticks over at midnight tonight, our crime statistics show us that 56 of our citizens will have been murdered and 109 of our women will have been raped.

Bye bye enjoy the afternoon. She doesn't like to hear the truth you see, she's done a runner.

But crime statistics show us one thing, that South Africa is a dangerous place and our citizens are preyed upon daily by violent criminals. Communities are afraid, but the statistics also show us that we are not winning the war against the crime. Sexual assault in the last year increased by 8.2%, cash in transit heists by 56%, stock theft by 7.2% but it's very easy when we talk about figures and percentages to lose sight of the human face of these numbers. Families ripped apart by tragedy, livelihoods lost and children hurt. That is why the victims of crime survey released in October this year revealed that a full third of South Africans are afraid to use open spaces in their communities due to fear of crime. More

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concerning is that only a quarter of our citizens believe that the SAPS would respond less than 30 minutes to an emergency. One in ten respondents believed that the SAPS would not respond at all.

When the government can't protect its own citizens, what it should not be doing is seeking to disarm citizens from being able to exercise self defence. This proposal that we see doing rounds to limit firearm ownership with self defence is a complete disgrace in the phase of the national crisis we face in dealing with crime. Now National Development Plan (NDP) contains some excellent proposals and plans on how to turn the tithe around crime and take the fight to criminals in our communities. From recruitment, to training, to the creation of national policing board, the introduction of ethical conduct and professionalism.

It is a shame that this document has been sitting around since 2012 and almost six years later so little of those recommendations have been implemented. The ANC have become complaisant and focus only on enriching themselves and it is little wonder that this government does not take this crime

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seriously because this year, this government will spend almost 3 billion of tax payer's money on VIP protection services.

It is very easy to turn a blind eye to the plight of communities who are being preyed upon by victims of crime when you're driven around in an armoured X5 BMW and you and your family are kept safe while the rest of our citizens are vulnerable. So, this next election is chance to choose between a party that has no plan to fix crime, the plan that they did have has sat on a shelf gathering dust for the last six years or a party with a plan to completely overhaul the SAPS to fight corruption hiring people with a passion for policing and retraining police officers to make the police force honest, professional and one that actually protects South Africans from criminals.

We will fight corruption monopolies, we will retain excellent police officers and I think that it is quite ironic that all the solutions that the hon Matlase has put before us have actually been tried before. It's called Venezuela and nearly 3 million people have voted with their feet because the misery

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and suffering that those policies have visited on them. I thank you.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS RESPONSIBLE FOR PROVINCIAL AND LOCAL GOVERNMENT:

Chairperson, hon members, we express our appreciation to those speakers who enriched this debate with thoughtful and constructive, albeit critical interventions. They spoke in the spirit of working together to build a social compact between government, labour, business and civil society, to implement our National Development Plan, NDP.

Others, including some who know better, chose to remind us of George Meredith's saying that: "Speech is the small change of silence." And while they were at it, they forced us to recall Umberto Eco's words that: "For every complex problem there's a simple solution, and it's wrong."

Our national challenges are poverty, unemployment and inequality, combined with crime and corruption, including gangsterism, drug dealing and gender-based violence. The root causes of these problems are complex and difficult.

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It is the ANC that has, for 106 years, been the home of South Africans who love their country, who want to unite as many people as possible to work together to solve these difficult and complex problems, and to create a better life for all in a united, nonracial, nonsexist, democratic and prosperous country. Running like a golden thread through this history is the ability of the ANC to unite people, to lead with vision and to develop plans to realise this vision. [Interjections.]

We think back to 1943 and the development of the Africans' Claims document that pre-empted the adoption of the UN's Universal Declaration of Human Rights that was only adopted in 1948.

We think of 1949 and the adoption of the ANC Youth League's programme of action.

We think of 1955 and the development of the Freedom Charter, which constitutes in many ways the basis of our constitutional democracy.

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We think of 1969 and the development of a set of strategy and tactics that guided our struggle for democracy and the defeat of apartheid.

We think of 1989 and the adoption of the Harare Declaration that set out the principles and outlined the process that led to negotiations that have brought us here today.

We think of 1991 and the adoption of the ANC's constitutional principles that in many ways informed the Constitution that we have today.

