# TUESDAY, 15 MARCH 2016

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 14:01.

The Deputy 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.

# WELCOMING OF NEW MEMBER

(Announcement)

The DEPUTY SPEAKER: Hon members, order! I wish to announce that the vacancy which occurred in the National Assembly owing to the resignation of Mr P S Sizani has been filled with effect from

2 March by the nomination of Ms W Newhoudt-Druchen. The hon member has subscribed the oath in the Speaker‘s office. [Applause.] Welcome, hon member.

# NOTICES OF MOTION

Mr N SINGH: Thank you, hon Deputy Speaker. 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 Health Professions Council of SA, HPCSA, regulations that govern the registration of foreign qualified medical and dental graduates upon their return to South Africa.

Ms C N MAJEKE: Thank you, Deputy Speaker. I hereby give notice that on the next sitting day of the House I shall move on behalf of the UDM:

That the House debates the impact of the Mthatha Airport on the economy of the Eastern Cape.

Ms N NDONGENI: Thank you, Deputy Speaker. 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 of sexual assaults on female students at institutions of higher learning and in communities at large.

Mr M S F DE FREITAS: Thank you, Deputy Speaker. 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. in terms of National Assembly Rule 2141A, establishes a multiparty ad hoc committee to investigate the reply by Transport Minister Dipuo Peters to Question 1344 of 2015 posed by K B Mubu, questioning why the new locomotive rolling stock units differ in dimensions, weight and scale for the required rolling stock, specifically her assertion that the new locomotives are within the required scale and within required dimensions, and thus that there is no need to take any steps;
2. notes that in fact it has been shown that the new locomotives are indeed of the incorrect dimensions to what is required and that documents ... [Inaudible.] ... stakeholders such as the chairman of the board of the Passenger Rail Agency of SA, Prasa, confirmed that the dimensions of the locomotives were incorrect;
3. determines whether the initial reply by the Minister constitutes a deliberate misleading of the House;
4. further determines that the committee consists of 11 members as follows: ANC 6, DA 3, EFF 1 and other parties 1; and
5. also determines that the committee exercises the powers in Rule 138 it may deem necessary for the performance of its task and reports to the National Assembly by no later than

31 March 2016.

Rev K R J MESHOE: Thank you, Deputy Speaker. I hereby give notice that on the next sitting day of the House I shall move on behalf of the ACDP:

That the House debates how consumers in townships can be protected from unscrupulous traders who sell them foods that have passed its expiry date, such as rotten meat that if consumed could endanger their health, as happened in Katlehong this past weekend, and which led to an enraged community where shootings occurred, resulting in injuries and loss of life.

Mr S M GANA: Thank you, Deputy Speaker. 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 living conditions of residents of Mandela Square and Angola informal settlements in Kliptown that have been forgotten by the ANC-led Johannesburg municipality.

Ms D SENOKOANYANE: Thank you, Deputy Speaker. 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 strengthening the call for the reform of multilateral institutions such as the UN Security Council, to give a greater voice to developing nations and reflect a more just and equitable world order.

Ms D Z RANTHO: Thank you, Deputy Speaker. 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 scourge of abandoned babies that are sometimes picked up from toilet pits or street corners.

Prof N M KHUBISA: Hon Deputy Speaker, 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 substance abuse and violence in schools. Thank you.

Mr H C C KRUGER: 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 long-term economic effect that regulatory reform will have on small business.

Ms G NOBANDA: Thank you, Deputy Speaker. 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 in the struggle for national self-determination and a multilateral approach to the management of global issues.

Mr I A PIKININI: Hon Deputy Speaker, 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 exploration of shale gas as an economic activity that can bring meaningful change to people‘s livelihood.

Ms K DE KOCK: 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 declining number of nonprofit organisations, NPOs, complying with the Nonprofit Organisations Act.

# MOTIONS WITHOUT NOTICE

**LACK OF TRANSFORMATION IN COLLEGE OF MEDICINE SOUTH AFRICA**

(Draft Resolution)

Mr K P SITHOLE: Deputy Speaker, I move without notice:

That the House –

1. notes lack of transformation in the College of Medicine SA, CMSA;
2. further notes that numerous grievances received mainly from the African medical practitioners who have written exams in the said college indicate that all is not well in the governing body of this college;
3. notes that the college is the only organ through which medical practitioners are able to get accreditation for recognition as specialists in various fields of health practice;
4. acknowledges that African specialists are very few in our country in the various disciplines of medical field, although we all know that efficient health care requires well-trained practitioners and recognising negative impact caused by successive years of exclusion of black people in advanced or further training in this field for effective delivery of health care to our people;
5. further acknowledges that the sharpening of the country‘s medical capacity remains a responsibility of government;
6. notes that It is criminal to leave such a body with such a huge responsibility to monitor itself without checks and balances put in place;
7. further notes that a number of serving practitioners, mostly in KwaZulu-Natal, have mandated us as the EFF to speak louder on ill-treatment they get from this institute;
8. calls on the Ministers of Health and Higher Education to urgently review the structure of the board presiding over this institute with immediate effect;
9. further calls for transparency in the marking of scripts of students, mostly black students as there is a belief that our people are intentionally failed by this institute;
10. also calls upon our people never to give up hope as the EFF shall ensure that no stone remains unturned until their dreams are fulfilled.

Not agreed to.

# UNIVERSITY OF CAPE TOWN RAPE SUSPECT ARRESTED

(Draft Resolution)

Mr M HLENGWA: Deputy Speaker, before I read the motion, could you please ask the Table staff to turn on the electronic system because it is not working on this side.

I hereby move without notice:

That the House –

1. notes that a man suspected to be behind a series of rape

...

The DEPUTY SPEAKER: Sorry, hon Hlengwa. Hon members, please, do not let us hear you. We would like to hear the member on the floor. Thank you very much.

Mr M HLENGWA: Ngiyathokoza, Sihlalo. [Thank you, Chairperson.]

... attacks at the Rhodes Memorial area was arrested on Saturday morning;

1. also notes that an intelligence-driven operation led police to a hide-out on the slopes of Table Mountain behind Rhodes Memorial where the 35-year-old suspect was arrested;
2. acknowledges that the man has been charged in connection with the rape that occurred on 19 November 2015, which is one of the numerous rape incidents which have occurred in the area and could be linked to several others;
3. further acknowledges that his arrest comes just days after the University of Cape Town put out a R100 000 reward for any information that could lead to the arrest of a rapist who has attacked several students;
4. calls on the people of South Africa to be more forthcoming with information that could help police arrest more and more of the perpetrators of all violent crime and not do so only when there is a financial gain.

Agreed to.

# SIXTEEN PEOPLE KILLED IN IVORY COAST

(Draft Resolution)

Mr C H M MAXEGWANA: Deputy Speaker, I hereby give motion without notice:

That the House –

1. notes with great shock the death of 16 people in a gun attack on a beach resort in southern Ivory Coast on Sunday

13 March 2016;

1. further notes that 14 of those killed were civilians and two were soldiers;
2. acknowledges that the attackers believed to be associated with Al-Qaeda militants fired on beach-goers in Grand Bassam, about 40km from the commercial capital Abidjan;
3. further acknowledges that the resort is popular with both locals and foreigners;
4. condemns the senseless attacks on innocent civilians in Ivory Coast; and
5. conveys condolences to the families of the deceased, the government of the Ivory Coast and the people in general.

