

THURSDAY, 17 NOVEMBER 2016

PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:04.

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

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

**STATEMENT BY THE MINISTER ON PAYMENT OF SERVICE PROVIDERS BY
GOVERNMENT WITHIN 30 DAYS**

The MINISTER IN THE PRESIDENCY: PLANNING, MONITORING AND
EVALUATION: Hon Speaker, Cabinet colleagues, hon members, ladies
and gentlemen and fellow South Africans, it is important to
reflect on the question, "Why is it so important to pay service
providers on time and within 30 days of a valid invoice?"

In this regard, it should be noted that is this government's
stated intent and policy to encourage and support all business

growth and development, as a general rule. But we are, in particular, shining the brightest light on the challenges being faced with the small business sector and its growth and development in instances where this horrendous practice of not paying invoices on time evidently prevails.

We have come to discover that many of the small businesses that we wished to advance were actually being placed in financial distress, grave jeopardy and prolonged hardship by the late payments for goods and services, especially by government. It was for this reason that we recalibrated our focus and launched a deliberate strategy to turn this around. We pronounced that as well as being unethical, the practice of paying later than the agreed terms on a tax invoice is wrong for sound economic reasons. It weakens small businesses, particularly because payment is its lifeblood - it lives from day to day, quite literally. Late payments damages supply sources in the value chain and strains relationships with suppliers. Late payments weaken the economy and this impact on growth opportunities.

All our collective efforts, given the economic headwinds that we see and as articulated correctly by Minister Gordhan in the Medium-Term Budget Policy Statement address, must be about easing the costs of doing business in South Africa. So, again,

why is this 'payment on time' so important? According to the National Development Plan's 2030 Vision, South Africa needs to create 11 million jobs by 2030 to achieve our growth target.

This will not be possible if we do not aggressively support the growth and development of the small business sector. Our government is fully aware of this challenge and it was for this reason that the Department of Small Business Development was established. It is therefore very important, precisely because of the central and catalytic role a thriving small business sector plays in the achievement of the NDP goals - which I submit, cannot be overemphasised.

For instance, and it is quite staggering, 47% of South Africa's workforce is employed by the small business sector - that is about 7,3 million South Africans. This sector also contributes 42% to our country's GDP. Indeed, many strong economies were built on the back of a strong small business sector.

Cabinet approved the establishment of a special unit in the Department of Planning, Monitoring and Evaluation to tackle this problem of nonpayment of suppliers within the stipulated 30-day period.

The following will show some of the latest progress on payment or nonpayment of invoices by national and provincial departments as monitored by unit. There are, of course, significant measures and interventions that will show that at national departmental level, as at September 2016, the number of invoices paid after 30 days were 14 889 to the value of R201 million. This figure is high compared to September 2015, where 13 402 invoices to the value of R214 million were paid after 30 days.

However, a closer analysis of the quarter's performance indicates that out of 40 national departments, 31 have demonstrated an improvement pattern in the payment of invoices, with 11 of those having maintained a clean record of zero invoices throughout the quarter - thus fully complying with the 30 days payment rule. Such departments are the Department of Trade and Industry - to mention but a few, Minister Davies. This further indicates that it is fewer departments at the national level that have a challenge of timeous payment of invoices.

Members, our biggest challenge lies with invoices older than 30 days that are not being paid, which remains a serious concern to government. At provincial departmental level, as at September 2016, the total number of invoices paid after 30 days was 23 511 to the staggering value of R2,2 billion.

Overall, provincial government departments remain with the highest number of invoices and the rand value as compared to national departments - as I have said, is very concerning. This is to a large measure due to the fact that the implementation of government programmes largely takes place at this sphere of government.

Generally, this special unit has to date facilitated a total amount of R207 million that has been paid to various service providers. This is quite remarkable as this has received a lot of gratitude from various service providers. Can you permit me to read some of the testimonies that had been indicated by the small business sector. Ms Tshego Motaung, who represents Babereki Consulting Engineers had this to say, "We really appreciate what your leg of government has done for us. We are at loss for words to tell you how thankful we are". Ofentse Ribane from Elt-Pro Transcriptions said, "We are very grateful for the great service that you have done us." And lastly, Simthembile Bantubani from Mayibuye Africa had this to say:

On behalf of my company I would like to take this opportunity to thank the department for resolving this matter. I wish and hope that there has been a lesson learnt by the municipality

with regards to the matter and that no small business should suffer the same fate we did as other small businesses cannot last for this long without payments.

This is evidence and a living demonstration of government's commitment and resolve to addressing the plight of small business and whilst these are encouraging developments, we are cognizant that others are still depressing. We remain so committed because small business matters to government. We have established that at the core of nonpayment of invoices there are typically systematic challenges of nonadherence to supply chain processes, poor financial management, contractual disagreement, a lack of urgency in the public sector and a lack of consequences for bad practices. We are looking at ways to remedy this malady.

Cabinet has recently recommended that executive authorities of departments in transgression should take firm action against their heads of departments who fall prey to this incident. We have also been documenting good practices from various government departments that are doing well to share with the rest of government how they do it. Some pockets of excellence that were identified through our monitoring programmes include instances where some departments are paying suppliers within

four days. These good practices have been shared with other government departments to encourage them to do the same. To this end, a walk-in centre has been established at the National Treasury offices to attend to suppliers queries. A number of measures that have already been implemented by the Office of the Chief Procurement Officer, such as the Central Supplier Database, will go a long way in eradicating blockages in the payment processes by various government departments.

I want to once more reiterate the critical role of small business in the development of the South African economy and to assure you that we will be exploring other ways in which the current efforts can be strengthened and further developed. I would like also to request Members of Parliament for their co-operation as we work towards the attainment of the goals of a prosperous nation as enshrined in our Constitution and the National Development Plan.

In conclusion, our message today is that at the apex of government, we have agreed to take a much harder line on government departments that do not adhere to the payment of suppliers on time after receipt of a legitimate invoice. The promise is to get those billions of rands in outstanding invoices settled and to get state departments to pay suppliers

within 30 days as the law demands. No less, no more! We will not relent on this firm determination.

Despite regular warnings to officials that failure to pay bills constitutes financial misconduct; we are now looking at charging all those officials who are at the wrong side of these misdemeanours. This impunity has to stop and there simply has to be consequences where the policy prescripts are wantonly disregarded.

Together, we must move South Africa forward to build a strong small business sector. I thank you. [Applause.]

Mr S C MOTAU: Speaker and hon Minister, I believe we are going to find some common course today. Hon members, South Africa is in the stranglehold of a relentless jobs drought. This House and the rest of the country are impacted by this national crisis and we should do all in our power to ensure that the economy retains the jobs we have. But, we should also make sure that we encourage and not frustrate the creation of millions of new jobs, as the National Development Plan, NDP, demands.

The NDP envisages the creation of 11 million new jobs by 2030. We are already five years behind since the target was set and,

disappointingly, currently, we have nearly 9 million job seekers in the country. This number, hon members, excludes the jobless who have given up looking for work. Minister, we are in tandem here.

The DA thus welcomes the establishment of the special unit in the Department of Planning, Monitoring and Evaluation, DPME, to assist service providers whose invoices have not been paid by government. The Department of Planning, Monitoring and Evaluation's 30 days payment unit was established only in April 2015 and works in collaboration with the Department of Public Service and Administration and National Treasury. The DA notes that the unit has already made some progress. Since its inception, an amount of R177 million had been paid to various service providers through the intervention of the unit. This is good.

However, despite the injunction by the relevant section of the Public Finance Management Act, a Treasury Regulation Instruction Note, and a number of Cabinet directives, many small, medium and micro enterprises, SMMEs, and bigger businesses continue to fall victim to nonpayment by various departments within the prescribed period. Minister, I am glad that you have referred this as a horrendous practice because that's exactly what it is.

It is a horrendous practice. For instance, on 14 September 2016, the Department of Planning, Monitoring and Evaluation reported to the Portfolio Committee on Public Service and Administration as well as Planning, Monitoring and Evaluation regarding legitimate invoices older than 30 days and not paid during April to June 2016 as follows: Out of the 40 government departments assessed, 33 had shown some improvement in the eradication of invoices that were older than 30 days and not paid. Notably, 26 of the 33 departments were compliant as they did not have invoices older than 30 days and not paid.

Disappointingly, however, seven departments had shown a downward trend, among them the Departments of Public Works with 10 757 invoices older than 30 days and not paid; Justice and Constitutional Development, 1 088, Home Affairs, 375, the Presidency, 331 and Water and Sanitation with 151 outstanding invoices. The average number of invoices older than 30 days and not paid for the period April to June 2016 was 11 844, a regression of 7 544 invoices compared to the average number of invoices of 4 300 that were paid after 30 days during the same period in 2015. As at June 2016, national departments had 12 870 invoices to the value of R62 million older than 30 days and not paid.

With regard to provincial departments, the average rand value of invoices older than 30 days and not paid during that period was R3,5 billion, compared to the average of R2,9 billion for the corresponding period in 2015 - this was a deterioration of R600 million. As at June 2016, provincial departments had 39 833 invoices to the value of R3,3 billion older than 30 days and not paid.

The worst transgressor among the provinces with regard to invoices older than 30 days and not paid was Gauteng. I agree Minister, indeed it is true that the provinces have problems. The province owed suppliers R2,2 billion of the R3,3 billion invoices owed by provincial governments as at June 2016. The major noncompliers with regard to nonpayment of invoices were the provincial departments of Health and Education. Hon members, this is where the rubber hits the road - Health and Education. This cannot be - listen to this, both departments during April to June 2016 contributed 91%, 90% and 90% respectively, to the transgressions in relation to the late payment of invoices. Hon Minister, how can this be allowed to happen and be allowed to continue? This is where service delivery failures hurt the most vulnerable people in this country.

Lest we forget, I am glad the Minister referred to this. Here are some of the consequences of government not paying suppliers on time: The cash flow position of small businesses is severely compromised; suppliers are forced to borrow money at loan shark interest rates to meet contractual obligations; distressing retrenchments and forced closures ensue and service delivery is frustrated by severe constraints. We agree on that Minister.

The 30 Day Payment Special Unit identified the following root causes and I am sure the Minister has also touched on these ones: nonadherence to supply chain management - why should people not adhere to this; lack of documentation due to nonadherence to standard operating procedures; poor financial management and bad culture in the public service. Here I want to pause because the department recognised the situation and they described it as serious - this bad culture they are talking about.

The South African public sector is increasingly being characterised by a very bad culture that has permeated every sphere of government. Officials don't seem to understand the notion of 'public service', thinking that the public is beholden to them. I think that is familiar with most of us here.

Hon Minister, this is a very serious indictment and needs urgent corrective action. You have referred to some of the things that I believe will be done here. Members of the committee were also deeply concerned to learn that some aggrieved suppliers were afraid to complain to the unit for fear of victimisation through threats and blackmail by delinquent departments. Minister, make a note of that. They were also concerned that whistle blowers were unprotected and vulnerable. The Department of Planning, Monitoring and Evaluation needs to address this shortcoming urgently.

Failure by government and provincial departments to pay service providers within 30 days remains a festering sore in the economy of the country, particularly among small and medium-sized enterprises. Hon Minister, the DA is aware that the department is constrained about corrective action that it can take to redress the situation since it does not have enforcement powers. However, we were encouraged to hear - and you referred to it, Minister - during the presentation that failure to pay suppliers within 30 days without good cause is regarded as "serious misconduct" that could attract consequences. Let it be so. Some heads may have to roll to get the important message across. These failures are very costly to the economy of the country. They must be eliminated. I am glad to hear, Minister, that you

will be taking a hard-line. Let us take that hard-line. We have to make sure that these people understand they have a job to do. This is in the interest of the country and not in the interest of [Inaudible.] so that they cannot fail and continue to fail. Thank you.

Mr M M DLAMINI: Speaker, here we're dealing the straightforward matter of incompetence and disregard for regulations and legislations. We're dealing with a government that is incapable of managing its own affairs because it does not have internal capacity.

This failure to implement Section 31 of Public Finance Management Act, PFMA, confirms that the ANC government is the biggest enemy of black business development in this country.

Small businesses in this country contribute about 47% of employment and contribute about 42% to the Gross Domestic Product, GDP.

Black businesses are operating under extreme difficult conditions, with commercial banks and including Development Finance Institutions, DFI, are refusing to give them credit facilities citing that they are high risk because they're

servicing the state. Even when they raise personal funding to implement services, the state doesn't pay them in time as per Treasury regulation, Section 8, which clearly stipulates that invoices must be paid within 30 days from the date of invoice. Minister it can't be correct that you come and mislead Parliament.

Just yesterday, the Auditor-General said we're wasting R30 billion because basic processes are not followed and regulations are ignored.

Let's look at your biggest culprits when it comes to this non-payment within 30 days. Department of Defence, 73 000 invoices were not paid in 2014 within 30 days, in 2015 they have moved to 100 000. Department of Transport, 1 000 invoices were not paid in 30 days in 2014, in 2015 they have moved to 7 000. Department of Public Works, 18 000 invoices were not paid within 30 days in 2014, in 2015 they moved to 25 000. Over R200 million worth of invoices were not paid in 30 days.

The incompetence of this government has led to over 300 000 black businesses closing down and getting liquidated over the last three years. It has led to almost 146 000 job losses over the last three years.

Some officials deliberately refuse to pay suppliers, forcing them to pay bribes in order for them to release their payments.

Unless the government build internal capacity, the problem of unpaid suppliers will remain with us for a very long time. The government must build internal capacity to process payments on time.

The government must have responsive mechanisms to address the disputes on time. What is evident here is that we're dealing with a useless government; and a failure to do a simple thing like making a payment is just a tip of an iceberg.

The ANC government must just be removed from power because it's useless. Thank you.