We think of 1992 and the Ready to Govern document that constituted the basis for the 1994 ... [Applause.] ... Reconstruction and Development programme.

The ANC says what it means and it means what it says.

[Interjections.] All of these plans were debated, often hotly, while they were being implemented and the NDP is part of this long and proud tradition of implementing while we debate.

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We challenge anyone to show us which of these plans have not been implemented or are not currently being implemented.

[Interjections.] Yes, there have been obstacles and setbacks, both objective and subjective. But the ANC lives by Cabral's injunction: "Tell no lies, claim no easy victories."

[Applause.]

Throughout its history, the ANC has engaged in self-criticism, and has corrected and renewed itself, no matter how painful it might be. It was the ANC that was at the forefront of demanding a commission of inquiry into state capture. It has encouraged its members to testify. Today it is testifying as an organisation, led by its national chairperson.

The NDP recognises the interlinked realities of persistent colonial and apartheid spatial patterns and very rapid urbanisation. Already 66% of South Africans live in urban areas and by 2050 this is expected to reach 80%. It recognises that there are powerful interests concerned with maintaining the spatial status quo.

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It commits that by 2030, South Africa should observe meaningful and measurable progress in reviving rural areas and create more functionally integrated, balanced and vibrant urban settlements. For this to happen, the NDP says we must do three things:

Firstly, we must clarify and relentlessly pursue a national vision for spatial development;

Secondly, we must sharpen the instruments for achieving this vision; and

Thirdly, we must build the required capabilities in the state and amongst citizens.

The NDP sets out five overarching principles to which all spatial development should conform: firstly, spatial justice; secondly, spatial sustainability; thirdly, spatial resilience; fourthly, spatial quality; and fifthly, spatial efficiency.

These are the principles that inform South Africa's Integrated Urban Development Framework, IUDF, which was adopted by

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Cabinet on 26 April 2016. The IUDF marks a new deal for South African cities and towns, steering urban growth towards a sustainable model of compact, connected and co-ordinated cities and towns.

It recognises that the country has different types of cities and towns with different roles and requirements, and that the IUDF must be implemented in locally relevant ways.

The IUDF's premise is that jobs, housing and transport should be used to promote urban restructuring as outlined in the NDP. The objective is to transform urban spaces by: reducing travel costs and distances; preventing further development of housing in marginal spaces; increasing urban densities to reduce sprawl; improving public transport and the co-ordination between transport modes; and shifting jobs and investment towards dense peripheral townships.

Recently, President Ramaphosa addressed Parliament on the need to strengthen security of tenure, the release of well-located urban land and, where necessary, to expropriate land to promote spatial transformation.

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The IUDF has three cross-cutting priorities: firstly, to strengthen urban-rural linkages; secondly, to promote urban resilience; and thirdly, to create safe urban spaces.

Therefore, we welcome the deployment of antigang units in Cape Town. [Applause.]

Responding to a call by President Ramaphosa, the SA Urban Conference, held on 30 to 31 October, brought together all three spheres of government, business, labour, civil society, traditional leaders and research institutions, to activate an all of society approach to implementing our national urban agenda. It was agreed to establish a national urban forum and to work towards an urban summit, which will complement the jobs and investment summits.

Managing urbanisation and transforming apartheid and colonial spatial patterns requires capable developmental local government. Government is supporting and intervening in dysfunctional municipalities through the back to basics programme and the deployment of district support teams in line with the NDP.

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These matters are not just technical. They are in fact highly political because on 6 November the *Cape Times* carried the following headline: "City slammed for apartheid spatial planning: activists outraged by exclusive development."

[Interjections.] The article reads:

Activists advocating for affordable housing in the CBD say the city has once again missed an opportunity to address apartheid spatial planning after it dismissed an application for inclusive housing at the old Christiaan Barnard building.

One of the activists, Jared Rossouw said:

We can only imagine that councillors do not want to disrupt the business-as-usual approach which has become entrenched where developers secure extra rights to build bigger and higher, earning massive windfalls for their shareholders. We are simply asking the city to comply with the law and do everything in its powers to ensure that we build an inclusive city for generations to come, rather than a playground for the rich.