Agreed to.

# MOTION OF CONDOLENCE

(*The late John Caviggia*)

Dr W G JAMES: Deputy Speaker I hereby move without notice:

That the House –

1. notes that John Caviggia was a remarkably gifted actor, designer, director and make-up artist and a prominent and eccentric figure in theatrical circles in the Cape Town since the 1980s;
2. further notes that John appeared in The Rise and Fall of the First Empress Bonaparte, school play at the space Chinchilla and The Prince and the Sphinx;
3. recognises that John lectured English, history of art, fashion, cosmetology and jewellery, design of theatre, opera, ballet and film;
4. further recognises that John taught at the Universities of Cape Town, Stellenbosch, Rome, the American University in London, the Academy of Film and Dramatic Arts, Cape

Peninsula University of Technology and most recently was a head of Design History at Fedisa;

1. acknowledges that John served on the Cape Town Press Club Committee, the Cape Town Theatre Club Committee and the Little Touring Company which took educational programmes to underserved areas;
2. further notes that I knew John personally as Dean of the Faculty of Humanities at the University of Cape Town;
3. expresses our sincere condolences to his family and friends worldwide in memory and honour of this remarkable South African who gave his life to the performing arts with such style, grace and love.

Agreed to.

# THIS YEAR MARKS ANNIVERSARY PUBLICATION THE WRETCHED OF THE EARTH BY FRANTZ FANON

(Draft Resolution)

Ms H O HLOPHE: Hon House Chairperson, I move without notice:

That the House —

1. notes that this year marks the 55th anniversary of the publication of the book *The Wretched of the Earth* by Frantz Fanon, which became and still remains an authoritative literature on race, colonialism and neocolonialism;
2. further notes that Fanon, who was born in the Caribbean Island of Martinique and later joined the Algerian National Liberation Front movement in 1954, wrote and completed this book in record 10 months, which was a race against time because he was on his deathbed, dying from Leukemia aged only 36;
3. acknowledges that this book draws on Fanon‘s involvement in the Algerian liberation struggle, and from his travels and engagements with African liberation leaders in the continent, and deals with the dualistic nature of colonial societies and the colonial construction of black nonhuman beings through violence, and how the fight for national liberation turns that violence back on the colonialists to reclaim, through violence, the humanity that blacks had been made to lose;
4. further acknowledges that Fanon also criticised heavily the inability of former liberation movements to respond adequately to the needs of the people once these liberation movements take power. In the chapter entitled

―The Pitfalls of National Consciousness‖, Fanon condemns the intellectual laziness of the nationalists movements of newly liberated countries, and their fixation with merely appropriating to themselves benefits previously reserved for the middle classes of the former oppressors;

1. notes that, in criticising liberation movements, Fanon says, and I quote:

The objective of nationalist parties as from a certain given period is, we have seen, strictly national. They mobilise the people with slogans of independence, and for the rest leave it to future events. When such parties are questioned on the economic programme of the state that they are clamoring for, or on the nature of the regime which they propose to install, they are incapable of replying, because, precisely, they are completely ignorant of the economy of their own country. This economy has always developed outside the limits of their knowledge.

They have nothing more than an approximate, bookish

acquaintance with the actual and potential resources of their country‘s soil and mineral deposits, and therefore they can only speak of these resources on a general and abstract plane. After independence this underdeveloped middle class, reduced in numbers and without capital, which refuses to follow the path of revolution, will fall into deplorable stagnation;

1. notes that Fanon, while accepting Marxism as a comprehensive tool of analysis, also realised that in the African colonial context, Marxism needed to be stretched to take into account the deeply entrenched philosophy of racism;
2. acknowledges that it is for this reason that the EFF is guided by the philosophies of Marxism, Leninism and Fanonianism, to come up with a uniquely African solution to the African problems of class and race; and
3. further acknowledges that *The Wretched of the Earth* remains as relevant today as it always has been, in light of African leadership that is consuming resources that are meant for the people, and in light of institutional racism that our postindependence elite failed to destroy

I so move.

# SOUTH AFRICA LAUNCHES FIRST PROGRAMME IN AFRICA TO TREAT HIV AMONG HIV POSITIVE SEXWORKERS

(Draft Resolution)

Mr A M SHAIK-EMAM: Hon House Chairperson, I move without notice:

That the House —

1. notes that South Africa has launched the first programme of its kind in Africa to treat HIV among HIV-positive sexworkers upon diagnosis, as part of its new announced national plan;
2. further notes that the three year national plan also aims to reach 70 000 sexworkers with a standardised package of services, including pre-exposure prophylaxis, PrEP, adherence support, delivered in part via a network of

1 000 of their peers;

1. also notes that as part of the programme, at least 3 000 HIV-negative sexworkers will also receive the combination

antiretroviral, ARV, Truvada to prevent contracting HIV which has been proven to reduce a person‘s risk of contracting HIV by about 90% if taken daily as a pre- exposure prophylaxis;

1. furthermore notes that according to the Deputy Minister of Health, sexworkers account for approximately 20% of all new HIV infections in South Africa, 70% of sexworkers tested in Gauteng were HIV-positive;
2. finally notes that more than 90% of sexworkers surveyed had tested for HIV, but less than a third of those who were living with HIV had received treatment which is far less than the national average;
3. congratulate the Minister of Health on driving the creation of this intervention plan as it is rare for a country to have such high-level leadership dealing with HIV among sexworkers; and
4. express its hope that this intervention programme will contribute to a significant reduction of HIV infection amongst sexworkers in South Africa.

I so move.

# CAR EXPLOSION AT ANKARA TURKEY ON SUNDAY 13 MARCH 2016

(Draft Resolution)

Ms L M MASEKO: Hon House Chairperson, I move without notice:

That the House —

1. notes with sadness the death of more than 30 people and injury of more than 100 following a car explosion at Ankara, Turkey on Sunday 13 March 2016;
2. further notes that several vehicles at the scene were reduced to burned out wrecks, including at least one bus;
3. believes that the vehicle that caused the blast was packed with explosives close to Kizilay Square, a main shopping and transport hub close to the city‘s embassy area;
4. recalls that this follows another bomb attack last month on a military convoy in Ankara which killed 28 people and wounded dozens more;
5. believes that terrorism in any form and from whichever quarter cannot be condoned; and
6. conveys deepest condolences to the government and people of Turkey, particularly the families of the deceased and wish the injured a speedy recovery.

I so move

# DISPUTE LODGED BY COMMUNITY OF UNIT TWO IN MAFIKENG

(Draft Resolution)

Mr N P KHOZA: Hon House Chairperson, I move without notice:

That the House —

1. notes the failure of the Premier of North West to respond to a dispute lodged by the community of unit two in Mafikeng with regards to the sale of an Erf in December 2012;
2. further notes that the land was earmarked as a community park;
3. notes that a member of the community offered to purchase the land in question, Erf 661 but the Mafikeng Local Municipality refused to sell the land stating it was allocated as to be developed into a community park;
4. notes that even the Anglican Church tried to buy Erf 661 for the purpose of building a church on the land but the Mafikeng Local Municipality rejected the application for the same reason;
5. further notes that objections to the rezoning of the community park was to be lodged in writing with the municipal manager before 14 December 2012 and the community submitted a petition on 13 December 2012 disputing the sale and development of unit two community park; and
6. calls on the people of Mafikeng and all the North West municipalities to reject this government in the upcoming local government elections because they fail to provide recreational areas for poorer communities.