Mr M HLENGWA: I would just like to narrate a story: I think it was last year hon Minister and salaries of MPs weren't paid on time that day, apparently a glitch was reported and you could have seen the tension which was about the House that day. Can you imagine, then, the stress that small businesses have to go through? [Interjection.] No, it's one of them; I'm narrating the difficulty that if you don't pay you cause problems. I'm

agreeing, so the members must calm down and not try to intimidate me.

That's how serious it is. Let's reflect this on how it affects you and then look at the damage which it does to small businesses. Minister, we welcome your statement today and the commitment that you have made and hope that they will be seen through because it is important that small businesses are defended, but most importantly, that they're given their money on time so that they can continue to grow, provide employment and push back the frontiers of poverty. We cannot have a situation whereby small businesses are the brutal brunt of incompetence by certain departments of government.

A failure to pay on time is a financial misconduct and it should not be accepted. Maybe, good and well for us to come here and complain but in the absence of consequences those complaints are like a flickering candle in the wind.

We must enforce the PFMA as it prescribes in Clause 38(f) that it is an offence not to pay. An accounting officer is guilty of this offence and liable on a conviction to a fine or imprisonment for a period not exceeding 5 years if that

accounting officer wilfully in a gross negligent way fails to comply with the provisions of Clause 38 of the PFMA.

We need to walk the talk. We need to implement the laws that this House has passed because to pass laws on one hand and not implement them in the other makes this house nothing more than a vacation for members when they're here to implement.

Hon Speaker, at the end of June 2016 these departments owed almost R340 million in unpaid invoices: Department of Defence had 10 719 invoices not paid; Public Works 1 601; Home Affairs 963; Water and Sanitation 784; Rural Development and Land Reform 667; the Independent Police Investigative Directorate, IPID, 606.

If we come here, hon Speaker, to celebrate having achieved targets of the annual performance plan and service delivery but having left behind a trail of unpaid invoices is like borrowing from Peter to pay Paul and it cannot be acceptable.

In a finer analysis, it rests on this House and portfolio committees to ensure that departments are doing what they're supposed to do. We need to hold them to account. It can't be something done at the end of the year.

What is happening here in Parliament needs to have a positive impact on the lives of the people. Let us do our jobs and ensure that these invoices are paid and let us punish those that need to be punished. If somebody must walk the plank then it must happen because if we don't examples people will continue dereliction of duties and earning their salaries on time and punishing small businesses when they don't pay. I thank you.

Prof N M KHUBISA: The problem of failing to pay within 30 days cuts across all departments. Just recently, there was a story that happened in the North West where a service provider supplied water for almost years but had not been paid and the matter ended up in court. The municipality had to pay the service provider and the legal costs; and that shows the ailing attitude that is happening within the government. This is law and it must be done to the letter.

It is imperative that supply management and procurement regulations are adhered to when government enters into contracts with service providers. Scrupulous adherence to these regulations is essential to combat corruption which is unfortunately rife in government today and any transgression must be addressed immediately. There is no such thing as a small or big transgression, any transgression effects negatively on

government and in the case of late payment it also has a negative effect on suppliers.

Having emphasised the need to adhere to procurement regulations and related to, it has been a major tenet of the NFP policy since our inception that particular attention must be paid to promote local Small, Medium and Micro-sized Enterprises, SMMEs. We believe that, where possible, priority must be given to local SMMEs when it comes government business in all three spheres of government.

If we truly want to empower our SMMEs who supply goods and services to government, it is of utmost importance that government should make payments within 30 days as required. Many of the companies and entrepreneurs doing business with government are emerging - they're just starting their business - hence they need support inasmuch as they need mentorship, training and coaching.

Paying SMMEs promptly is one way in which they can be supported. It defeats the objective to train SMMEs and entrepreneurs in accounting and teaching them the value of budgeting when government delays payments and setting up such SMMEs for financial failure through no fault of their own.

These very SMMEs have to submit tax returns and pay tax. They're at the mercy of the middlemen in sourcing materials and often have to pay upfront and in cash for these materials and hiring of equipment and tools because they're not financially stable and self-sufficient enough yet to invest in capital expenditure.

Above all, there are often political wrangles and internal strife that hamper on the progress of SMMEs. They're relied upon to create jobs and pay employees, and expected to contribute to the economy of our country. Moreover, many households rely on SMMEs for an income, a bastion against poverty and hunger.

People must survive, they must live and let live. This, however, is not possible if they do not get paid on time as it is their inalienable right.

Considering the many challenges that our SMMEs face to survive financially and their importance as drivers of job creation and economic growth, the National Freedom Party calls on government departments in all spheres of government to ensure that payments are made to service providers in accordance with the regulations. It is the law, and it is the right thing to do and it must be done. Thank you.

Mr M L W FILTANE: Sweet are the sayings of the Minister in the Presidency: Planning, Monitoring and Evaluation, but sour is the reality that thousands of Small, Medium and Micro Enterprises, SMMEs suffer late payments. I personally experienced a delay of over four years in payments in this current administration until I threatened legal action, then I got my payment within a week. And that is the reality for so many SMMEs.

The Auditor-General, AG, of South Africa, in his 2015-16 report released 24 hours ago, found that some departments and public entities are either concerning or requiring interventions with regard to their financial health. He also found signs of poor financial management, increasing occurrences of deficits, departments funding cash shortfall from the following year's budget, poor revenue management and the inability to pay creditors within the required 30 days.

This is not the first time that government departments and entities were rebuked by the AG for failing to comply with the 30 days to pay policy. Payment of creditors within 30 days is not only a matter of compliance, but also government mechanism for job creation and economic growth. Therefore, failure to implement this policy is a direct defiance of a government

directive. It is an attack on the poor citizens who are trying their best to make ends meet.

Surely, such conduct must invite harsh punishment. It must be so, because in some instances it is not about internal capacity or failure of service providers to submit relevant documents, but more to do with officials trying to extort money from the small business owners through kickbacks.

We therefore suggest that failure to pay creditors within 30 days be included in the Code of Conduct for Public Servants as an act of misconduct. As part of the remedial actions, once a creditor is not paid within 30 days, we suggest that they issue a revised invoice with interest added and calculated on a daily bases covering all undue, none and underpayment.

Then government should recoup that interest from the employee who failed to implement government policy. Once you do that Minister, then they will feel the pinch and then comply. This cancer is fatal to the small and medium-sized businesses. It drives the poor to perpetual poverty, unemployment and inequality and it perpetuates corruption.

In Zwelitsha, in the Eastern Cape, one person who supplied the department in May 2014 has still not gotten their money. That is over a thousand days of painful waiting. He is still struggling and it is just not acceptable. Government officials must be warned to stop victimising creditors who complain about their nonpayments by refusing to give them further contracts. This too is an act of misconduct and it should be punishable. We leave it to you whilst you are still in power to rectify this; otherwise the Department of Small Businesses is being crushed by other departments such that those people will forever remain emerging businesses and they will never grow into businesses. I thank you.

Rev K R J MESHOE: Hon Speaker, most of us in this House have heard heartbreaking stories about small businesses that have shut down because of government department's failure to pay them within the stipulated 30 days. However the figures that the hon Radebe shared with us this afternoon are encouraging, particularly to note that change is taking place and that there are some departments that are able to pay suppliers within four days. I think government has to do everything within its power to ensure that the remaining departments that are failing to do as expected are heavily penalised because if others can do it

within four days, then they should also be able to do it within four days.

Now to tell some of the heartbreaking stories of what is happening in some departments and in some municipalities; there are reports of municipalities that pays service providers months after service has been rendered. And in some cases, only after physical threats have been made. Some service providers speak of victimisation after attempts to solicit the payment that was due to them.

Furthermore, there are reports of municipalities that reject invoices from service providers months after receiving them, giving those service providers no time to make corrections. There is, hon Minister, no justification for such delays because if others can do it within four days - and I repeat - they also can be able to do it. Otherwise they must be retrained or replaced.

Madam Speaker, during the meetings conducted by the Public Service Commission, it was alleged that some of the reasons for late payment advanced by departments included capacity constraints and that hampered the department's ability to pay service providers on time. They also claimed that fraud and

corruption resulted in late or nonpayment to service providers and a situation where some service providers received preferential treatment.

Service providers also gave input and noted, among other things, that: Invoices, some of them less than a R1 000,00, take more than 30 days before they are paid. Departments did not always issue written purchase orders and sometimes made last minute changes to specifications without issuing a new purchase order to the providers.

Payment was delayed where the power to approve the transaction was not delegated to other officials because one man wants to do everything alone and if he is absent nothing is done.

Furthermore, they asserted that fraud and corruption remains an obstacle to ensuring that service providers are paid timeously, and that often they have no option, but to sue government for their monies.

Minister, we are hoping that the improvements you mentioned in your reports would be seen in all the departments, in the provinces and in the local municipalities. Thank you.

Mr M L D NTOMBELA: Hon Speaker, hon Ministers, hon members, comrades and friends, ladies and gentlemen. The resolution taken by the 52nd National Conference of the ANC continues to define our perspective on economic transformation. Among others, the pillars of the Polokwane resolutions are as follows: Creating decent work as primary objectives of our economic policy thus creating microeconomic policy that supports growth, job creation and poverty eradication on a sustainable basis. It is such pillars which have seen to the adoption of the National Development Plan, NDP, a living and dynamic document supported by the overwhelming majority of our people.

It is within this context that the policy of the payment of invoices within the 30 days period was crafted, to find expression in our quest as the ANC-led government to address the challenges faced, especially by the small and medium enterprises. Logic will dictate that history should have taught us that failure to comply with this policy of 30 days payment is killing small businesses on whom the unemployment rely to put bread on their tables. It should also be noted with concern that noncompliance with this policy has a devastating impact on service delivery. So the insistence of the Department of Monitoring and Evaluation in the Presidency and the oversight of the Portfolio Committee on Monitoring and Evaluation on the

implementation of this policy is commendable. On the 21st of February 2013 His Excellency, President Jacob Zuma, during the state of the nation address, made a passionate plea to the government departments to ensure that this policy is implemented and it does happen. This initiative was enthusiastically embraced by South Africa's small and medium enterprise sector, the sector which the ANC-led government considers to be the strategic partner in growing the economy of this country.

To quote the words of the hon Minister Lindiwe Zulu during the launch of the Start-up Nations South Africa, I quote, she said:

We see small businesses and co-operatives as critical to creating an economy that benefits all. It is through this intervention that we will be able to defeat the triple challenges of poverty, unemployment and inequality. It is this partnership that holds the key to unlock our economic potential, thus affording us a golden opportunity to launch a sustained onslaught on poverty, unemployment and inequality.

It is in this context that implementation of this policy is viewed as a lifeline to the growth of our economy. I will in this regard not mention the evidence of statistics because the Minister ably alluded to that.

Ba nang le ditsebe ba utlwile, kapa ba a utlwa. [Those who have ears have heard, or can hear.]

To further demonstrate our government's commitment of addressing the plight of our people, the Portfolio Committee on Public Service and Administration as well as Planning Monitoring & Evaluation took interest in the matter and held public hearings on the 15th of August 2015. The intention of the public hearings was actually aimed at assessing the impact of failure to comply and also learn from other sectors best practices as well as finding lasting solutions to the problem at hand.

It is quite interesting to hear what these companies are saying. Some companies such as Emendo Incorporated and Accountability Now made very interesting inputs, the company Accountability Now suggested that the public servants responsible to the payments should make a pledge to promote and maintain the highest standard of professionalism and ethics in all they do in their official capacity. The proposed pledge seeks to promote objectives of the Constitution and is entirely made up of extracts from the Constitution, which I think is positive.

Seismology in Mining, SiM mining consultants suggested that payment of invoices within 30 days should be included as a Key Performance Area in the performance agreement of the relevant officials. Emendo went on to say, as a company that is committed to empowering black professionals, it also welcomes this initiative. One of the companies which attended this public hearing, known as Geography, mentioned a story that they experienced problems in 2013 that resulted in retrenchments, which is unacceptable since unemployment is amongst the top priorities of the ANC to address in fact. Geography had other business with government the following year and because of this policy initiative, the same company had a better experience and was treated better and is therefore now speaking positively of the ANC-led government and also maintains that there are service providers who were paid within eight to 21 days. But it is also refreshing that the Minister indicated that there are those that were paid in less than five days. That is quite commendable. This demonstrates that the realisation by the officials that they can up the bar in order to reach our goals is good and they have the administrative will to make this a success. However, their efforts to make this a success are hampered by the following:

- (1) The capacity constraints where not enough people are allocated to do the job.
- (2) Sub judice cases , where cases are pending and the department cannot intervene until the courts have resolved, or the
- (3) Reluctance of service provider to give information for fear of being victimised.
- (4) Measures to track progress which are inadequate and that also creates bottleneck and problems.
- (5) Fraud and corruption is always there and the payment of the so-called appeasement fees.

Well, I have never heard of this one, the appeasement fees but I suspect that it is associated with certain people here hon Matiase. It is the ANC's view that all officials in charge of processing invoices must respect this policy so as to assist small and informal businesses to grow and to create jobs. It has become obvious that any short comings may impact negatively on the sustainability of business. The remedial exercise that the ANC is passionate about is the skilling of public servants so that they can be able to carry out the objectives of the political dispensation. They should be trained and skilled to understand the model within which they function.

That is why we believe that the School of Government should be strengthened with the capacity required, to sit with the university and technicon and be able to come out with a curriculum that is going to assist in creating the public service cadre that we all envisage. As far as we are concerned as the ANC we believe that it's not utopia that the public servants should be able to speak one language on the issue of the 30 days payment. Since the ANC is a caring societal organisation. Hon Minister, we wish your department well in tracking this system of payment to assist businesses in general but more importantly the high affected small and medium enterprises. Your department has done more in this regard and we appreciate you unwavering collective effort. Today it is true that the South Africans who have benefitted are enjoying the fruits of this labour. We have since realised and indeed are a living testimony that those companies who have benefitted from this endeavour are speaking a positive language. I close with a quote by Zig Zigler, "You can have everything you want in life, if you just help enough other those get what they want" in life Together we move South Africa forward.