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These matters seem to lie at the heart of the political instability besetting the Cape Town Metro, as the resignation of former Mayor Patricia de Lille and nine other members of the DA shows.

Earlier in the year, Natasha Marrian wrote in *Business Day* on 9 May 2018 that De Lille:

claims that her woes began in 2014 when she presented a document on transforming the spatial landscape of the City of Cape Town. She says her agenda would have done away with apartheid spatial planning in the city and would have begun to develop it as a truly inclusive place to live.

[Interjections.]

Marrian argues that:

The facts show there is a real pushback against a truly transformative agenda in the DA, and the woke South African electorate can see right through it.

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[Applause.]

It is this electorate that will be voting next year. We echo the calls for peaceful, free and fair elections made by religious leaders during the 2018 National Day of Prayer for All South Africans this past Sunday at First National Bank, FNB.

We call upon all South Africans, especially young South Africans, to be part of the new era of hope and renewal, to work together to grow the economy, create jobs, fight crime and reduce poverty by registering to vote.

Register now at the local Independent Electoral Commission, IEC, office responsible for your voting district or register at your voting station on the final registration weekend on 26 and 27 January 2019.

We call upon all of government, labour, business, civil society, and traditional and religious leaders to encourage and to assist citizens to register to vote. Register to vote, and vote ANC. I thank you. [Applause.]

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Mr M J MASWANGANYI: Chairperson, the ANC has a record of success. With regard to Mid Term Strategic Framework, MTSF, mid-term review 2014-17, Basic Education system is on an upward trend. Enrolment in Post-School Education and Training has increased. Improvement in health status reduces under-five mortality. Total employment continues to grow from 13,8 million in 2009 to 16,1 million in 2017.

Black industrialist system supported 31 black industrialists who plan to invest the total of R3 billion projected to create 4 416 jobs. Industrial Development Corporation, IDC, approved R2,5 billion for youth enterprises since the signing of the Youth Employment Accord and 6 381 jobs have been created.

National Youth Development Agency, NYDA, has approved 2 694 applications for funding. Small Enterprise Finance Agency - over R898 million disbursed for Sefa youth own enterprises since the signing of the Youth Employment Accord to 44 140 SMEs.

National Empowerment Fund - over R159 million dispersed for Nef youth funded business since 2013 and more than one third

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of the infrastructure projects monitored by the Presidential Infrastructure Coordinating Commission have young people accounting for more than 50% of the labour force.

On Higher Education, hon Carter, the production of university graduates in engineering, health, natural and physical science and teacher education increased from 144 810 in 2009 to 185 373 in 2014 and 203 76 in 2016. A cumulative 11 745 PhDs students were awarded bursaries through the Department of Science and Technology from 2013 to 2017. More Africans than whites graduated in 2016, 824 302 and 38 737 respectively. [Applause.] More females than males graduated, 824 302 and 78 764 in 2016.

Hon Alberts, with regard to land reform, it's just unfortunate that most things changed, you remain the same. By 2013, 7 392 116 hectares of land had been transferred to blacks through restitution and redistribution. Expropriation of land will continue whether you sponsor AfriForum to take us to court. But we will come back here in this Parliament and change the Constitution to expropriate land without compensation. [Applause.]

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Ekurhuleni Metro has been proclaimed as the best performing metro in the country according to the Region Observatory's 5th Quality of Life Survey 2017-18. [Applause.]

In Tshwane - that metro is collapsing because it is appointing people with Adult Basic Education and Training, Abet, to be in managerial positions. [Applause.] We can't as government glorify Abet people to be managers. I think hon Deputy Minister Nel has spoken about the spatial rational in the Western Cape, which apartheid is still intact and condemns the majority of black people to be born and bread in areas determined for them by the racist Group Areas Act. Your premier still regards Africans staying in this province as refugees.

The ANC remains the only realistic formation that can unite across section of all our people and in gender real change. The ANC has since the inception of democracy continued to be victorious in all the polls and we continue to win all the by-elections. [Applause.] The struggle continues and victory is certain. Africa "ke nako" [Now is the time.], vote ANC. I thank you. [Applause.]

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Debate concluded.

The House adjourned at 20:00.

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