I so move.

# SUPREME COURT OF APPEAL DISMISSES STATE APPEAL FOR PRESIDENT OMAR AL-BASHIR

(Draft Resolution)

Mr S MOTAU: Hon House Chairperson, I move without notice:

That the House —

1. notes that earlier today the Supreme Court of Appeal dismissed the state‘s appeal in the Al-Bashir matter;
2. also notes that this ruling by our Supreme Court of Appeal means that the original High Court decision which found government‘s failure to arrest Omar al-Bashir as inconsistent with the state‘s constitutional duties still stands;
3. acknowledges that we can indeed today proclaim that the day the ANC-led government allowed president Omar al- Bashir to flee South Africa, they broke the South African law;
4. also acknowledges that today‘s ruling shows that the ANC ignored an International Criminal Court arrest warrant;
5. further acknowledges that today‘s ruling shows that the ANC acted inconsistent with our own Constitution; and
6. conveys our sympathies to the ANC for once again being on the wrong side of the law.

I so move.

# CONGRATULATIONS TO MR MOSES NGOBENI

(Draft Resolution)

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

That the House -

1. notes with great admiration that Mr Moses Ngobeni of Giyani, Limpopo designed and built a two door sports car from scratch;
2. further notes that he began assembling the vehicle three years ago using parts from old cars in the backyard of his home;
3. additionally notes that Mr Ngobeni a married man and father of three who is employed as a municipal electrical technician in Mpumalanga has already spent more than R200 000 to realise his childhood dream;
4. admires his innovative and technical skills enabling him to connect the electronic system of his car to a cellphone which not only allows him to start the car‘s engine remotely, but is also useful to automatically start the engine to the battery run low; and
5. congratulates Mr Ngobeni for realising his lifelong dream of building his own car and encourages him in his new dream and pursuit to build a helicopter.

Agreed to.

# THE DEATH OF THE FORMER MPLA FORMER SECRETARY IN ANGOLA

(Draft Resolution)

Mr M G P LEKOTA: Deputy Speaker, on behalf of COPE I move without notice:

That the House -

1. notes with deep sadness the death of the former secretary of the People's Movement for the Liberation of Angola, MPLA, and long time leading Angolan revolutionary, Lúcio Lara; and
2. notes that Lúcio Lara was a close collaborator of the first Angolan President Agostinho Neto and conveys its condolences to his family, the Angolan people and the International Workers Movement of the World.

Agreed to.

Ms L M MASEKO: Deputy Speaker, we just want to inform Cope that they must circulate the motion before hand. It was not circulated. Thank you.

# UNPROTECTED DOMESTIC WORKERS

(Draft Resolution)

Mr T RAWULA: I rise on behalf of the EFF to move without notice:

That the House -

1. notes that the comments by the Director of International Labour Organisation, ILO, Isabel Ortiz, that there are more than 67 million domestic workers in the world and

60 million of them don‘t have access to social protection;

1. further notes that Isabel added that most of the domestic workers role in the economy is undervalued and they are unprotected; when they become old or injured, they are fired without pension or any income;
2. acknowledges that even though South Africa has legislation and many are included in the Unemployment Insurance Fund, UIF, they still face abuse and exploitation by employers and the Department of Labour fails to conduct comprehensive inspection in the workplace;
3. further acknowledges that until there is an introduction of national minimum wage of not less than R4 500, domestic workers will continue to be subjects of exploitation and abuse while their work continue to be undermined;
4. sends its words of appreciation and gratitude to all domestic workers, because without them many of us will not be able to participate in the economy as they form an integral part of the economy; and
5. calls upon the Deputy President Cyril Ramaphosa to stop frustrating National Economic Development and Labour Council, Nedlac, processes and finalise the introduction of national minimum wage as soon as possible.

Mr S C MNCWABE: Deputy Speaker, I move on behalf of ... [Interjection.]

The Deputy Speaker: Hon members take it easy and cool your heels and you will get your time. Take it easy. I must go through all members in the House, you hold on. Just hold on hon members. Go ahead hon member!

Mr S C MNCWABE: Ngiyabonga ngokungivikela Sekela Somlomo. [Thank you, Deputy Speaker, for protecting me.]

... the NFP without notice:

That the House -

1. notes that Noxolo Skota of eMbekweni in the Paarl was fatally shot and wounded during an incident subsequent to an attempted robbery near the train station in Kuilsriver in Cape Town on Monday 14 March;
2. further notes that Noxolo and several of her co-workers were in a minibus taxi on their way home from working night shift at McDonald‘s when police fired on the vehicle they were travelling in; and
3. also notes that Noxolo and two of her colleagues died of their wounds on the scene and five others were injured;
4. finally notes that the Independent Police Investigative Directorate, IPID, is currently involved in the investigations surrounding the death of these four people; and
5. calls upon this house to send its heartfelt condolences to the bereaved family and loved ones of Noxolo Skota and others who have died and express its hope that all investigations surrounding their deaths will be concluded speedily so that their families will find closure.

Agreed to.

Mr MAXEGWANA: Deputy Speaker! The motion was not circulated and we request NFP to circulate the motion.

The DEPUTY SPEAKER: Hon members, can we get communication between yourselves and the table about the circulation of motions, please. Let‘s not repeat the same thing every time. Okay, thanks. It was circulated, hon member. It is recorded. Please just check your records. No, it‘s okay it is sorted out. Thank you very much.

Prof N M KHUBISA: Okay!

The DEPUTY SPEAKER: Thank you very much.

Prof N M KHUBISA: I wanted to say it is there. It is...

The DEPUTY SPEAKER: No, it‘s okay. You don‘t have to repeat it. I have said it, hon member. Go ahead!

# 133 ANNIVERSARY OF THE DEATH OF KARL MARX

(Draft Resolution)

Mr T E MULAUDZI: Deputy Speaker, I move without notice:

That the House -

1. notes that yesterday marked the 133 anniversary of the death of Karl Marx. He was a philosopher, social scientist, historian and revolutionary; Karl Marx, is without a doubt the most influential ... [Interjections.]

The DEPUTY SPEAKER: Order, hon members! Let us hear.

Mr T E MULAUDZI:

1. Karl Marx, is without a doubt, the most influential socialist thinker to emerge in the 19th century although he was largely ignored by scholars in his own lifetime, his social, economic and political ideas gained rapid acceptance in the socialist movement after his death in 1883;
2. further notes that Karl Marx was born to a comfortable middle class family on 5 May 1818, and at the age of 17, he enrolled in the Faculty of Law at the University of Bonn but later moved to University of Berlin where he

became a member of the Young Hegelian Movement, marking the start of his activism;

1. acknowledges that Marx later became a journalist, and his socialist writings and political activities got him expelled from Germany and France. In 1848, he published the Communist Manifesto with Friedrich Engels and was exiled to London, where he wrote the first volume of *Das Kapital* and lived the remainder of his life;
2. further acknowledges that the most important lesson Marxism offers the best traditions of radical left movements is the analysis of the structure of the capitalist society whose main components are the ruling class, mass media, government, management and the subordinates to the four – which are workers and the unemployed;
3. further acknowledges that Marx‘s works emphasises how government throughout history has been a tool for the exploitation of the masses by the ruling class, that class struggle has been the main agency of historical change, and that the capitalist system would inevitably after the

period of the dictatorship of the proletariat, be superseded by a socialist order and the classless society;

1. notes that the conditions Marx speaks about in all of his works are still prevalent in South Africa today ... [Interjections.]