Ukwanda kwaliwa ngumthakathi. [Ihlombe.] [Unity is power.

[Applause.]

The MINISTER IN THE PRESIDENCY (Planning, Monitoring and Evaluation): Speaker, I would like to thank all the colleagues of this honourable House who spoke in this debate. I would also like to thank the leadership of the portfolio committee for overseeing the department as it implements its programme.

I just want to emphasise the point that, as government, we walk the talk, and in walking the talk, we want to appeal to the big business sector to do as we are doing and ensure that they themselves pay suppliers within 30 days.

Some members are saying that we are soft on corruption. Let me just tell you, yesterday Cabinet met to make an assessment on the programme of action for the past four months – from July to the end of October. As far as corruption is concerned, 58 officials have been convicted in the period under review, indicating our firm commitment to deal with this scourge.

Some members doubt our commitment to small business development. Over and above what is said by the creation of the Department of Small Business Development under Minister Lindiwe Zulu, we are also making an appraisal on the past few months. The Department of Small Business Development has supported 149 enterprises in the period from September to the end of October. In addition,

104 co-operatives were supported through the Co-operative Incentive Scheme.

All these interventions are aimed at unlocking the potential of SMMEs, co-operatives, township and rural enterprises.

In the Department of Agriculture, 172 new agricultural enterprises and 23 non-agricultural enterprises were supported through various initiatives over the past four months.

In addition, 337 existing SMMEs were identified and supported with training and market access.

On rural development, the department has transferred and allocated 51 188 hectares of land to smallholder producers, and 6 530 hectares were allocated to farm-dwellers and labour tenants.

This is a reflection of a government that is firmly committed to ensuring that small business development thrives in South Africa.

We therefore call upon Parliament to make sure that it exercises its political oversight to ensure that all suppliers are paid within the 30-day period.

With those words, I would like to say viva small business sector, viva!

HON MEMBERS: Viva! [Applause.]

Debate concluded.

The SPEAKER: The secretary will read the First and Second Orders together.

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

The SPEAKER: Yes, hon Steenhuisen?

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, I wish to raise a point of privilege in terms of Rule 184 of the Rules, if I may?

The SPEAKER: What is the point of privilege?

The CHIEF WHIP OF THE OPPOSITION: I raised it earlier in the week, asking that it be attended to after having written to the Chair of Chairs, and raising a point of order in the House with the Deputy Speaker. I am referring to the unilateral decision of the chairperson of the Portfolio Committee on Energy to close the meetings to members of the public. [Interjections.]

Now, I would really like you to follow up on the request that we had made in terms of the violation of both the Constitution and the Rules of Parliament relating to public access to the activities of this House. I would, in fact, like you to check whether the actions taken by the Minister – without reference to the committee – to close this meeting, are within the Rules of Parliament and within the bounds of the Constitution.

I would like you to look into this matter and report back to the House before the committee meets next week.

The SPEAKER: We will look into that.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON AGRICULTURE,
FORESTRY AND FISHERIES ON PLANT BREEDERS' RIGHTS BILL**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON AGRICULTURE,
FORESTRY AND FISHERIES ON PLANT IMPROVEMENT BILL**

There was no debate.

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

Motion agreed to.

Report on Plant Breeders' Rights Bill accordingly adopted.

Report on Plant Improvement Bill accordingly adopted.

The MINISTER OF ENERGY: Hon Speaker ...

The SPEAKER: Yes, hon member?

The MINISTER OF ENERGY: I would like to make a correction: The Minister did not call for a closed session of the committee.

The SPEAKER: Hon member, in fact, the hon Steenhuisen did originally refer to the chairperson of the portfolio committee.

But, by the end, he actually did say "the Minister."

[Interjections.]

Okay. He's apologising.

Mr F Z MAJOLA: Hon Speaker, the chairperson didn't close any meeting either. [Interjections.]

The SPEAKER: No, that's fine, hon members. I think we should look into this. Actually, I will make sure hon Frolick attends to the matter.

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

The SPEAKER: Hon members, please, let's stop ...

The CHIEF WHIP OF THE OPPOSITION: No, we have to correct this because there was already one meeting that was closed to the public this week.

The SPEAKER: I have, in fact, said that I would pursue the matter after this. So, let's leave the issue.

PLANT BREEDERS' RIGHTS BILL

(Second Reading debate)

PLANT IMPROVEMENT BILL

(Second Reading debate)

Mr P D N MALOYI: Madam Speaker, the Portfolio Committee on Agriculture, Forestry and Fisheries, having considered the subject matter of the Plant Breeders' Rights Bill, referred to it on 11 March 2015, reports the Bill with amendments.

I am starting with the Plant Breeders' Rights Bill. We shall proceed to the Plant Improvement Bill afterwards.

Let me quickly remind this House of the intention and purpose of the Bill that is before us. It is about protecting the intellectual property of breeders of new plant varieties. This will, of course, contribute to economic growth because of its positive impact on the competitiveness of our country's agricultural sector. It gives local breeders and producers access to high quality new varieties from foreign countries.

The previous Act only offered protection to limited plant genera and species, and such limitation is not in line with other

international obligations which we are part of, such as the Trade-Related Aspects of Intellectual Property Rights, TRIPs, agreement or other developments in the breeding industry.

The current Act has the following shortcomings: Prescribed penalties are inadequate for the deterrence of deliberate infringements. It lacks a clear definition of the target beneficiaries of the farmers' privilege. It is unclear on the specific documentation required for applicants to secure a filing date. It does not specify formal support for the registrar. More importantly, the current Act is not in line with section 32 of our Constitution.

Because time does not permit me to talk to each and every amendment made, what I would like to bring to the House's attention is that most of the amendments are technical in nature. They talk to rearrangement of certain sections, changing deadlines, and changing some of the wording to ensure certainty and compliance. There are, of course, sections which we have replaced, as we said earlier, to ensure compliance with the Constitution and to strengthen the office of the registrar.

We have therefore substituted the following sections and subsections: subsection 4 of clause 15; subsection 3 of clause

17; subsection 1 of clause 23; subsection 3 of clause 29; subsection 10 of clause 43; and subsection 6 of clause 46.

At clause 52, we omitted paragraph (h) and substituted it with paragraphs (f) and (g).

After a very long deliberation, the committee inserted four clauses: clause 41, on the right to appeal; clause 42, on the composition and membership of the appeal board; clause 43, on the investigation and consideration by the board; and lastly, clause 44, on the consideration of the appeal by the Minister.

We shall now proceed to deal with the Plant Improvement Bill. I would like to remind the House what this Bill is all about and why it is necessary for us to take this Bill through this House today.

The Plant Improvement Bill aims to enhance sustainable crop production and trade by regulating the quality of plants and seeds; to align the Act with the Constitution; to formalise the national authority; to provide for the recognition of the Southern African Development Community, SADC, Harmonised Seed Regulatory System relating to varietal listing and seed certification; to empower the Minister to constitute an advisory

committee to advise the registrar on plant improvement, and so on and so forth.

Like I said earlier on in respect of the other Bill, most of the amendments in this Bill are also technical in nature, and they also relate to rearrangement of sections, changing the wording, the deadlines, and so on and so forth.

There are some sections and some clauses that we have replaced and new clauses that we have inserted. We would want to take you, Madam Speaker, and your august House through those for you to consider.

On clause 11, we added subsections 6 and 7 which were not there. On clause 33, we replaced subsection 1. On clause 39, we replaced subsection 3. On clause 49, we substituted subsection 10.

Finally, the following new clauses were inserted: clause 47, on the right to appeal; clause 48, on the composition and membership of the appeal board; clause 49, on investigation and consideration by the board; clause 50, on the consideration of the appeal by the Minister.

We, as a committee, irrespective of our political affiliations, have all agreed and concurred that these two Bills are desirable. It is therefore necessary for this House to ensure that we pass these Bills.

I therefore place before you and your august House the report of the committee on the Plant Breeders' Rights Bill and the Plant Improvement Bill for your consideration and adoption. Thank you.

Ms Z JONGBLOED: Madam Speaker, one of the main concerns when dealing with legislation such as the Plant Improvement Bill - my colleague will talk about the Plant Breeders' Rights Bill - is that the most vulnerable in agriculture may be at the receiving end of nationally created barriers to entry into the industry.

A real concern was the possibility of the legislation preventing emerging farmers from participating. However, it is recognised that the Bill supports existing commercial production, while at the same time, improving the participation of new entrants, and helping smallholder farmers to make the transition to mainstream agriculture.

The relevance of plant variety protection and improvement is the role it plays in the protection of rural development and global food security.

A developing country like ours needs new and improved plant varieties to improve agricultural production. Whilst there is a need for traditional varieties to be maintained, the sad reality is that farmers lose out on income when they rely solely on these.

The Bill strengthens the framework surrounding the business of registering, listing and trading in various plant materials. Its importance is that it recognises the importance of quality plant-propagating material to support sustainable agricultural production.

The DA's policy position on the consequence of the Bill is that it is not contentious and contains no excessive barriers to entry into the industry. The Bill is to be seen in the context of numerous international standards and associations, aimed at achieving the consistently applied principle of best practice.

The DA supports the Bill and you can be lucky that we do because I noticed that there are not enough members in the House today to pass it.

Having looked at the Bill and the good it will hopefully achieve, one can hope that it will not go the way of so many of the dreams and schemes of the department's fisheries section. With this section, the department is continuously running behind their own timelines, unable to timeously and effectively conclude the fishing rights application processes that collapse continuously, while the department gets challenged in our courts.

Dit bring my by die wyse waarop die kleinskaalse vissersplan, wat bedoel is om vissergemeenskappe aan ons kus se lewensstandaard dramaties te verhoog, na rofweg ag jaar steeds nog nie afgehandel is nie. Ek het nuus vir die departement.

Net hier om die draai aan die Weskus is 'n skrikwekkende weerstand aan die opbou oor die wyse waarop die departement voete sleep, maar ook teen skelm pogings om pelle en comrades [kamerade] wat vaste werk het, by die kwotalyste in te sluit.

(Translation of Afrikaans paragraphs follows.)

[This brings me to the way in which the small-scale fishing plan, intended to increase the standard of living of fishing communities along our coast dramatically, has still not been

finalised after roughly eight years. I have news for the department.

Right here, just up the way along the West Coast, there is a frightening resistance building up over the way in which the department is dragging its heels, as well as against the devious efforts to include pals and comrades who have permanent jobs in the quota lists.]

Mr P D N MALOYI: Madam Chair, on a point of order: We are discussing two Bills: the Plant Breeders' Rights Bill and the Plant Improvement Bill, not fisheries.

Die kleinskaalse vissersplan is die heel laaste geleentheid wat die departement het om die belofte van eerlike transformasie in die visbedryfbedryf, na te kom. Moet dit asseblief nie opmors nie. Baie dankie. [The plan for small-scale fisheries is the very last opportunity that the department has to honour its promise of honest transformation in the fishing industry. Please do not mess it up. Thank you very much.]

Mr Z R XALISA: Chair, the Economic Freedom Fighters advocate for the use of our indigenous resources, such as flora and fauna, for the benefit of our people, who for many years have had their

rights to intellectual property infringed upon by the predators in the agricultural industry.

For this noble cause, we have to reject both the Plant Breeders' Rights Bill and the Plant Improvement Bill.

The Plant Breeders' Rights Bill defines a breeder, whose rights it seeks to protect, as (a) the person who bred, or discovered and developed the variety; (b) the employer of the person, if that person is an employee whose duties are such that the variety was bred, or discovered and developed, in the performance of those duties.

This continues the colonial and apartheid project of not recognising indigenous knowledge systems as far as they relate to plant breeding. This will exclude and in certain instances impoverish our people who have worked with indigenous plants for decades, but who have not seen any need to register rights over these plants because of their beliefs that plants and animals are a common good, and not something to be privatised.

This was the case when the Americans tried to hijack patent rights to the Rooibos plant. That case clearly exposed our shortcomings when it comes to protecting unregistered rights.

Our second objection to the Bill is that it seeks to make the infringement of a plant breeders' right a criminal offence. This cannot be so. Using our current legislative mechanisms, inadequate as they may be, a plant breeder's right is a private right, and enforcement should be through civil procedures and not through the criminal prosecution system.

The Plant Improvement Bill includes provisions regulating the quality of plants and seed. These amendments are significant because the importance of quality plant-propagating material to support sustainable production, as well as participation in the global market by setting quality standards for plants and seeds is recognised.

However, these provisions will entrench inequality and deepen the hunger crisis in the country because the Bills are oblivious to seed systems that support smallholder farmers and ecological forms of farming.

The Plant Improvement Bill does not recognise or protect farmer-managed seed systems or agricultural biodiversity but undermines the rights of farmers, including their right to re-use, exchange and sell farm-saved seeds.

Further, both these Bills do not protect farmers' varieties against misappropriation, they promote genetically uniform seed suited for industrial chemical-dependent agricultural systems that are environmentally harmful, they do not exempt crops that are important for food security from exclusive property rights and critically, they outlaw the age-old practice of exchanging seed which has resulted in the agricultural diversity that we know today.

Both these Bills were sponsored by the agricultural monopolies to further entrench their control of our agricultural markets, to the exclusion of innovative small-scale farmers.

As the EFF, we reject both these Bills and plead with the ANC to listen to the small-scale farmers, instead of being riflemen and women of Monsanto and the tiny section of the predatory elite in the agricultural sector.

Mr N SINGH: Chairperson, whilst we appreciate that these Bills will ensure that our plants and seeds are on par with international standards and quality, we must be mindful of the growing international trend in which nearly all seed companies are being bought up by pesticide and biotech companies, which

companies in turn are owned, and largely controlled by pharmaceutical companies.

One can reasonably assume that for profit seed companies, in order to maximize profits, would only sell seeds that work well together with their own pesticide products. This could lead to an increased use of agrochemicals, which can adversely affect health, and which would then require the pharmaceutical parent companies medicinal drugs to then treat such adverse health consequences.