The DEPUTY SPEAKER: Order, hon members, order! Let the member finish. Order!

Mr T E MULAUDZI:

1. ... we have witnessed how the government has opened a gateway for all to suck South Africa off all its resources while exploiting the poor and most disadvantaged in the most unimaginable ways;
2. notes that Marx‗s work has also given us the ability to assess accurately the relationship between all socioeconomic and political forces at work and how to respond best to them using tactics and strategy in every aspect of thinking and every aspect of work in our quest for fully liberating our people;
3. further notes that the EFF acknowledges the silence of Marx‘ work on the race question hence the incorporation of some of the best leaders of black thought into our ideological framework;
4. also notes that on this day, in the words of Karl Marx, we declare our commitment to our generational mission, economic freedom in our lifetime and we say: Let the ruling classes tremble at a communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workingmen of all countries, we must unite.

The DEPUTY SPEAKER: If there are no objections, I put the motion.

Ms L M MASEKO: The ANC objects. The word is ―proletarian‖ not

―protean‖. [Laughter.]

The DEPUTY SPEAKER: Order! Order, hon members!

# MRS CANDICE ABRAHAMS CROWNED MRS WORLD

(Draft Resolution)

Mr N SINGH: Hon Deputy Speaker – some good news - I move without notice:

That the House -

1. notes that Mrs Candice Abrahams was crowned Mrs World at the 27th Mrs World Pageant held on Saturday 12 March 2016 at Dongguan, in China;
2. further notes that Mrs Abrahams was crowned Mrs South Africa 2016 at Emperors Palace in Kempton Park on Friday October 9, 2015;
3. acknowledges that women that participate in Mrs World Pageants are said to be ambitious and successful in their various careers, and they are also mothers and wives of various ages doing great work within their respective communities;
4. further acknowledges that Mrs Abrahams was a firm favourite to win Mrs World title after she dominated in the national costume category, where she stole the show in an Anel Botha gown, which was symbolic of South African wildlife and a headpiece by Riana Conradie;
5. congratulates Mrs World for winning this esteem title which is a remarkable achievement; and
6. applauds Mrs South Africa for adding her name to a long list of local celebrities who have achieved success beyond our country‘s borders.

Agreed to.

# UFS ADOPT ENGLISH AS THE SOLE LANGUAGE OF INSTRUCTION

(Draft Resolution)

Mr S M MBATHA: Kade ngikhala. Ngiyabonga. Ngiyabonga, Sihlalo. Ngiyabonga. [I have been asking you to recognise me. Thank you. Thank you, Chairperson. Thank you.]

Hon Deputy Speaker, I move without notice:

That the House -

1. notes and welcomes the decision by the University of Free State to adopt English as the sole language of instruction;
2. notes that there is no doubt that this decision did not come easy but it was led by the struggles of the students;
3. recognises that Afrikaans as an institutionalised language has been kept alive through various forms and means by the majority of the former white universities, in particular those who with an Afrikaans inheritance;
4. further notes that the continuing use of Afrikaans in South Africa, 22 years into our democracy promoted systematically white supremacist cultural practices;
5. commends all who participated protests that actually fought against the students who were fighting for their rights;
6. calls on the University of Stellenbosch, University of Pretoria and the North West University to follow suit and heed the call that says: Afrikaans-must-fall and move forward to present a South African higher education institution free from any bondage;
7. further calls for all colonial and apartheid statues in our campuses to be removed;
8. believes that a truly inclusive South Africa cannot be achieved using segregated teaching halls in the universities;
9. also notes that any attempt to separate students in universities is no longer an attempt to serve the higher education needs in South Africa, but it is an act of backwardness; and
10. commends the actions of the Afrikaans-must-fall movement led by the EFF Student Command.

An HON MEMBER: Uyaphi kodwa Sihlalo lo, uyaphi. [Chairperson, where is this person going, where is she or he going?]

The DEPUTY SPEAKER: If there are no objections, I put the motion. Yes, hon member.

An HON MEMBER: Obliviously, we object to this ridiculously motion.

The DEPUTY SPEAKER: The motion falls away.

# DAVID MAHLOBO’S BLUE LIGHT CONVOY INVOLVED IN AN ACCIDENT

(Draft Resolution)

Mr K ROBINSON: Deputy Speaker, I hereby move without notice:

The DEPUTY SPEAKER: Order, hon members! Can we please not violate the Rules of the House? You are not allowed to converse loudly and you are doing so. Go ahead, hon member.

Mr K ROBINSON: Deputy Speaker,

This House -

1. notes that the State Security Minister David Mahlobo‘s blue light convoy was involved in an accident between Carolina and Amsterdam on 23 December 2015, which ended the life of a fellow road user;
2. also notes that the Minister‘s convoy pulled off a risky defensive manoeuvre and caused the head on collision with Mr Hermanus van Schalkwyk on a gentle blind rise in the road;
3. also notes that the Minister and his security personnel left the scene of the accident with occupants that were involved in the State Security detail vehicle;
4. further notes that the perishing of Mr van Schalkwyk was allegedly left alone in his vehicle for three hours while waiting for emergency services to respond;
5. acknowledges that Mr Van Schalkwyk finally succumbed to his wounds while still in his vehicle;
6. further acknowledges that justice must be served against the perpetrators of this horrific tale and that a moratorium must be placed on all blue light convoy services throughout the country; and
7. coveys our heartfelt condolences to the family and friends of Mr Hermanus Van Schalkwyk. Thank you.

The DEPUTY SPEAKER: If there are no objections, I put the motion.

Ms L M MASEKO: Deputy Speaker, this motion needs to be a substantial motion because it cast aspersions. Thank you very much.

The DEPUTY SPEAKER: Hon members, the Rules require that any statements in the motions must not make allegations against a member without substantiation. That part of your motion is problematic and will not be allowed in, the rest of it can go in.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I think it is proper to point out that the allegation was not made against Minister Mahlobo because it is a fact that it was Minister Mahlobo‘s convoy. Therefore, there is no finger of blame being pointed at Minister Mahlobo but rather the drivers of the convoy. In fact, he was not driving himself. Therefore, it is not against the member of this House; and it does not require a substantive motion. [Applause.]

The DEPUTY SPEAKER: No, hon member, it has been objected to. [Interjections.] Yes, on the grounds that it is making those allegations. This is the view of the members and I believe that however you coach it, it has the same effect, sir, the Minister is accountable - you will say yourself, finally.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, I respect your ruling but I would ask that you refer this matter to the Rules Committee for final arbitration.

The DEPUTY SPEAKER: Hon members, let us proceed. Yes, hon NFP.

# FOUR PEOPLE DIED IN KUILSRIVIER

(Draft Resolution)

Mr A M SHAIK-EMAM: Hon Deputy Speaker, I move without notice:

That the House -

* 1. notes that four people had died in Kuilsrivier, Cape Town, in an attempted robbery in the early hours on Monday, 14 March;
	2. also notes that three other people were injured during these incidents;
	3. acknowledges that statistics released by American medical professionals using data from the World Health Organisation shows that South Africa has the second

highest rate of gun related deaths per capita in the world at 9,41 deaths per 100 000 people;

* 1. further acknowledges that the findings of the Institute for Economics and Peace Global Peace Index, indicates that South Africa is one of the most violent and dangerous countries in the world to live in;
	2. wherefore we call upon this honourable House to condemn gun related violence in South Africa; and
	3. urges government to consider a call for a gun free South Africa.

Agreed to.

# POLOKWANE MUNICIPALITY PRIVATISES SEWERAGE SYSTEM TO AN ISRAELI COMPANY

(Draft Resolution)

Mrs N V MENTE: Chair, I rise on behalf of the EFF to move without notice:

That the House –

1. notes that Polokwane Municipality in Limpopo province is in advanced stage to privatise upgrading and maintenance of sewerage system to an Israeli company Tahal for a period of 20 years;
2. further notes that the ANC national treasurer, Mr Zweli Mkhize, Limpopo Premier, Stan Mathabatha, ANC provincial treasurer, Dan Msiza are spearhead in this dishonest and unthinkable act of corruption;
3. recalls that the ANC provincial treasurer, Msiza, was responsible to bring Tahal to South Africa. Now the treasurer of the ANC, Zweli Mkhize, and Stan Mathabatha are regular visitors to the farm owned by the Israeli in Waterberg District to get feedback and give feedback on the process to award the tender;
4. recognises that the ANC is delusional to claim that it is supporting Palestine if today it wants to empower the apartheid Israel;
5. acknowledges that the actions of the ANC national treasurer Zweli Mkhize together with the leadership of the ANC alone means that South Africa as a country is contributing and financing the apartheid Israeli regime;
6. further acknowledges that this makes South Africa an active participant in influencing terror on the poor people of Palestine; and
7. calls on the people of Limpopo to reject the ANC in the upcoming local government elections for supporting the apartheid Israeli regime**.**

Motion falls away.

# CONGRATULATIONS TO DR MAPONYA FOR RECEIVING HIS LIFETIME ACHIEVEMENT AWARD

(Draft Resolution)

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

That the House -

1. notes that Dr Richard Maponya received a Lifetime Achievement Award at the first Township Entrepreneur Awards held at Nasrec Centre near Soweto on Saturday night;
2. further notes that Dr Maponya is the founding member and first president of the National African Federated Chamber of Commerce;
3. acknowledges that Dr Maponya, who is regarded as the father of black township business, is Soweto‘s original tycoon;
4. further acknowledges his numerous business operations that include several general dealers, a car dealership, funeral parlour, bus service and filling stations;
5. supports his rallying call to black people to support one another as other race groups do, and agrees that we should discourage tribalistic tendencies that often view others only in terms of their cultural heritage, such as Zulu, Xhosa, Pedi, Tswana and so on; and
6. admires Dr Maponya‘s tenacity, business acumen and exemplary leadership, particularly during the difficult and restrictive years of apartheid.

Agreed to.

# CONGRATULATIONS TO WAYDE VAN NIEKERK FOR REMARKABLE BREAKING ACHIEVEMENT

(Draft Resolution)

Mr N S MALATSI: Chairperson, I hereby move without notice on behalf of the DA:

That the House -

1. notes that on Saturday, 12 March 2016, South African World

400 metres champion, Wayde van Niekerk, became the first man in history to run faster than sub-10 seconds for 100 metres, sub-20 seconds for 200 metres and sub-44 seconds for 400 metres;

1. acknowledges that he reached this milestone by breaking his own personal best in the 100 metres event at the Free State Championship;
2. congratulates Van Niekerk on this remarkable record- breaking achievement;
3. encourages corporate South Africa and potential sponsors to extend its support to Van Niekerk given his consistent success on the track; and
4. wishes him well as he continues to prepare for the upcoming Rio Olympic Games.

Agreed to.

# CONGRATULATIONS TO SOUTH AFRICAN LED RESCUE MISSION FOR BRAVERY

(Draft Resolution)

Ms C N MAJEKE: Chairperson, I move without notice on behalf of the UDM:

That the House –

1. notes that a proudly South African-led rescue mission crossed the airspace of 10 countries into war-torn Yemen zone to save the life of a one-month-old baby;
2. further notes that with the current civil war in Yemen, the mission was high risk;
3. recognises that the air ambulance landed at Lanseria International Airport on 12 February, where the baby was directly transported to Netcare Sunninghill Hospital for the heart surgery he urgently needed;
4. applauds the following Medair pilots for their bravery: Brendan Boraine, Curtis Griessel, Pieter van der Merwe and Wikus Strydom; and
5. further applauds Netcare 911‘s flight doctor, Dr Kevin Hjul and an emergency practitioner, Craig Pyott, who provided medical care for the baby throughout the flight.

Agreed to.

# SUCCESS STORY OF SIPHIWE NQCOBO

(Draft Resolution)

Mr MAXEGWANA: I move without notice:

That the House –

* 1. notes the success story of Siphiwe Nqcobo, the owner of iLawu Hospitality Group, who was once blacklisted after losing his job but is now owning a three-star hotel in the central business district of Pietermaritzburg, in KwaZulu-Natal;
	2. further notes that the 36-year old who received a short course training from Italy started his hospitality career in 2009 when he bought an eight-bedroomed bed and breakfast establishment in Pietermaritzburg suburb of Scottsville after selling several residential plots;
	3. recalls that he has been running small business since his student days and he bought the land with a payout he received from Hulamin where he had worked as an engineer and moonlighted with a tuck shop operating out of a shipping container;
	4. acknowledges that Ngcobo was inspired by the level of service he had received in the hospitality industry in Italy as a student, and his plan was to provide local accommodation at an international standard and to take up the challenge of entering an industry which was largely untransformed;
	5. believes that his hard work and success will motivate the youth from poor background to imitate him; and
	6. congratulates Nqcobo on his hard-earned success.

Agreed to.

# PROGRESS REPORT ON ERADICATION OF BUCKET TOILET SYSTEM

(Draft Resolution)

Mr L J BASSON: Chairperson I move without notice

That the House–

1. notes that a progress report on the bucket toilet eradication programme was recently presented to the Water and Sanitation Portfolio Committee;
2. also notes that Ms Margaret-Ann Diedricks, the Director- General for the Department of Water and Sanitation presented this report on behalf of the Department;
3. further notes that it was revealed in this report that all bucket toilets have been eradicated in the Western Cape;
4. acknowledges that the report also revealed that there are still 39 000 bucket toilets in the country;
5. also acknowledges that the Free State seems to be lagging behind with more than 15 000 bucket toilets in the province; and
6. congratulates the Western Cape government on meeting the deadlines for the eradication of all bucket toilets in the province, as indicated by the National Department of Water and Sanitation.

[Interjections.] [Applause.]

Motion not agreed to.