It was Professor Bruce Blumberg of the University of California who has termed "cradle to grave care" and it is a 'red flag' and concern with this industry. Other concerns include, the fact that private ownership may encroach upon genetic resources that are held in common. A large part of agriculture in South Africa is dependent upon communities sharing, saving and exchanging of seeds. The erosion of genetic diversity through a narrowing of breeding priorities and commercial interests must also be guarded against.

Hon Chairperson, 40% of the population of this country still reside in our rural areas and are greatly dependent upon agriculture as their form of subsistence. These are largely our

poor and most vulnerable. Seeds that are commercially available are expensive. What assurances do we have that our poor and most vulnerable will have affordable access to these seed markets? Our poor and emerging farmers must have reasonable access to these seeds and the department must ensure that there are strategies in place to facilitate and ensure that this is the case.

Lastly, the IFP believes that the right to health includes the right to know what we are consuming and whether or not we are exposing ourselves to health risks through our diet. In this respect, we have closely followed the international debate on the use of the herbicide Glyphosate in the agricultural sector, as evidence has emerged stating that Glyphosate causes Cancer.

An investigation into the use of Genetically Modified Organisms, GMOs, being used in our staple foods must immediately be undertaken, for it would be reckless and almost criminal not to do so. We therefore trust that the Department of Agriculture and Fisheries will be conducting its own studies and will address us shortly on its findings. Subject to the above concerns the IFP supports both these Bills. I thank you.

Mr S C MNCWABE: Chairperson, the Plant Breeder's Rights Bill and the rights of those who improve on existing plant cultivars are intellectual property rights which are worthy to be protected. However, these rights do not sit comfortable within the existing intellectual property rights framework and the legislative provisions and for these reasons the NFP welcomes these Bills tabled here today.

The majority of amendments to the Bills proposed here are largely technical in nature, dealing with the time frames and cross-referencing. We believe that if these amendments are approved, it will tide up the proposed legislation and remove areas of uncertainty. The NFP also welcomes the appeal's provision proposed for two reasons; firstly, the wide discretion afforded to the registrar to extend or withhold the breeders and improvement's rights without an appeal mechanism is contrary to the principle of transparent governance.

We believe that a set appeal's mechanism is a necessity in any legislation that endows government officials with the power to grant or withhold any rights as the check and balance on the abuse of power. Secondly, we welcome the proposed structure of the appeal's board which requires that the board must consist of at least three members, where one person must be appointed on

the basis of the knowledge of the relevant field of law and two persons must be appointed on account of knowledge in the relevant field of law.

The NFP believes that such an appeal's board constituted in accordance with these provisions will ensure that an appeal will be fair to the applicant and will inspire confidence in the outcome as it will be adjudicated upon by board members who are knowledgeable in the highly specialised field. In conclusion, the NFP supports both bills tabled here today. Thank you.

Mr M L W FILTANE: Chairperson, starting with the Plant Breeders Rights Bill, the UDM supports the Bill. It's a section 76 Bill because agriculture is a cross-cutting function. Broadly speaking, the whole purpose of the Bill is to provide for a system where under Plant Breeders Rights Bill to certain species of plants may be granted. Provide for the protection of such rights to regulate for the granting of the said licences. Accordingly, it touches on issues like procedure to be followed when one applies for the relevant rights period - so rights functions of the registrar of rights. Also, it deals with appeals to the Minister in cases where applications are rejected. It also deals with the establishment of the advisory

committee which gives technical support to the registrar. The UDM is giving total support to that whole process.

The Plant Improvement Bill is a welcomed one which is also a section 76 Bill which provides for the registration of certain types of business premises relating to plant to be cultivated and ultimately sold. Also deals with the standards for plants. Here one has got in mind a plant like the wattle coming as it does from Australia.

South Africa today is running out of water. The wattles have consumed so much water, so it becomes very important that we check which plants are coming into our country and equally, which plants we export. The UDM has participated in a number of sessions dealing with this Plant Breeders Rights Bill and there is definitely 100% support to the Bill.

It is absolutely necessary to tighten the rules governing the licensing of premises from which certain plants commodities are traded. It is necessary for health reasons as well as for environmental reasons. It is necessary that we regulate the import and export of plants. So the UDM still support that part. The only concern that we have as the UDM is, whose standards are being applied when it comes to plant improvements? To what

extent do we as legislators take care of the rights, practices and the culture of the indigenous people of this country? To what extent will they benefit from it all? That is our concern as the UDM. Maybe, that the department missed a golden opportunity here, when it was accorded an opportunity to amend the existing legislation. One hopes that going forward it could still be addressed. Thank you.

Ms C DUDLEY: Chair, the ACDP considers this Bill necessary, and particularly with regards to the guarantee of quality standards for farmers buying seeds. Unfortunately legislation on seed quality control and variety registration has in fact created problems for those seeking to develop or maintain varieties, create local seed enterprises or cultivate locally adapted varieties, which don't always fulfil the requirements for distinctness, uniformity and stability.

In this regard concerns have been raised because South Africa has not signed the International Treaty on Plant Genetic Resources for Food and Agriculture, IPTGFRA, a treaty signed by 136 countries to date. The treaty recognises the enormous contribution of agriculturalists to the diversity of crops that feed the world. It establishes a global system to provide farmers, plant breeders, and scientists with access to plant

genetic materials and ensures that recipients share benefits they derive from the use of these genetic materials.

The ACDP notes that, the Plant Breeders' Rights Bill, has been criticised by the African Centre for Bio-Safety, ACBS, because it does not include a mechanism to guard against bio-piracy, and ensure access and benefit sharing. While the Intellectual Property Rights, IPRs, of breeders are fiercely and vigorously protected, the same protection is not ensured for traditional and indigenous knowledge that may ultimately provide the impetus for private innovation.

The PBR Bill should be speaking to our legislation regarding indigenous knowledge, access, and benefit sharing, and the ACDP recommends that the application for a PBR should include a requirement that breeders disclose the source of the genetic material and for the applicant to declare, if any community has contributed to the development of the new variety. This declaration will facilitate fair and equitable benefit sharing to the relevant communities.

The ACDP is also concerned that the PBR provides a very restrictive intellectual property regime creating an imbalance between breeders and farmers' rights.

During consultations, civil society's key issues raised included the need for the PBR Bill to guard against bio-piracy and ensure access and benefit sharing. There were also requests for small-scale farmers and civil society to be consulted and included in the development of the regulations.

The need for a clear definition of private and noncommercial use in order to safeguard the rights of small-scale farmers to freely use, save, exchange, and sell seeds and propagating materials of protected varieties even in local markets was made particularly clear.

Subsistence and small-scale farmers want full freedom to operate in relation to protected varieties to enable widespread uptake and dissemination of new varieties among farmers.

Lastly, the ACDP would like to extend sympathy to small-scale and commercial farmers, and affected business people in their distress caused by the drought and I thank you. [Time expired.]

Mr N CAPA: Hon House Chair, Ministers, and Deputy Ministers present, and hon members. Let me only deal with the Plant Improvement Bill.

The Department of Agriculture, Forestry & Fisheries and together with portfolio committee have recognised the fact that the plant improvement is a significant element of agricultural production. This activity in South Africa has always been regulated through the Plant Improvement Act 53 of 1976, which was last amended in 1996. The review of this legislation has identified the need for the alignment of its scope and provisions with the Constitution of the Republic of South Africa.

At the core of the Plant Improvement Bill is the improvement of production performance of crops used for food, shelter, fibre and raw materials for the manufacturing sector.

Plant improvement as an important element of agricultural production involves a broad range of activities that include selection, breeding, trade control, and all other related matters.

The scope of this legislation effectively addresses aspects relating to the quality of plants and seed utilized and traded in South Africa.

The Bill aims to enhance sustainable crop production and trade in South Africa by regulating quality of plants and seeds. The

significance of the role of plant improvement legislation lies in recognizing the importance of quality of plant propagating material to support sustainable agricultural production, as well as participation in global market by setting quality standards for plants and seed, and the types of businesses dealing with them.

The standards used by this plant improvement legislation are recognised internationally by institutions such as International Seed Testing Association, ISTA, and the schemes of the Organization for Economic Co-operation and Development, OECD, thus, allowing South Africa to be in a position to participate globally in trading with seeds.

In the process of consultation, as part of proper consultation, public hearings provided robust and insightful presentations, which included flagged issues such as: that there should be no monopoly by a few commercial seed corporations; that a fair equitable systems of plant variety should not only be protected, but local breeding and innovation should be encouraged; that the use of organic methods of farming is promoted; that there will be stronger penalties and compulsory guidelines for licensing; and that the Bill should be aligned with the realities of poverty and inequality.

Concerns raised about the possibility of negative effects on the Bill on the emerging farmers were taken into consideration, particularly in the ANC's perspective regarding agrarian transformation for small and emerging farmers.

The new Bill endeavours to facilitate transformation of the agricultural production through: improving access of smallholder farmers to good quality propagation material, thus, increasing their production and productivity; establish special plant improvement schemes to cater for the needs of black farmers; enabling previously disadvantaged groups to be registered businesses that would be involved in the production and sale of propagated material.

The Bill will empower the state to ensure that it can better coordinate and drive the agrarian transformation through a comprehensive approach. The Plant Improvement Amendment Bill as presented is in line with ANC's aspirations in the revitalisation of the agriculture and value chain, which is contained in the nine-point plan designed to bring about growth in the economy with development.

It provides for the strengthening of existing commercial production while improving the participation of small producers

in mainstream agriculture. The Bill contributes to the Agricultural Policy Action Plan of the ANC aimed at investment through a value chain, taking priority commodities into the NDP. The ANC supports this Bill. I thank you.

Mnr H C C KRUGER: Huisvoorsitter, die DA ondersteun die Wetsontwerp op Planttelersregte. Die beskerming van regte sal altyd hoog bly op die prioriteitslys van die DA. Soos ons met hand en tand die Grondwet beskerm, so sal ons altyd die beskerming van regte voorstaan. Dit sal dan ook in hierdie geval van toepassing wees waar die wetsontwerp poog om die regte van kwekers wat plante verbeter tot die voordeel van mens en dier te beskerm.

Hierdie wetsontwerp is dan uit die aard van die saak 'n verbetering op die Wet op Planttelersregte, Wet 15 van 1976. Omdat die kweek van plante 'n ingewikkelde wetenskap is en toegang dus beperk is tot slegs die ingeligtes, verwelkom die bedryf die daarstelling van 'n registrateur wat toegang tot hierdie wetenskap sal vergemaklik.

Ek wil tog onder hierdie Huis se aandag bring dat daar beslis nie genoeg gekonsentreer word op die insluiting van kleiner kwekers of kleinskaalboere en -kwekers nie. In 2011 is 'n opname

in Suid-Afrika gemaak wat bevind het dat 85% van die voedselsaadregte aan 10% van kwekers behoort. Nog erger is dat byna 50% van hierdie kwekers hulself buite Suid-Afrika se grense bevind. In 2016 het hierdie statistiek min verander en is dit net nog 'n mislukte veer in die hoed van die ANC-regering.

Alhoewel daar jaarliks R15 miljard deur die regering aan kleinsake- en kleinskaalboere bestee word, is 88% van hierdie entrepreneurs gedoem tot mislukking. Hierdie mislukkings kan slegs toegeskryf word aan die algehele gebrek van die regering om kleinsake- en kleinskaalboere se behoeftes te verstaan. Die mislukking van die ANC-regering om die bestaan van rompslomp te bepaal en die afwesigheid van pogings om dit te verwyder, dra ook by tot die frustrasies van die gesneuwelde entrepreneurs.

Dit is ook dan nie anders in die plantkwekersbedryf nie. In hierdie wetsontwerp is die poging om kleinskaalkwekers te bemoedig om deel te word van die bedryf duidelik beperk. Die opkomende of die sogenaamde kleinskaalkwekers het vir seker ander behoeftes, en dit het tyd geword dat die politieke retoriek en praatjies van die ANC omgesit word in praktiese oplossing sodat elke Suid-Afrikaner deel kan word van die ekonomie en sodoende 'n waardige lewe kan lei.

'n Laaste gedagte, Voorsitter: Indien die Departement van Landbou, Bosbou en Visserye nie vinnig met 'n lewensvatbare droogtebeleid vorendag kom nie, sal daar min kwekers oorbly wie se regte ons probeer beskerm. Waar die DA regeer, word dit elke dag meer en meer duidelik dat die DA se beleid, aksies en beheer toegerus is om 'n beter lewe vir elke Suid-Afrikaner te verseker. Ek dank u. [Applous.] (*Translation of Afrikaans speech follows.*)

[Mr H C C KRUGER: House Chair, the DA supports the Plant Breeders Rights Bill. The protection of rights will always remain high on the DA's priority list. In the same way that we protect the Constitution with tooth and nail we will always be protagonists for the protection of rights. This will be equally applicable in this instance where the Bill attempts to improve the rights of breeders of plants to the benefit and protection of humans and animals.

This Bill is in its nature an improvement on the Plant Breeders Rights Act, Act 15 of 1976. Because the cultivation of plants is a complicated Science and access thereto consequently limited to a few well-informed people, the industry welcomes the establishment of a registrar that will make access to this Science easier.

However, I do want to bring to the attention of this House that not enough attention is given to the inclusion of small-scale breeders or small-scale farmers and - breeders. According to a survey done in South Africa in 2011, 85% of the food seed rights belongs to 10% of the breeders. What makes it even worse is that almost 50% of these breeders find themselves outside the borders of South Africa. There is little change to these statistics in 2016 and that is another miserable feather in the cap of the ANC government.

Although the government spends R15 billion on small business and small-scale farmers annually, 88% of these entrepreneurs are doomed to failure. This failure can only be attributed to the complete inability by government to understand the needs of small business and small-scale farmers. The failure of the ANC government to determine the existence of red tape and the absence of any attempts to get rid of it also contribute to the frustrations of the perished entrepreneurs.