# CITY OF CAPE TOWN INTRODUCES GREYP ELECTRIC BICYCLE FOR CRIME- FIGHTING

(Draft Resolution)

Mr Z N MBHELE: Chairperson, I move without notice:

That the House –

1. notes that the City of Cape Town has introduced yet another ground-breaking method of fighting crime in the city by adding the *Greyp* electric bicycle to crime- fighting arsenal;
2. acknowledges that the electric bicycle is a hybrid between a motorcycle and a mountain bike making it ideal for metro police officers to patrol and pursue criminals easily on the mountainous terrain around the city as well as on the beachfronts, along the coastline and in urban environments;
3. further acknowledges the added advantages of the bicycle being cost effective and environmentally friendlier, needing just 60 minutes to charge;
4. encourages all metro councils to move towards creative, sustainable and cost-effective solutions to fighting crime in our cities; and
5. congratulates Cape Town the Safety and Security Directorate for their constant innovation and dedication towards achieving a safer city for all who live in it.

Agreed to.

# LESEDI OUTREACH PROGRAMME BREAKS APARTHEID BARRIERS

(Draft Resolution)

Mr C MACKENZIE: Chairperson, I move without notice:

That the House –

1. notes the work done by the Lesedi Outreach programme, an independent tutoring initiative which started in 2010

that offers extra tuition to many children living in the Lanseria district in Fourways;

1. also notes that Lesedi Outreach looks to overcome a number of barriers to learning that are made worse by a lack of resources and often by a lack of skills by providing tutorials that specifically address the learning needs of many of our children from the area;
2. further notes that the Lesedi community meets every Saturday at Heronbridge College in Broadacres, where basic instruction classes are held in Maths and English, with personal guidance and support offered to each child who attends;
3. acknowledges the work done by many similar outreach programmes in the Fourways community and beyond that build bridges between communities, not only along educational and religious lines, but also by breaking down the officials barriers of apartheid spatial planning and the socio-economic legacies of our past to help create a vision of a more inclusive and united future for all our people, not just for the children, but certainly beginning with them; and
4. congratulates the Chaplain of Heronbridge College, the school‘s teachers as well as the volunteers, many of whom are drawn from the community of parents of learners at the college, whose only qualification is a love for children and a commitment to give of their time and knowledge to help others fulfil their potential.

Agreed to.

# SOUTH AFRICAN SOLDIERS ATTACKED IN DARFUR

(Draft Resolution)

Ms L M MASEKO: Chairperson, I move without notice:

That the House –

1. notes with sadness the death of a South African soldier and the injury of one another in an attack in Darfur in the Sudan on Wednesday 09 March 2016;
2. recalls that a military convoy providing a security escort for humanitarian aid trucks in Sudan‘s Darfur

region was ambushed on Wednesday night en route to an exchange point between the SANDF and Rwandese battalions;

1. further recalls that this was a routine security escort to protect the movement of world food programme trucks to a predetermined destination;
2. acknowledges that the convoy came under fire 25 km away from the exchange point and was able to hold ground and protect the world food programme;
3. further acknowledges that the wounded soldier was medically evacuated to Al Fashir to receive medical treatment and is in a stable condition; and
4. conveys condolences to the family and friends of the deceased soldier and wishes the injured member a speedy and comprehensive recovery from his wound.

Agreed to.

# SUSPENSION OF RULE 29: SEQUENCE OF PROCCEDINGS

(Draft Resolution)

Mr B A RADEBE: Chairperson, on behalf of the Chief Whip of the Majority Party, I move:

That the House, notwithstanding Rule 29 which provides the sequence of proceedings, limits the business for the sitting on 17 March 2016 to Questions to the President.

Agreed to.

# SUSPENSION OF RULE 29: SEQUENCE OF PROCCEDINGS

(Draft Resolution)

Mr B A RADEBE: Chairperson, on behalf of the Chief Whip of the Majority Party, I move:

That the House, notwithstanding Rule 29 which provides for the sequence of proceedings, resolves that notices of motion and motions as referred to in Rule 97(g) be taken after orders of the day for the sitting on 16 March 2016.

Agreed to.

# SUSPENSION OF RULE 253(1): SECOND READING OF A BILL

(Draft Resolution)

Mr B A RADEBE: Hon Chairperson, on behalf of the Chief Whip of the Majority Party, I move:

That the House suspends Rule 253(1), which provides, *inter alia,* that the debate on the Second Reading of a Bill may not commence before at least three working days have elapsed since the committee‘s report was tabled, for the purposes of conducting the Second Reading debate today on the Revenue Laws Amendment Bill.

Agreed to.

# ISRAELI-APARTHEID WEEK CAMPAIGN

(Member‘s Statement)

Mr S MASANGO (ANC): House Chairperson and members, as we observe the Israeli-Apartheid Week Campaign, the ANC remains deeply concerned about the current wanton destruction of homes, schools, clinics and the infrastructure of the indigenous Palestinians in the occupied areas of West Bank , Gaza, etc.

This continuous denial of human rights, the restrictive checkpoints and the merciless shooting of the youth by the Israeli police and soldiers is reminiscent of the old apartheid South Africa.

As of last year, almost 700 000 Jewish nationals were resettled in the Palestinian territories, thus making the two-state solution unworkable. This happens in full glare of the UN Security Council. This lack of showing ubuntu towards the Palestinians by the UN Security Council is a scandalous shame. Thank you.

# GUPTA’S MEETING

(Member‘s Statement)

Mr D J MAYNIER (DA): Chairperson, we know that when the Guptas says jump, the ANC government says, how high? It is therefore not good enough for the Minister of Finance to say that he has no personal knowledge of the Deputy Minister of Finance‘s reported meeting with the Guptas on 27 November 2015. We do not know whether the story is true, but the fact that the Deputy Minister has consistently refused to confirm or deny the story, suggests that the report is true.

That is why we need the Minister to stop the pleading by determining the facts and making a public statement or preferably a statement right here and now, clarifying whether the Deputy Minister met the Guptas at the hotel in Sandton on or about 27 November 2015; whether the Deputy Minister was offered the position of Finance Minister on condition he provided support for the nuclear build programme and purge the National Treasury of senior officials; whether the Deputy Minister did the right thing and told the participants that they do not run the country and whether the Deputy Minister reported the meeting.

In the end, if the Deputy Minister gave the equivalent of the middle finger to the Guptas, he has nothing to hide. That is why in the end, the Deputy Minister should not be allowed to zigzag his way around this issue any longer. We want the facts, we need the facts and we will stand by the facts. [Applause.]

# FARM OWNED BY ISRAELI INTERESTS

(Member‘s Statement)

Mr N P KHOZA (EFF): Chairperson, it has come to the attention of the EFF that Polokwane Municipality is planning to privatise the

upgrading and maintenance of sewerage system to an Israel‘s Company, Tahawus, for a period of 20 years. The ANC National Treasurer General, Zweli Mkhize and Limpopo Premier, Stanley Mathabatha, are spearheading this dishonest and unthinkable act of corruption.

The ANC National Treasurer General, Zweli Mkhize, Limpopo Premier, Stanley Mathabatha and other ANC leaders are regular visitors to the farm owned by Israel in the Waterberg District. It is clear that the ANC is delusional to claim that it is supporting Palestine if today it wants to empower the apartheid Israel.

The actions of the ANC National Treasurer General, Zweli Mkhize, together with the leadership of the ANC alone, means that South Africa as a country, is contributing and financing the Israel apartheid regime. This makes South Africa an active participant in influencing terror on the poor people of Palestine.

The EFF calls on Limpopo government to renounce their plan to privatise public infrastructure and stop empowering apartheid Israel. It also calls on the people of Limpopo to reject the ANC in the upcoming local government elections for supporting apartheid Israel.

The HOUSE CHAIRPERSON (Ms M G Boroto): I will get an advice from the Table staff whether the same motion that was raised in the motions without notice will be raised again. But I will get an advice.

Ms H O HLOPHE: Chairperson, I‘m rising on a point of order, this is a member‘s statement, and it‘s not a motion.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, I‘m just saying because the content is the same.

Ms H O HLOPHE: No, it doesn‘t matter. It is our right to raise any matter under member‘s statement. There are no rules for that.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Hlophe, I do not refuse what you are saying. I‘m saying I‘m going to seek advice. That‘s it.

# RURAL HOUSING ELLIOTDALE, EASTERN CAPE

(Member‘s Statement)

Ms N NDONGENI (ANC): Chairperson, the ANC welcomes the programme of rural housing that is being rolled out in the Elliotdale area under Mbashe Local Municipality in the Eastern Cape.

The housing department has built beautiful houses in every yard within wards 17, 26 and ward 28. It is also notable that the housing department also donated a fully furnished community hall in ward 17 at Intsingizi location, Elliotdale.

This development has helped address some of the challenges of the Elliotdale area, which was categorised as a poverty stricken area several years ago. The ANC government is really changing people‘s lives for the better. Qhuba, ANC, qhuba! [Forward, ANC, forward!] [Applause.]

# SERVICE DELIVERY COLLAPSE IN UMKHANYAKUDE DISTRICT MUNICIPALITY

(Member‘s Statement)

Chief R N CEBEKHULU (IFP): Chairperson, since the removal of Mr Bamba Ndwandwe as administrator of uMkhanyakude District Municipality, we have seen a total collapse in service delivery programmes in the area.

From water shortages because of financial mismanagement and no water and sanitation programmes in place, we currently have a situation where more than 80% of water services are dysfunctional. Corruption runs rampant with R60 million being spent on the now-defunct Mtubatuba waterworks expansion project

and numerous instances of unauthorised expenditure and questionable budget balancing being the order of the day at the municipal offices.

This house of cards has now collapsed, with the people that live

within the municipal area once again the unfortunate victims of service delivery failure through mismanagement at local

government level. The municipality is now without funds and cannot provide services to the surrounding communities. We

accordingly call for the municipality to be placed under administration and those responsible for such reckless,

negligent and criminal mismanagement to face the full might of

the law. I thank you.

# CALL ON GOVERNMENT AND POLICE TO INVESTIGATE AND PRIORITISE FARM MURDERS

(Member‘s Statement)

Dr P J GROENEWALD (VF Plus): Voorsitter, die wêreldgemiddeld vir moord is sewe per 100 000 van die bevolking. In Suid-Afrika is dit tans, volgens die amptelike statistiek, 32 per 100 000 – amper vyf maal meer as die wêreldgemiddeld. As ‘n mens gaan kyk na syfers, byvoorbeeld van die Mediese Navorsingsraad van Suid- Afrika en ander instellings, skat hulle dit selfs hoër.

Die ander werklikheid in Suid-Afrika is dat die wreedheid waarmee sekere moorde plaasvind ongekend en totaal onaanvaarbaar is. As ons byvoorbeeld kyk na die onlangse moord op ‘n gesin op ‘n kleinhoewe buite Randfontein, wat per definisie dan ‘n plaasmoord is, vra mens jouself die vraag af: Hoe is dit dan moontlik dat ‘n negejarige dogtertjie basies met ‘n graaf doodgeslaan word en dit dan om niks eintlik te vat nie?

Die regering het ‘n vorige ondersoek na die wreedheid van moord geloods. Daar het niks van gekom nie. Die waarnemende

Kommissaris van Polisie sê dat plaasmoorde ‘n prioriteit is. Die VF Plus doen ‘n beroep nie net op die polisie nie, maar ook op die regering om daadwerklik ernstig ondersoek in te stel, en dit as ‘n prioriteit te beskou, na plaasmoorde en alle moorde in Suid-Afrika, veral die wreedheid waarmee dit gepaard gaan. Dít strek Suid-Afrika nie tot voordeel nie. *(Translation of Afrikaans member’s statement follows.)*

[Dr P J GROENEWALD (FF Plus): Chairperson, the average global rate for murder is seven per 100 000 of the population. In South Africa, it is currently, according to the official statistics,

32 per 100 000 – nearly five times the world average. A look at the figures of, for example the Medical Research Council and other institutions, will show they estimate the figure as being even higher.

The other reality in South Africa is that the brutality of certain murders is unheard-of and totally unacceptable. By way of example, the recent murder of a family on a smallholding outside Randfontein - which by definition is a farm murder - begs the question: How is it possible that a nine year old girl is basically battered to death with a spade, yet nothing is actually taken.

The government has previously launched an investigation into the brutality of the murders. Nothing came of it. The acting Commissioner of Police says that farm murders are a priority.

The FF Plus not only call on the police, but also on government to really and seriously investigate farm murders and all other murders in South Africa, and to regard those as a priority, especially the brutality that accompanies it. This is not to South Africa‘s advantage.]

# INVOLVEMENT OF FORMER DA LEADER IN RACIST FURORE

(Member‘s Statement)

Ms T D CHILOANE (ANC): Chairperson, the ANC condemns the racist

scandal involving former Mpumalanga DA leader and possible mayoral candidate for the Steve Tshwete Local Municipality Mr

Anthony Benadie in which a black woman was referred to by the k-

word by some white patrons in his restaurant.

What disappointed us is the attitude of Mr Benadie who initially refused to disclose the names of the male patrons who had

insulted Ms Elnah Sekwane but later revealed the names through his lawyers. According to Ms Sekwane, Mr Benadie threatened to

sue her if his name was not removed from social media platforms after the SA National Civic Organisation condemned the incident

on Twitter. Ms Sekwane confirmed that although she was once

employed by the DA from 2011 to 2012 at its provincial office in Middelburg, this incident had left her feeling dehumanised.

The ANC calls on relevant authorities to investigate this incident as well as the allegation from some sources within DA circles who have confirmed that Mr Benadie failed to act in yet another racist incident in which former DA researcher Luyolo

Mphithi complained after a white manager called him by the k- word in 2014. I thank you.

# CALL FOR MORE IMPORTANCE TO BE PLACED ON EARLY CHILDHOOD DEVELOPMENT EDUCATION

(Member‘s Statement)

Mr N T GODI (APC): House Chair, government correctly has prioritised and placed importance on early childhood development, ECD, education. The APC supports this because we understand the importance of early childhood education in laying a proper foundation for a child‘s progress at school in later years.

However, the APC believes in, and calls for, the proper placing of ECD within the Department of Basic Education, as opposed to its current sandwiching between Basic Education and Social Development. We also call on government to address the conditions of services for all ECD practitioners. Their conditions of service are inconsistent with the importance that government policy has placed on ECD.