It is no different in the plant-breeding industry. Attempts to encourage small-scale breeders to become part of the industry contained in this Bill are clearly limited. The emerging or so-called small-scale breeders definitely have other needs and the time has come for the political rhetoric and talk of the ANC to

be converted into practical solutions in order for every South African to become part of the economy and in this way lead a worthy life.

A final thought, Chairperson: Should the Department of Agriculture, Forestry and Fisheries not formulate a viable drought policy, there will be very few breeders left whose rights we are trying to protect. Where the DA governs, it is becoming clearer by the day that the DA's policy, actions and control mechanisms are equipped to ensure a better life for each South African. I thank you. [Applause.]

Mr C C MATHALE: Chairperson, throughout the history of mankind plants have been used for nutritional purposes and most significantly, to generate various sorts of medicines. The breeding of new plants to generate fresh concepts has necessitated the enactment of the Plant Breeders' Rights Act in the country.

The evolution of science and the emergence of technology continue to challenge plant breeders to produce more new ideas. Therefore the amendment of the Act must be viewed as part of embracing innovation and complying with the fast development of science and technology. South Africa, as the leading producer of

various agricultural products, has a compelling obligation to discover, create and develop new plants.

As lawmakers we must use our legislative authority to create a conducive environment for our plant breeders to compete with their peers in the world. The proposed amendments will place our breeders at a strategic position, whilst at the same time improving monitoring and control aimed at protecting breeders' intellectual rights and society as a whole. These changes will offer distinctness, uniformity and stability, which are much needed to preserve the sector.

The breeding of new plants is an intellectual achievement that ought to be encouraged, protected and celebrated. It is through the intellectual acumen of plant breeders that human beings are placed far ahead of other living species. The Patent Act, National Environmental Management Biodiversity Act, Conservation of Agricultural Resources Act, international treaties and the Plant Breeders' Rights Act must complement one another.

It is an undisputed fact that through both conventional breeding and biotechnology, agriculture has been bestowed with a rich stock of genetic plant resources.

The utilisation of the Plant Genetic Resources for Food and Agriculture, which includes land material, is important in the development of new generation of plants. Through the Act we must be able to stimulate economic growth by ensuring the availability of plant varieties for our agricultural sector; contribute towards the sustainable use and conservation of plant resources for food and agricultural purposes, and provide a plant variety protection system that is internationally recognised.

The creation of an Appeal Board to accommodate those who might be aggrieved by the processes relating to plant breeding rights is a strategic intervention that will give applicants confidence in the process. The composition of the Appeal Board consisting of members with various expertise gives the assurance that all disputes will receive maximum attention that respect and promote innovation.

The board must be supported to ensure that it meets the legitimate expectations of our people. Therefore, as the ANC, we are convinced that the inclusion of the roleplayers will ensure that it has the necessary capacity.

The establishment of an Advisory Board to advise the Registrar on identified technical matters relevant to plant variety protection is a step in the right direction.

Over many decades our people have never benefited meaningfully from their indigenous knowledge in the area of plant breeding. Certain discoveries of indigenous knowledge have been commercialised, but without recognition of the originators of the ideas. Indigenous knowledge cannot be limited to the invention of traditional medicine. Some of the fruits that have long been part of indigenous produce such as mango and others are now commercialised. Indigenous knowledge can be used together with modern biotechnology in the pharmaceutical and other fields to increase the rate of innovation.

We have an obligation to jealously protect our indigenous knowledge against all manners of exploitation. The proper registration of our indigenous knowledge will assist in safeguarding the organic intellect of our people. We must commit ourselves to the realisation of the efforts aimed at domesticating and deradicalising plant breeding in the country. The call inviting our attention to the fact that many of the holders of plant breeders' rights are foreigners is a loud call that warrants immediate action. The scientific research capacity

of public institutions must be enhanced in order to produce more plant breeders.

We have a colossal responsibility to produce many domestic plant breeders and the passing of this Bill will assist us in that regard. As the ANC we support the Bill. I thank you!

The DEPUTY MINISTER OF AGRICULTURE FORESTRY AND FISHERIES:
Chairperson, part of the reformation of our legislative framework includes the two Bills presented today. It is of critical importance to contextualise the intentions of these Bills before we offer unsubstantiated criticism.

A plant breeder's right is a form of intellectual property protection afforded to breeders of new plant varieties. The development of a new variety is a labour- and resource-intensive process. As a result, legal protection of these properties is necessary.

Plant improvement, on the other hand, involves a broad range of activities including selection, breeding, trade control and all other quality related matters.

South Africa is a signatory to the International Convention for the Protection of New Varieties of Plants in terms of the Plant Breeders' Rights. Furthermore, in terms of plant improvement, South African seed schemes are recognised by the International Seed Testing Association, Ista, and the Organisation for Economic Cooperation and Development, OECD.

These affiliations allow South Africa to be part of globally harmonised systems. The international recognition of the South African systems allows us to have access to international varieties and ensure that our agricultural sector remains competitive.

Plant breeders are unlikely to release their new varieties into a territory which does not offer adequate protection for their material. South Africa has an international obligation to fulfil and, within this context, we also have a responsibility to factor the developmental agenda of our country.

It is undeniable that the holders of plant breeders' rights and those benefiting from investments in plant improvement continue to be a few dominant role-players. It is therefore important for us to transform this subsector within agriculture. This will allow us to have more black-owned businesses within the

subsector which could emulate the successes of Jermat Seeds in Limpopo and Vuna Seeds in KwaZulu-Natal.

The new Bills endeavour to facilitate this transformation agenda as provisions were made for the Minister to promulgate progressive regulations that would allow for radical changes to the sector.

Furthermore, the proposed amendments would improve access to good quality propagation material for smallholders and thus increase production and productivity, establish special plant improvement schemes to cater for the needs of black farmers, and enable previously disadvantaged groups to register businesses in the production and sale of propagation material.

This opens new doors for those who were never allowed to be there before. It might be a long walk, but we are walking.

Chairperson, there are things sometimes that are put as the facts. One something that has been put here as a fact is a [Inaudible.] that the hon member said causes cancer. That is under debate. So, to come here and say it causes cancer doesn't qualify it as such. That is not correct. The matter is under debate.

Indeed, traditional cancer research has found that so, but the very same Ford Research Council has found otherwise.

So it has put into debate by those respected international bodies around the world.

So, the Bills are put here to accommodate the young African ... those that were prevented from coming into this territory before. We have many students who have passed – even doing PhDs on these breeding matters – who will be coming into the sector to make sure that South Africa is better and that South Africa is put on the footing going forward.

I'm not going to talk about fish issues because I don't know why the DA just comes to a nightmare when they hear about fish. We'll debate those things another day, but for now, this is one sector that needs to be transformed in a very busy way. It is a highly monopolised sector. It is highly protected by those who have existed there.

That's why I am not amazed that they want to get out of the Bills we are debating and talk about fish. We will be dealing with that as the time goes on.

But one thing, for sure: That area ... that sector, too, will be transformed. Africans and those that have been disadvantaged will find their niche as times goes by.

I agree. We are not radical enough, maybe. We are not pushing enough. We need to push enough and give more punches when it comes to that so that we are able to transform that part of the industry and farming. Thank you. [Applause.]

Debate concluded.

Question put.

Plant Breeders' Rights Bill read a second time (Economic Freedom Fighters dissenting).

Question put.

Plant Improvement Bill read a second time.

**CONSIDERATION OF REPORT ON STANDING COMMITTEE ON FINANCE -
CONSIDERATION OF REQUEST FOR APPROVAL OF PARLIAMENT OF AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE**

**GOVERNMENT OF THE ORIENTAL REPUBLIC OF URUGUAY FOR THE EXCHANGE
OF INFORMATION RELATING TO TAX MATTERS**

**CONSIDERATION OF REPORT ON STANDING COMMITTEE ON FINANCE -
CONSIDERATION OF REQUEST FOR APPROVAL OF PARLIAMENT OF AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE
GOVERNMENT OF THE TURKS AND CAICOS ISLANDS FOR THE EXCHANGE OF
INFORMATION RELATING TO TAX MATTERS**

**CONSIDERATION OF REPORT ON STANDING COMMITTEE ON FINANCE -
CONSIDERATION OF REQUEST FOR APPROVAL OF PARLIAMENT OF AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE
GOVERNMENT OF SAINT CHRISTOPHER (SAINT KITTS) AND NEVIS FOR THE
EXCHANGE OF INFORMATION RELATING TO TAX MATTERS**

Declarations of vote:

Mr D J MAYNIER: Chairperson, it's a Wednesday evening ...

[Interjections.] ... I am not an hour away from my dentist appointment. I am sitting in the National Assembly, the bells are ringing, I look up and I see the Deputy President. He rushed in through the opposition doors, he looks raddled ...

[Interjections.] ... it is the vote on the Division of Revenue Amendment Bill. Its anarchy, the Chief Whip of Majority Party sends out his first text message, it reads: "Dear Members of

Parliament please proceed towards the NA chambers as voting will commence immediately after questions on the Peace and Security Cluster. That is not enough. Things are desperate. The Chief Whip of the Majority Party sends out his second text message, it reads: "Dear Members of Parliament, please urgently proceed towards the NA chambers as voting will commence immediately after questions on the Peace and Security Cluster. That is not enough ... [Interjections.]

Mr H P CHAUKE: Madam Chair, Madam Chair.

Mr D J MAYNIER: The Division of Revenue Amendment Bill today it has to pass in Parliament ... [Interjections.]

Mr H P CHAUKE: Chair, I am rising on a point of order!

Mr D J MAYNIER: It is an embarrassment. [Interjections.]

Mr H P CHAUKE: Chair, I am rising on a point of order!

Mr D J MAYNIER: How did this happen?

Mr H P CHAUKE: Chair, I am rising on a point of order!

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

Mr H P CHAUKE: Chair, I am rising on a point of order!

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

Mr D J MAYNIER: The ANC ... [Interjections.]

Mr H P CHAUKE: Chair, I am rising on a point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Maynier, thank you!
Hon Chauke?

Mr H P CHAUKE: Hon Chair, the member is not ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Order, I cannot hear.

Mr H P CHAUKE: The member is not relevant to the topic we are
discussing currently. Can we really clarify that part?

Mr D J MAYNIER: The hon member should be more patient ...
[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): What?

Mr D J MAYNIER: ... I will get to the point. Thank you Chairperson. Well, how did this happen? I will tell you how it happened. The ANC are now so divided, so dysfunctional, so disinterested and so poorly disciplined that they are not capable ... [Interjections.]

Mr H P CHAUKE: Hon Chair!

Mr D J MAYNIER: ... of even getting the message right ... [Interjections.]

Mr H P CHAUKE: Hon Chair!

Mr D J MAYNIER: ... which is simply ... [Interjections.]

Mr H P CHAUKE: Hon Chair!

Mr D J MAYNIER: ... show up and vote ... [Interjections.]

Mr H P CHAUKE: Hon Chair!

Mr D J MAYNIER: ... and vote in Parliament.

Mr H P CHAUKE: Hon Chair!

Mr D J MAYNIER: The ANC members spend million and million rand a year ...

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

Mr D J MAYNIER: ... but they cannot even get the basics right.

Mr H P CHAUKE: Hon Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Maynier, you time has expired. Hon Maynier! [Interjections.]

Mr D J MAYNIER: That is the bottom line.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Maynier, you time has expired. [Applause.] The EFF? [Interjections.]

Mr H P CHAUKE: Chairperson, may I address you?

The HOUSE CHAIRPERSON (Ms M G Boroto): On which rule do you want to address me?

Mr H P CHAUKE: Rule 68.

The HOUSE CHAIRPERSON (Ms M G Boroto): Rule 68, yes.

Mr H P CHAUKE: Chairperson, we have consistently raised the point in this House that members must not be irrelevant to the topic. [Interjections.] And Rule 68 is very clear as to what is it that you need to do if a member is irrelevant. So, we request you to please apply Rule 68. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you that is noted. Continue hon EFF.

Mr M WATERS: Chairperson, sorry. I also rise on Rule 68: What the hon member just said is totally irrelevant.

Mr P D N MALOYI: House Chair, there is no reason why you could not have dealt with this treaties and agreements yesterday already, as we were dealing with the other two. As you have said yesterday, this tax treaties and agreements, particularly agreements that will give Sars access to more information are important. They are important because taxation is becoming an extremely complex exercise, and information has become crucial particularly for fiscal stability.

The availability of information must help Sars and other law enforcement agencies to deal decisively with tax criminals. South Africa has been very soft on multinationals tax evasion and avoidance. The EFF has long proposed that there must be immediate undertaking of policy and research to look into the feasibility of the six methods for transfer pricing in relation to extractive industries. To this very day we are still waiting for Sars. Many multinational companies continue to do as they wish and they are law unto themselves because they know very well that they have banks and companies like PricewaterhouseCoopers, PwC, Klynveld Peat Marwick Goerdeler, KPMG, and other big financial services that help them to hide this information and avoid paying taxes.

South Africa must deal with illicit financial flows head-on and this can only be done through legislation. An Anti-Tax Avoidance Act is an urgent matter. This is the only legislative power that will give a proper foundation to eradication of aggression tax avoidance and evasion. Information exchange is key, and it can only take you so far. We must protect our fiscus and collect maximum taxes to deliver services to our people, and arrest and put in prison those who are engaged in transfer pricing and tax avoidance. Thank so much.

Mr N SINGH: Chairperson, I can only but agree with what the hon member from the EFF has said because it is very important for us to have such agreements. We are aware and we read reports of many people who are known, not only to evade but, to avoid paying taxes to our fiscus. And not paying your taxes means that certain services cannot be delivered to those people who require them.

There are many companies that are established abroad just for the purposes of avoiding paying taxes in our own country. And I think is incumbent upon the department or Treasury and Sars to establish a database and provide us with information of those companies that have taken advantage of the amnesty period that they have recently announced. And we need to know these companies are because we may find that there could be individuals sitting in this House who are directors or had links with some companies who have been evading or avoiding tax.

Recently we heard President-elect Donald Trump saying that his companies have not been pausing tax for a number of years. And he has been legally evading or avoiding the paying of taxes. So, I think that kind of information needs to be brought to this House so that when we consider these agreements that we sign with other countries we are fully informed about what is

happening in our own country. Thank, Chairperson we will support the agreements.

Mr A M SHAIK-EMAM: House Chair, Bilateral Tax Information Exchange Agreements are essentially agreements between the governments of two countries and the respective tax administration, which will enable them to exchange tax information upon request. South Africa currently has Bilateral Tax Information Exchange Agreements with several countries which stems from South Africa's membership of the organisation for Economic Co-operation and Development, and the Global Forum on Transparency and Exchange of Information for Tax Purposes.

At the global forums meeting held in Mexico during 2009, it was decided to put a peer review mechanism in place for all members of the global forum based on its standards of transparency and information exchange for tax purposes. The bilateral agreements cover any tax imposing the other contacting state which is at substantially the same as in South Africa. This includes the normal secondary tax on companies, the withholding tax on royalties, tax on foreign entertainers and sports persons as well as value-added tax.

The need for exchange of tax information is of great importance in particular for the international efforts in the fight against financial and other crimes, which includes the targeting of terrorists financing and money laundering. At a domestic level, these bilateral agreements are all of importance to ensure effective revenue collection by the state. The information, which South Africa will have to access once these agreements have been rectified and come into force, will also assist our government to effectively combat incidents of tax evasion and money laundering.

The NFP welcomes the fact the there is agreement that information must be required in strict accordance with the prescribed procedures and scope and that such information is subject to legal privilege. We believe these and other provisions adequately protect trade business, industrial commercial or professional secrets or trade processes. In conclusion, the NFP supports the ratification of the agreement as recommended by the Standing Committee on Finance tabled here today. Thank you.

Mr Y I CARRIM: Madam Chair, look at this discussion in the last 10 minutes or so. All the opposition parties, but one, make sensible, sober relevant points about the issue at hand. The DA

is wholly irrelevant - as it happens - since 1994, double tax agreements, because they are negotiated between their Ministers concerned, Foreign Affairs usually and Finance, are largely a fait accompli. Therefore, what Parliament does, it puts it to the citizens and decides. Is there anything that has been struck in the agreement that goes against what Parliaments brought as mandates that provide the executive what to do?

Invariably since 1994 until this very term, Chairperson, we have never had even a declaration. We always engage with the DA and other parties and they say no, what we can do given that it is where it is, when it comes to us. Now it gets worse when suddenly we have declarations and it is wholly irrelevant. The first input by Mr Maynier is completely irrelevant. He is talking about the internal operational issues of the Whippery of the ANC, but not the issue of base erosion and profit shifting and illicit financial flows.

Millions upon millions of rand are fleeing from this country and actually, maybe it is because it is their constituency. It is monopoly capital that is the main culprit of illicit financial flows. [Interjections.] Moreover, you need to know that over US\$50 billion leaves this continent, Mr Maynier. Your people send this money out from this continent and they are your

constituency. Why don't you do something about it? Why don't you stop the corruption? Why don't you stop the financial flows? [Interjections.] Why don't you stop the theft? Why don't you do your job? Why don't you be MPs and why do you keep ... after getting elected instead of voting against what you do not believe in, you run away to the polls. Why? [Time expired] [Interjections.] [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Order, hon members, I will deal with the Orders one by one.

Motion agreed to.

DA WARD COUNCILLOR JOINS ANC

(Members' Statement)

Mr M A DIRKS (ANC): Hon House Chair, on Monday 14 November 2016 we welcomed the current DA Ward 32 Councillor, Clive Otis Lots, and the DA activist of Ward 32, Merle Clayton Williams, into the ranks of our glorious movement the ANC. [Applause.] Lots resigned in less than 100 days in office; he experienced DA treatment of black members firsthand and decided not to stay under DA racism for five years but rather to join non-racialism

and non-sexism in the ANC. Marle Clayton Williams and Clive Lots refused to be servants of the white monopoly capital and they will make a meaningful contribution from within the ANC. We will defeat you in the upcoming local government elections. [Time expired.]

Ms S XEGO: House Chairperson, the ANC is committed ...

[Interjections.]

Mr D C ROSS: Sorry.

The HOUSE CHAIRPERSON (Ms M G Boroto): Oh! Order. I am sorry, hon member, it is the opportunity for the DA now, my apologies. Continue.

IRREGULAR EXPENDITURE BY GOVERNMENT AT 80%

(Members' Statement)

Mr D C ROSS (DA): Hon Chairperson, it is with great concern that we note that the Auditor-General, Kimi Makwetu, has revealed that irregular expenditure by this government increased by 80% from the previous year to R46 billion. Indeed this is a significant increase from the R24 billion in the previous

financial year that it now has risen to R46 billion in irregular expenditure. The DA has called on the Standing Committee on Public Accounts, Scopa, to thoroughly investigate and to account for every cent lost to irregular fruitless and wasteful expenditure.

We also note with concern that only six auditees were responsible for just over 50% to the tune of R23 billion of this irregular expenditure. This includes Passenger Rail Agency of South Africa, Prasa, the KwaZulu-Natal and Mpumalanga health department, the transport and human settlement departments in Gauteng and the national Department of Water and Sanitation.

We believe that the Standing Committee on Public Accounts investigation should also give us the following results: Investigations should be escalated to the Hawks. We believe that the ANC should be held accountable for this irregular expenditure. [Time expired.]

WHITE FARMERS WHO FORCED BLACK MAN INTO A COFFIN DENIED BAIL

(Members' Statement)

Ms M O MOKAUSE (EFF): House Chair, as the EFF we would like to thank all supporters, all ground forces and the leadership who came in numbers in Middleburg Magistrate Court in Mpumalanga to support Victor Rethabile Mlotshwa. The two racist criminals, Willem Oosthuizen and Theo Martins Jackson, who beat up a black man and put him in a coffin, must know that the EFF will make sure that they rot in jail.

We welcome the decision by the court to deny these two white racist criminals bail. This humiliation and dehumanisation is only based on our blackness which means it is in actual fact a humiliation of a black person as a whole. The only reason why white people racist criminals will continue to display such arrogance and confidence in their racism is because they still have our land in their hands. All white racist criminals must be warned; the EFF is coming for you. [Time expired.]

THOUSAND NURSES GRADUATE IN PORT ELIZABETH

(Members' Statement)

Ms S XEGO (ANC): House Chair, the ANC is committed to realising its priority to ensure access to healthcare. Towards meeting its objectives, our Manifesto stated that we will revitalise, equip

and resource nursing colleges and increase the recruitment of nurse trainees.

We welcome, therefore, the recent graduation of 1 000 young professional nurses at the Lilitha College of Nursing in Port Elizabeth, Eastern Cape. This success is an outcome of the bursary made available by the Eastern Cape Department of Health.

In line with the ANC's aims to reduce inequalities in our health system, improve quality of care in public facilities, increase quality and capacity of human resources in public health institutions, the new nurses are a much-needed injection to our communities and health services in that province. I thank you.

ARRIVAL OF FIRST INDENTURED INDIAN LABOURERS IN SOUTH AFRICA

(Members' Statement)

Mr N SINGH (IFP): Hon House Chairperson, yesterday marked 156 years since the arrival in South Africa of the first indentured Indian labourers who arrived on 16 November 1860 aboard the vessel Truro.

Upon completion of the indenture period, they had the option to return to India or settle as citizens in South Africa. Many embraced South Africa as the new home and remained, as did my family, labouring to build a strong and prosperous South Africa, not only for themselves but for all South Africans.

South Africa in turn embraced the Indian culture, its clothing, customs and particularly its cuisine. I know very few South Africans from any ethnic or cultural background that do not enjoy partaking of a good curry when visiting Durban.

I take this opportunity to not only celebrate and mark the anniversary arrival of the 'first Indian to South Africa' but also to call upon all South Africans who are part of our rich and diverse cultural and ethnic backgrounds to embrace each other's customs, religions and ethnicity. Thank you. [Time expired.]

IRREGULAR EXPENDITURE BY GOVERNMENT AT 80%

(Members' Statement)

Mr A N SHAIK-EMAM (NFP): House Chairperson, according to a report released by the Auditor-General yesterday, irregular

expenditure by the South African government departments increased by a staggering 80% to R46 billion in the 2015-16 financial year. This irregular expenditure amounts to 3% of the total government spending. We also see that the expenditure deemed fruitless and wasteful increased by 14%.

Every year, we interrogate the government departments on their budget expenditure, and have the Auditor-General highlighting irregular, unauthorised, and wasteful and fruitless expenditure. The Auditor-General and the portfolio committee make recommendations that government departments must adhere to regulations on the procurement of goods and services, yet nothing happens, it only gets worse.

The problem is that there are no sanctions for those government officials who mismanage funds, and the executive who is failing to ensure compliance with regulations. The NFP believes that until such time that swift and decisive action is taking consistently against government officials who fail to comply with the regulations, and until such time as Parliament tightens the oversight function, and start calling the executive to account ... [Time expired.]

MUNICIPAL PROPERTY ACT

(Members' Statement)

Ms B S MASANGO (DA): House Chairperson, the ANC commends Nkomazi Local Municipality for ensuring that the estate that is worth R1,4 billion, and is within the jurisdiction of this municipality complies with the Municipal Property Rates Act (Act 6 of 2004). This follows after Leopard Creek Golf Estate, which is owned by the Rupert family refused to pay rates according to the evaluation of their property tax in this municipality.

This municipality is owed R64 million by the estate to date. The estate claims that they had an agreement with the then municipality to pay R35 000 per month. In other words they wanted to pay what they want to pay to the municipality. After a re-evaluation of this property, the municipality, therefore, demands that it be paid according to the correct rates. The ANC commends this municipality ... [Time expired.]

RULES OF PARLIAMENT

(Members' Statement)

Ms C DUDLEY (ACDP): House Chairperson, the ACDP fully supports the need for robust discussion in the National Assembly, and believes passionately how views must be expressed, but we want to stress that both can and must be done within the bounds of common decency, and the Rules of the House.

Rules of Parliament must be applied consistently and resolutely. We cannot continue to have officials losing control and allowing chaos in the National Assembly as we experienced it as recently as last week. The meaning of the word "accountability" not only includes being able to provide an explanation or justifications, but also to accept accountability for events and transactions, and this is what Parliament should expect not only of the executive, but ourselves.

There is much truth in the words that absolute power corrupts absolutely, and it will always be a temptation for any party with a clear majority to cover its tracks and feel less inclined to be totally open and accountable. A vibrant opposition, multiparty democracy, and a free media are useful safeguards in this respect, but holding the executive accountable should not be reduced to simply opposing "any and everything" for the sake of opposition.

Integrity should demand that opposition parties also put the collective best interests of the people of South Africa and nation building above politics, vying for power, and media attention. [Applause.]

Before MPs can expect to hold the executive accountable, there must be institutional accountability of MPs collectively and individually. In other words these champions of accountability must first be accountable to themselves. I thank you.

RURAL INFRASTRUCTURE

(Members' Statement)

Ms S P TSOLELI (ANC): The ANC is committed to accelerate the roll-out of rural infrastructure, particularly roads for social and economic development. We, therefore, welcome the opening of Hertzogville-Hoopstad road outside Bloemfontein, in the Free State, which has been under construction over the past two years.

The project is integral to the Free State Provincial Government's concerted effort to implement our manifesto; aimed at developing an environmentally-friendly, integrated road

infrastructure network that ensures safe movement of people and goods, and stimulate socioeconomic growth towards improving the lives of our people. The new road will contribute to improved road safety and connectivity between the local towns and surrounding farming communities. We are moving forward.

AUDIT RESULTS OF DA- VERSUS ANC-RUN PROVINCES

(Member's Statement)

Mr K J MILEHAM (DA): The DA notes with pride that the Western Cape provincial government has, again, achieved the best audit results in the country, with 79% of provincial departments obtaining clean audits and not a single department receiving an adverse audit opinion. This is the third consecutive year that the DA-run province has been the best-performing province in South Africa.

In contrast, the ANC-run provinces reflect continued maladministration and ongoing irregular expenditure. The North West, for example, saw 21% of provincial departments receiving disclaimed audit outcomes. In Mpumalanga, more than R4 billion was identified as irregular expenditure. The Auditor-General reports that, in these provinces, the officials lack the

discipline to prepare accurate financial and performance reports and are frequently noncompliant with legislation. This is characteristic of ANC-run governments across the country and is further proof that ANC cadres care more about lining their pockets than about the millions of South Africans who are left without basic services.

The DA will continue working hard to deliver these much-needed services to all South Africans where we govern.

MINISTER MAHLOBO AND CRIMINAL SYNDICATES

(Member's Statement)

Mr T RAWULA (EFF): Chairperson, the EFF is disgusted by the conduct of the Minister of State Security, David Mahlobo, who came here and arrogantly announced that he will never resign, despite the fact that he and his wife have been exposed as the biggest rhino poachers in South Africa. [Interjections.] The revelation that someone as senior as Mahlobo wines and dines with renowned rhino poachers is a massive ...

Mr P D N MALOYI: Chairperson, on a point of order ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, please take your seat. Hon Maloyi?

Mr P D N MALOYI: Madam Chair, on a point of order: We did, yesterday, refer to Rule 85. [Interjections.] Hon members can't just speak about Members of Parliament in this fashion, referring to newspaper articles without facts. If there is anything that they would want to raise, they know that they must submit a substantive motion. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, your point of order is sustained. Hon Rawula, Rule 85 tells us what to do with the information that you have just given. Please refrain from using the language you have used without a substantive motion. Please continue. [Interjections.]

Mr T RAWULA (EFF): Chair, please protect us from popcorns. [Interjections.] This should not be a surprise. Mr Mahlobo was lifted from obscurity and given the position he now holds ...

Mr P D N MALOYI: Madam Chair, on a point of order ...

Mr T RAWULA (EFF): ... because of his close proximity to the ... [Inaudible.] ... Premier, David Mabuza ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, please sit.

Mr P D N MALOYI: On a point of order ...

Mr T RAWULA (EFF): ... pawn of the Gupta family.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, please sit.

Mr P D N MALOYI: On a point of order, Madam Chair ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, I hear you. That is why I am still telling the hon member to sit.

Mr P D N MALOYI: Oh. Alright.

The HOUSE CHAIRPERSON (Ms M G Boroto): If you would allow me, I will then give you the opportunity. Hon Maloyi?

Mr P D N MALOYI: Madam Chair, the hon member knows that he must refer to members as "honourable" or as "Mr". You cannot call members "popcorns", "rhinos", and so on. It's unparliamentary.

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Are you referring to the members of this House when you talk about "popcorns"?

[Interjections.]

Mr T RAWULA: The member must listen. I did not refer to anyone as "a popcorn". [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Continue, then. Plus, please, let's mind our language.

Mr T RAWULA: He is therefore part and parcel of a dangerous criminal syndicate headed by the Guptas and the Zumas, whose sole purpose is the destruction of all institutions of justice so that they can continue looting ... [Interjections.]

Mr P D N MALOYI: Chairperson, on a point of order ...

Mr T RAWULA: He has become a Minister of Intelligence without any intelligence ...

Mr P D N MALOYI: Madam Chair, on a point of order ...

Mr T RAWULA: ... whether personal or institutional.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, please wait.
Hon Maloyi?

Mr P D N MALOYI: He says he is part of a criminal syndicate.

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes. Hon member, you are really out of order. You cannot call a member of this House a member of a criminal syndicate. Will you please withdraw that?

Mr T RAWULA: I did not refer to anyone. I referred to the Zumas and Guptas ...

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no, no.

Mr T RAWULA: ... as part of syndicates. I referred to the group of Guptas and Zumas. The member must listen.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you said "he" and you were talking about the Minister. [Interjections.] You said "he" and you were talking about the Minister. Can you please withdraw that part?

Ms H O HLOPHE: Chair ... Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I am still talking to the member on ...

Ms H O HLOPHE: Chair, I'm rising on a point of order here!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, your member is still standing!

Ms H O HLOPHE: Can you recognise me?

The HOUSE CHAIRPERSON (Ms M G Boroto): No, not now.

Ms H O HLOPHE: Why?

The HOUSE CHAIRPERSON (Ms M G Boroto): I'm still talking to the member.

Ms H O HLOPHE: But I'm rising on a point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Hlophe ... hon Hlophe, please take your seat. Let me advise the member ...

Ms H O HLOPHE: But just recognise me!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Hlophe, please take your seat.

Ms H O HLOPHE: Hey, Chair, I'm a member of this House! Please recognise me. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, will you please withdraw that?

HON MEMBERS: Withdraw! Withdraw!

Mr T RAWULA: Madam Chair, I beg for your indulgence. I referred to Mr Mahlobo as part of a group led by the pawn, Mr Mabuza, who is not a member here.

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

Mr T RAWULA: I therefore referred to Mr Mabuza.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, please, we can hear. I have been assisted by my Table staff here. Yes, you talked about the Zumas. I don't have a problem with that. It could be any Zuma. However, you talked about a Minister, who is

a member of this House, and that he is a member of a syndicate of criminals. Can you withdraw that?

Mr T RAWULA: I referred to close proximity to Mr Mabuza ...

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no. Can you withdraw that?

Mr T RAWULA: ... who is a pawn of the Guptas.

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

Mr T RAWULA: Mr Mabuza is not a member of this House!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, there is a Rule here, Rule 31, which, if I have to go to it ...

Mr T RAWULA: Can your Table staff come and look at my speech? I am referring to Mabuza!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, I have been asking you ...

Ms H O HLOPHE: Chair, on a point of order here!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... and you have been saying that.

Ms H O HLOPHE: Chair, on a point of order here!

The HOUSE CHAIRPERSON (Ms M G Boroto): So, what I'm going to do ...

Ms H O HLOPHE I want to correct you.

The HOUSE CHAIRPERSON (Ms M G Boroto): ... is allow my Table staff to look at the Hansard, and we will deal with the matter ...

HON MEMBERS: Yes. That's the right thing to do. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): ... because we cannot continue arguing in the House. Hon Rawula, please take your seat. [Interjections.] Hon Hlophe?

Ms H O HLOPHE: Chair, may I address you, in terms of Rule 78?

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

Ms H O HLOPHE: Please don't appear confused all the time.

[Interjections.] With your ruling now, you don't know what you are doing.

The HOUSE CHAIRPERSON (Ms M G Boroto): Sit down! That is not a point of order.

Ms H O HLOPHE: Eh-eh, no! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Sit down!

Ms H O HLOPHE: Eh-eh, no! I'm not your child!

The HOUSE CHAIRPERSON (Ms M G Boroto): That is not a point of order.

Ms H O HLOPHE: No, no, I'm not your child! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Sit down, hon Hlophe. That is not a point of order.

Ms H O HLOPHE: Eh-eh, eh-eh. Chair, listen! Hey, Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, your time has actually expired.

Ms H O HLOPHE: I'm not your child!

Mr T RAWULA: I'm still speaking!

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

Mr T RAWULA: What's happening? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, please conclude. Your time is about to expire.

Mr P D N MALOYI: Chair, on a point of order ...

Mr T RAWULA: Like Siyabonga Cwele before him, who slept in the same bed with a wife who was a drug dealer, without knowing it ...

Mr P D N MALOYI: Chair, on a point of order ...

Mr T RAWULA: Mr Zuma will never ...

Mr P D N MALOYI: Chair, on a point of order ...

Mr T RAWULA: ... will never fire one of his ... [Inaudible.] ...
generals.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Maloyi?

Mr P D N MALOYI: Chair, I want to draw your attention to Rule
67, which states:

Whenever the presiding officer addresses the House during a
debate, any member then speaking or offering to speak must
resume his or her seat, and the presiding officer must be
heard without interruption.

Now, these members interrupt the presiding officer on a
continual basis. I request that you apply the Rules.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you, hon member. I
think the hon Rawula listened to me. He did sit down when I was
doing this. Continue and finish, hon Rawula. [Interjections.]

Mr T RAWULA: We say this fully. Nothing will happen to Mr Mahlobo because he is part of a criminal group that loots our state, destroys our institutions and enriches their families.

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

Mr T RAWULA: Mr Zuma will never fire Mr Mahlobo ...

An HON MEMBER: On a point of order ...

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

Mr T RAWULA: ... because he is a very close syndicate member of the same Gupta ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, I am now naming you, and the processes will follow because now, I heard you clearly. I now name you, hon member, and your time has expired.

Mr T RAWULA: What did I say? [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Sit down, hon member. I am naming you. Thank you. [Interjections.] The ANC?

Ms H O HLOPHE: But Chair, on a point of order ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Hlophe?

Ms H O HLOPHE: Chair, in terms of Rule 78 ... [Interjections.]

... I would like to get some clarity from you. Why do you recognise a member to speak and then when that member is still busy speaking, you just switch off the microphone? Where do you get those powers from? [Interjections.]

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

Ms H O HLOPHE: You don't have those powers! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Take your seat. I am done with that point of order. I've made a ruling and I'm not going to entertain it any more. Thank you. [Interjections.] The ANC?

Mr M S MBATHA: Chairperson, on a point of order ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Pilane-Majake, please take your seat. Hon Mbatha, what is your point of order. On which Rule do you rise?

Mr M S MBATHA: My point of order is the following: I just want know the new name of the hon member [Interjections.] What is his new name now?

The HOUSE CHAIRPERSON (Ms M G Boroto): Who?

Mr M S MBATHA: The hon member. You ...

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

Mr M S MBATHA: ... will be naming him. What is his new name now?

The HOUSE CHAIRPERSON (Ms M G Boroto): Look at the Rules, and you will know what I am saying. Continue, hon Pilane-Majake.

**CONSTITUTIONAL COURT DISMISSAL OF DA APPLICATION ON DECISION OF
SOUTH AFRICA TO WITHDRAW FROM INTERNATIONAL CRIMINAL COURT**

(Member's Statement)

Ms M C C PILANE-MAJAKE (ANC): Chairperson, the ANC welcomes the Constitutional Court judgment that dismissed the DA's application to have South Africa's decision to withdraw from the International Criminal Court of justice declared unconstitutional.

The court has concluded that the application should be dismissed, as the matter does not invoke the jurisdiction of the court. The ANC believes the DA's continued attempt to circumvent the political processes of the Republic by running to court is a waste of time and money. [Interjections.] The dismissal of their application is a positive rejection of their dangerous attempt at drawing the judiciary into ideological and political contests that do not violate the Constitution.

The DA's continued attempt to destabilise the country is a clear demonstration of South Africa having an unpatriotic opposition party that is obsessed with becoming powerful at the expense of the people of this country - taking time for their development on trivial matters. The application was nothing more than yet another concerted effort by the opposition to defend imperialism under the guise of promoting human rights. I thank you.

[Interjections.] [Applause.]

MORAL AND POLITICAL DECAY IN SOUTH AFRICA UNDER ANC RULE

(Member's Statement)

Mr M A PLOUAMMA (AGANG): Chair, with hon President Zuma still in charge, our democracy is dying slowly. Our political environment is becoming depressingly sterile. We are fast becoming a carbon copy of Zimbabwe.

Under the leadership of President Zuma, competency and integrity have been replaced by patronage, laziness and dishonest leadership. The ruling elite feeds itself without shame. This is the darkest time in our nation's history. This corrupt administration is hellbent on bleeding the country to death.

We have paid a heavy price for this democracy. [Interjections.] We cannot sit on the fence whilst our Constitution is butchered and whilst the state has become an instrument to protect the corrupt elite. Under this administration, we are witnessing the erosion of public confidence in government. Whilst the ANC is protecting the President, treating him like a demigod, the future of our people, chances of economic progress, and renewal of moral leadership are wiped out. [Interjections.]

Agang SA has come to the realisation that for South Africa to move forward, to restore responsible government, the ANC has to lose power come 2019. [Interjections.] Their arrogance has blackened the rising sun. No amount of prayers and fasting can reverse this decay of moral leadership. I thank you.

CALL FOR SUPPORT OF DIGITAL CAMPAIGN BY BRAND SOUTH AFRICA

(Member's Statement)

Ms G K TSEKE (ANC): House Chair, the ANC is against any form of violence and has always sought to find effective ways of ridding society of the ugly scourge of violence against women and children.

Pursuant of its multidisciplinary approach in this effort, the ANC urges everyone to embrace Brand South Africa's digital campaign, #NoExcuses, and wear a white ribbon. Brand South Africa will launch the #NoExcuses campaign in support of the annual global 16 Days of Activism for No Violence Against Women and Children campaign, taking place between 25 November and 10 December 2016.

The campaign aims to raise awareness of the negative impact that violence and abuse have on women and children, as well as call for an end to the scourge. We must work together to defeat this ill that affects every family and community in our country. Women and children have a right to a peaceful and safe world. Thank you.

LACK OF BASIC SERVICES AT SCHOOLS

(Member's Statement)

Ms D VAN DER WALT (DA): Chair, this week the Minister of Basic Education released a statement on the progress made in delivering infrastructure in terms of the regulations relating to minimum norms and standards for public school infrastructure.

What the Minister however did not say is that since the implementation of the Accelerated School Infrastructure Delivery Initiative programme, her department has continued to miss its own targets and promises year after year. According to the National Education Infrastructure Management System report, we still have 569 schools with no electricity, 171 schools with no water supply, 68 schools with no sanitation, 4 986 pit latrines - zero in the Western Cape.

During an oversight visit to Reahlahlwa, a primary school in Vaalwater, I was shocked to find that 182 learners and their teachers are risking their lives by going to these very dangerous and unsafe ANC toilets. [Interjections.] We cannot wait until another child falls into a toilet and drowns.

The Minister must intervene, as this is against the dignity and the rights of our children. [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): There is a point of order. What is the point of order, hon member?

Ms H O HLOPHE: Chair, thank you. I rise on Rule 71 about your ruling that you made earlier regarding our member.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, the ruling is made.

Ms H O HLOPHE: No, Chair! It is the wrong Rule. I am advising you.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, it is not!

Ms H O HLOPHE: No, Chair! Just read the Rule!

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

Ms H O HLOPHE: No, Chair! Read Rule 71!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... I am going to switch off your microphone. Thank you very much.

Ms H O HLOPHE: No, Chair! I am raising a Rule. It is the wrong Rule.

The HOUSE CHAIRPERSON (Ms M G Boroto): Naming is on Rule 71. You are correct.

Ms H O HLOPHE: Chair, just check Rule 71.

The HOUSE CHAIRPERSON (Ms M G Boroto): The ANC.

Ms H O HLOPHE: No, Chair. Rule 71 ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I have ruled, and if you have problems with my ruling you know which avenues to take. Thank you.

Ms H HLOPHE: But it is your own ruling. No, no, no, Chair, we can't allow it, it is wrong.

The HOUSE CHAIRPERSON (Ms M G Boroto): I am not going to allow you, hon member. You know where to go.

Ms H HLOPHE: We can't allow you to rule wrongly, it is wrong. You need to follow procedures.

The HOUSE CHAIRPERSON (Ms M G Boroto): You know where to go if you are not satisfied. Thank you very much. Continue, ANC.

Ms H HLOPHE: Chair, Chair, Chair!

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

Ms H HLOPHE: Chair, Rule 71. Just read it. Chair, Chair, Chair, you have done a wrong ruling and we are engaging you, Rule 71(b).

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I will now evoke Rule 70 on you because I have been saying that you must take your seat and you are not. Rule 68 says that when I rise you must sit. I am not taking a point of order on a ruling that

has already been made. That is why am saying that send it where you know is correct. Continue, hon member.

Ms H HLOPHE: But Chair, Chair, Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I think I am going to use Rule 70 now. I am going to use Rule 70 on you now.

Ms H HLOPHE: What is difficult for you to read Rule 71?

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

Ms H HLOPHE: But what is difficult?

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

Ms H HLOPHE: Which book are you using? What book are you using?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, you are continuously disrupting the House.

Ms H HLOPHE: So! "Hayi, suka" [Ay, get off]

The HOUSE CHAIRPERSON (Ms M G Boroto): This is the last time that I tell you now. If you continue I am going to evoke Rule 70.

Ms H HLOPHE: I am not. I am engaging you on the Rules book

The HOUSE CHAIRPERSON (Ms M G Boroto): We don't engage in this House. If you continue I am going to evoke Rule 70.

Ms H HLOPHE: You can.

The HOUSE CHAIRPERSON (Ms M G Boroto): Continue, hon member.
ANC!

Mr R T MAVUNDA: Mutshamaxitulu, vukorhokeri bya swa rihanyu bya ndlandlamuka eka mfumo wa xifundzankulu xa Limpopo.
[Chairperson, health service delivery is expanding in Limpopo Provincial Government.]

Access to free health care through the expansion of services and development of the required human resources and skills is a priority of the ANC. We therefore proudly celebrate the Limpopo provincial government's concerted effort in increasing the

training of doctors locally and abroad. This commitment is realised in the recent graduation of four specialised medical doctors qualified in fields of radiology, forensic pathology, pediatrics and pulmonology respectively.

Xa nkoka swinene lexi nga humelela, naswona lexi kandzaka timbilu i mhaka ya leswaku vathwasi lava va thwase eka Yunivhesiti ya Limpopo leyi nga tumbuluxiwa hi mfumo lowu rhangeriweke hi ANC. Va khale va vurisile loko va te: rihlampfu lerintshwa ri tiya hi ra khale. (*Translation of Xitsonga paragraph follows.*)

[The most significant issue that soothes one's heart is the fact that these graduates graduated at the University of Limpopo which was established by the ANC-led government. There is a proverb which says the youth rely on the elderly for guidance.]

These doctors, through their specialised qualifications, will contribute to improve, capacitate and quality in the critically needed areas of our health care services.

Dyondzo i xihlovo xa vutivi. [Education is the source of all knowledge.]

This achievement brings confidence and hope to our people in the ANC's commitment to a free quality health care for all. "Inkomu, Mutshamaxitulu" [Thank you, Chairperson].

MINISTERIAL RESPONSES

THE ANC IN EXISTENCE

(Minister's Response)

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chair, I am trying to make sense of what has been said which would therefore call for Ministers to respond. It is very difficult, honestly speaking. I may only say that hon Plouamma over there and the other hon members have written off the ANC.

Actually, this happened in the late 20s and mid-30s during the formation of the Unity Movement. They thought the ANC was done and they were wrong. That's what happened when the PAC was formed in 1959. They were wrong. They were saying the same thing even with Cope recently. They were wrong. The ANC has got the capability and ability to self-correct. Where is Cope today? How many people remained in Cope and the UDM? Even the EFF who stand here all the time and say that we are going to destroy the ANC,

wara warah, they do not understand the ANC. The ANC is going to come out of this. Actually, in 2019, the ANC will even be stronger than what it is today. Thank you, hon Chair.

Mr T RAWULA: Chairperson, I rise on Rule 31 - point of privilege. The Minister is actually making an admission that the ANC is in the wrong path and therefore it will self-correct. Thank you, Minister.

**HERTZOGVILLE-HOOPSTAD ROAD WORTH R91 MILLION OPENED
INFRASTRUCTURE DELIVERANCE**

(Minister's Response)

The DEPUTY MINISTER OF ECONOMIC DEVELOPMENT: Chairperson and hon Tsoleli, the R91 million road in the Free State is part of the many roads that are being constructed in that province and other provinces.

Ms H HLOPHE: Chair, I thought you are giving the Minister an opportunity. This is not a Minister.

The HOUSE CHAIRPERSON: (Ms M G Boroto): Hon member, I am going to switch off your mike.

The DEPUTY MINISTER OF ECONOMIC DEVELOPMENT: The R91 million road in the Free State is one of the many networks of roads that the Free State and other provinces are constructing that we have shared with you. It is part of the R1,3 trillion that we have been spending as government equalling R1 billion a day in 300 projects in the country.

When you drive around and see something that says, detour the road is under construction, it is part of the R1,5 billion that we are spending in a day and has created 191 142 jobs in this programme.

Hon Van der Merwe, you talk about delivery of infrastructure. At least you must have a baseline when you say electricity in full is zero. [Interjections.]

Ms L L VAN DER MERWE: House Chairperson, on a point of order: I don't know whether he is a Deputy Minister or a Minister. He is confused.

The HOUSE CHAIRPERSON (Ms M G Boroto): On what point of order are you rising on, hon Van der Merwe?

Ms VAN DER MERWE: ...on the hon Van der Merwe. I did not do anything. He is confused. He is answering the hon Van der Merwe and that is why I am saying he is confused. He must answer the right person.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, that's not a point of order. Continue, hon member.

The DEPUTY MINISTER OF ECONOMIC DEVELOPMENT: When you say that the number of schools without electricity in the Western Cape is zero, you must tell us what baseline from apartheid was that baseline coming from because in the Western Cape as far as I know is that there were no school that do not have electricity before. In any case electricity is a national mandate. [Time expired.]

Mr N SINGH: Hon Chair, I rise on Rule 92. I think it will be incorrect for Hansard to reflect that hon Van der Merwe made a statement in this House. It was not hon Van der Merwe and I think the record need to be correct. The Deputy Minister might not know the name correctly.

The HOUSE CHAIRPERSON: (Ms M G Boroto): Hon Chohen, noted

DISTRIBUTION OF IDENTITY DOCUMENTS

WHITE FARMERS WHO FORCED BLACK MEN INTO COFFIN DENIED BAIL

(Minister's Response)

The DEPUTY MINISTER OF HOME AFFAIRS: House Chairperson, good citizenship is as much part of our mandate as distributing IDs and birth certificates. We have, over the last few years, visited dozens of schools to speak on this issue of good citizenship. This fundamentally entails a deep respect for human dignity and a realisation that persons or human beings are deserving of dignity regardless of gender, race or sex.

While I stand to condemn the criminal acts in the case of Victor Rethabile Mlotshwa, it behoves us, I believe, as public representatives and as leaders, to refrain from emotive language and from provocative language that merely seeks to evoke racial hatred and raise racial tensions. We must all strive to shine a light ahead towards a more caring, nonracial, nonsexist and harmonious society.

It therefore behoves us all in this House to be true leaders in times of heightened tension and crisis in our society. We reaffirm here today that most South Africans, whether black or

white, are indeed nonracial and nonsexist in orientation and they deserve leaders who are also thus. Thank you. [Applause.]

NOTICES OF MOTION

Mr M S A MASANGO: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

That the House debates the anniversary of 20 years of formal bilateral co-operation between Cuba and South Africa.

Thank you.

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

That the House -

(1) debates -

(a) the fact that the Passenger Rail Agency of South Africa, Prasa, is in contempt of court as it has not

paid millions owed to three Cape Town security companies as ordered by the court;

(b) what the impact is on these companies; and

(c) the reasons Prasa is behaving illegally.

I thank you.

Mr P J MOTEKA: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the EFF:

That the House debates whether Ministers and their heads of department are taking the Minister of Finance's instructions and National Treasury's regulations seriously, particularly the cost-cutting measures and priority spending.

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

That the House debates the strengthening of support for struggles for national self determination for Saharawi people,

and a multilateral approach to the peaceful management of global conflict.

I so move.

Ms L L VAN DER MERWE: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the IFP:

That the House debates the urgent need to establish a fact-finding mission to track down and locate truant ANC MPs and Ministers who have abandoned their constitutional responsibilities and duties as entrusted to them by the electorate and who are now seriously and negatively impeding the work of Parliament.

[Applause.]

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

That the House debates the continuing occurrence of child marriages in South Africa and the prevalence thereof in rural

areas in particular, despite comprehensive constitutional and other legislative measures to curb this practice, mindful of the fact that a child under the age of 15 is married every seven seconds globally.

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

That the House debates the important roles of cities and provincial governments in Africa's industrialisation efforts.

Thank you.

Mr K J MILLEHAM: House Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the importance of transparency and public participation in legislative bodies, including Parliament, provincial legislatures and municipal councils and all their committees, and methods for strengthening these constitutional imperatives.

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

That the House debates the municipal capacity and resources required to provide services to people who have identified a piece of land, liked it and then proceeded to occupy it.

Thank you.

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

That the House debates integrating the formal sector and township economies into the mainstream of our national and regional economies.

Thank you.

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

That the House debates ways to counter the increase in sexual assault on female students at institutions of higher learning and in communities at large.

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

That the House debates integrating regional economies and markets to build a strong regional, industrial and manufacturing base.

I thank you.

Prof B BOZZOLI: House Chairperson, I hereby move on behalf of the DA:

That the House -

- (1) notes that on Monday, 14 November 2016, Minister Mahlobo, in an interview which is publicly available, stated that Mcebo Dlamini had visited his house several times;

- (2) also notes that on Wednesday, 16 November, Minister Mahlobo, answering oral questions in the House, stated that Mr Dlamini has never visited his house.
- (3) accepts that Minister Mahlobo has thus deliberately misled the National Assembly;
- (4) resolves to condemn the actions of the Minister
- (5) censures the Minister by calling upon him to apologise unreservedly for his actions to the House and all involved members of the public;
- (6) demands a full briefing to be made to the Portfolio Committee on Higher Education and Training of all the interactions between the Minister and Mr Dlamini.

Thank you. [Applause.]

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

That the House debates the bringing of water facilities and quality water closer to communities in order to improve the quality of people's lives.

The House adjourned at 16:51.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

ANNOUNCEMENTS

National Assembly and National Council of Provinces

1. Calling of Joint Sitting

CALLING OF JOINT SITTING OF PARLIAMENT

The Speaker of the National Assembly, Ms B Mbete, and the Chairperson of the National Council of Provinces, Ms T R Modise, in terms of Joint Rule 7(2), have called a joint sitting of the Houses of Parliament for Tuesday, 22 November 2016 at 10:00 to conduct a debate on 16 Days of Activism on no violence against women and children under the theme: Count me in: Together moving a non-violent South Africa forward.

B MBETE, MP

T R MODISE, MP

SPEAKER OF THE

CHAIRPERSON OF THE

NATIONAL ASSEMBLY

NATIONAL COUNCIL OF PROVINCES

National Assembly

The Speaker

1. Referral to Committees of papers tabled

(1) The following paper is referred to the **Portfolio Committee on Environmental Affairs** for consideration:

- (a) Threatened or protected marine species regulations (tops) and listing notices submitted in terms of section 97(3A) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).

(2) The following paper is referred to the **Portfolio Committee on Justice and Correctional Services** for consideration:

- (a) Letter from the Minister of Justice and Correctional Services dated 9 November 2016 to the Speaker of the National Assembly, explaining the

reasons for the delay in the tabling of the Annual Report of the Department of Correctional Services for 2015-16.

(3) The following papers are referred to the **Portfolio Committee on Environmental Affairs:**

- (a) Government Notice No 422, published in Government Gazette No 39919, dated 13 April 2016: Regulations regarding fees for the provision of aviation meteorological services, in terms of the South African Weather Service Act, 2001 (Act No 8 of 2001).
- (b) Government Notice No 503, published in Government Gazette No 39971, dated 6 May 2016: Adoption of standards for landbased abalone aquaculture, in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (c) Government Notice No 504, published in Government Gazette No 39971, dated 6 May 2016: Activities identified in terms of section 24(2)(d) that may be excluded from the requirement to obtain an environmental authorisation but that must comply with standards for land-based abalone aquaculture, in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).

- (d) Government Notice No 427, published in Government Gazette No 39922, dated 15 April 2016: Draft Biodiversity Management Plan for Hartbeesspruit Ecosystem, in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
- (e) Government Notice No 619, published in Government Gazette No 40041, dated 3 June 2016: Interim arrangements with respect to Minimum Information Requirements for submission of an EA application related to shale gas, in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (f) General Notice No 336, published in Government Gazette No 40054, dated 7 June 2016: Draft National Greenhouse Gas Emission Reporting Regulations, in terms of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
- (g) General Notice No 337, published in Government Gazette No 40058, dated 10 June 2016: Biodiversity management plan for Pickersgill's Reed frog (*Hyperolius Pickergilli*), in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
- (h) Government Notice No 778, published in Government Gazette No 40110, dated 1 July 2016: A draft Generic Environmental Management Programme

(EMPR) for public comment, in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).

- (i) Government Notice No 779, published in Government Gazette No 40110, dated 1 July 2016: Identification of the Minister as Competent Authority for the Consideration and Processing of Environmental authorisations and amendments thereto for Activities related to the Integrated Resource Plan (IRP) 2010-2030, in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (j) Government Notice No R 815, published in Government Gazette No 40128, dated 8 July 2016: Appeal Regulations, made in terms of section 74 read with section 83(1)(j) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No 24 of 2008).

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Police

- (a) Remuneration Scales: National Head, Deputy National Head and Provincial Heads of the Directorate for Priority Crime Investigation (DPCI), submitted in terms of section 17CA(9) of the South African Police Service Act, 1995 (Act No 68 of 1995).

2. The Minister in The Presidency

- (a) Report of the Independent Commission for the Remuneration of Public Office Bearers for 1 January 2015 to 31 December 2015.

COMMITTEE REPORTS

National Assembly

Please see pages 5-233 of the ATCs.