The APC calls on all ECD practitioners to rally together and strive for a substantive policy shift that will see an improvement in their conditions of service and thus their material conditions. The plight of these workers, both Grade R and preschool teachers, cannot and should not be ignored or allowed to be perpetuated any longer. In their struggle for a fair and just dispensation, the APC will always be by their side. They deserve better. I thank you.

# WESTERN CAPE POLICE

(Member‘s Statement)

Ms D Z RANTHO (ANC): Thank you, Chairperson. The ANC welcomes the breakthrough on the rape and murder case of Sinoxolo Mafevuka yesterday. It has been confirmed that two suspects, a 21-year-old and a 26–years-old, have been arrested for the case of the young Khayelitsha woman who was found last Tuesday in a communal toilet, four minutes from her home in Khayelitsha. The two are expected to appear at the Khayelitsha Magistrate‘s Court later today.

However, it must be noted that this breakthrough came only after the intervention of the Deputy Minister who personally called

the Western Cape police in order when they dragged their feet in this case. For more than a week the police did not speak to or offer any counselling to the family of Sinoxolo, whereas they acted swiftly in the case of the 16-year-old Franziska Blöchliger of Tokai and arrested the culprits within a short space of time.

It was this biasness that prompted the Deputy Minister of Police to come down hard on the police of the Western Cape and condemned them for this selective attention given to certain cases on the basis of colour.

We want to applaud the Deputy Minister Comrade Sotyu on her prompt response to the matter. Thank you, ANC government for caring without colour or race. Thank you.

# PROTESTS IN MODIMOLLE AND MOOKGOPHONG MUNICIPALITIES I

(Member‘s Statement)

Mr K J MILEHAM (DA): House Chairperson, the municipalities of Modimolle and Mookgophong are burning. Last year Minister Gordhan decided to amalgamate these two highly dysfunctional municipalities after the upcoming local government elections in

the vain hope that joining them would form a viable municipality.

The reason for the civic unrest and police action is not hard to find, it is ANC factionalism, political interference in the administration of the municipalities, and a complete breakdown of service delivery, which has led to all residents no longer being able to put up with the ANC endless quest for tenders and power.

The situation in Mookgophong is so bad that the mayor, Sarah Monyamane, and her family had abandoned the municipality and are now staying at the guesthouse in a nearby town; and just last night, the home of the mayor was set on fire. Now, this situation should be very familiar to the Minister from his time as a mayor of Merafong.

These municipal councils should have been dissolved months ago, but internal ANC factionalism has led to the MEC for Cooperative Governance and Traditional Affairs, Cogta, in Limpopo and the Minister at the national level doing absolutely nothing. Perhaps the Minister could answer if either he or his Deputies have been to either municipality in the past 60 days.

The Minister must take immediate action to address the crisis in Modimolle and Mookgophong. It is only a matter of time before lives are lost and a good first step would be to dissolve the councils and fire the mayors.

# SOUTH AFRICAN WAYDE VAN NIEKERK MAKES SPRINTING HISTORY

(Member‘s Statement)

Ms G NOBANDA (ANC): Thank you House Chairperson, the ANC salutes South Africa‘s Wayde van Niekerk, the world 400m champion, who has become the first man in history to run faster than 10 seconds for 100 metres. The sprinter and world 400m champion recently smashed his personal best in the shorter sprint at the Free State Championships in Bloemfontein.

The 23-year-old has apparently not competed in a 100m race since his junior days, so his previous personal best of 10,45 also set in Bloemfontein in 2011, was due for some serious revision. The ANC congratulates you Wayde on a sterling performance that surprised everyone, even yourself. The fighting spirit and endurance you possess is typical of our national determination to conquer under very trying and difficult circumstances.

You have managed to fly our flag high wherever you participate. The South Africans from all walks of life must celebrate this display of commitment and courage. We commend you for shinning excellent and highly competitive spirit. Matla!

# THE STATE OF AFFAIRS OF THE BASIC EDUCATION IN THE EASTERN CAPE

**AND KwaZulu-Natal**

(Member‘s Statement)

Mr L M NTSHAYISA (AIC): Thank you very much, hon Chairperson. The state of affairs in the Eastern Cape and KwaZulu-Natal in basic education needs more attention. The recent events are a cause of great concern.

In KwaZulu-Natal at Mount Currie Senior Secondary School, it is alleged that one parent came to school and attacked the teacher in the classroom, while busy teaching. The teacher was helplessly hit against the wall. It means our schools are not safe. The teachers cannot work under these conditions where their lives are being threatened almost everyday. The department must take this as a matter of urgency and our schools should be made safer.

On another point, some learners drowned when going to school because there are no bridges to their schools. So it means that the department has got to pull up its socks. Another concern is the issue of R1 billion, which could not be spent by the Eastern Cape Department of Basic Education. We could not believe it, many schools in the Eastern Cape have no proper infrastructure, classrooms are in a very bad condition, and scholar transport is still a problem as pupils are packed like the sardines in these Bakkies and like mielie bags.

How can a department fail to spend R1 billion when it is faced with these challenges. These conditions are not conducive to proper learning and ... [Time expired.] Thank you very much.

# BUILDING OF HOUSES IN NELSON MANDELA BAY MUNICIPALITY CELEBRATED

(Member‘s Statement)

Mr B A NESI (ANC): Hon Speaker, our heroes and heroines in 1955 declared that there shall be houses, security and comfort.

Indeed, the government that we ushered in since 1994 has been continuously fulfilling this promise.

Kungakumbi Somlomo kumandla waseBhayi, iMandela Metro. Ukususela kowe-1994 ukuza kuthi ga ngowama-2014, urhulumente we-ANC wakhe izindlu ezingama-56,560. Bakhala abahlali bathi, ―Rhulumente akwanelanga, sifuna izindlu‖, wamamela urhulumente we-ANC okhathalayo. Wathumela amasebe akhokelwa nguHuman Settlements, baye kumamela eluntwini. (*Translation of isiXhosa paragraph follows*.)

[Especially in Port Elizabeth Speaker, in the Mandela Metro. From 1994 until 2014, the ANC-led government has built 56 560 houses. The community complained and said, ―Government, that is not enough, we want houses‖, and the ANC-led government listened. The government sent the departments led by the Department of Human Settlements, to go and listen to the people.]

They reported back to this caring government the sufferings of the people of the metro with a recommendation that provided with services for, The year 2015-2016, 15 000 sites —

As our forebears promised in 1955 that the people shall govern, indeed, when the people have spoken about the metro, houses are built and the people are governing.

"Libambeni lingatshoni madoda asekhaya". "Asinamona asinanzondo siyayidumisa I ANC". [―Keep it up, gentlemen‖. ―We are not jealous and we have no grudge, we are praising the ANC‖.]

The ANC lives the ANC leads.

Ndiyabulela Somlomo. [Thank you Speaker.]

# WASTEFUL EXPENDITURE IN ELIAS MOTSWALEDI LOCAL MUNICIPALITY

(Member‘s Statement)

Mna C D MATSEPE (DA): Mohl Sepikara, go fihla mo re lego mo, ke mengwaga ye e šupago komiti ya Mmasepala wa Selegae wa Elias Motswaledi e rekišitše diphoofolo tša mmasepala woo. Eupša taba ye e tlabago ke gore le gonabjale khamphani ya tša tšhireletšo yeo e bego e hlokomela diphoofolo tšeo, e sa le gona moo, e tšwela pele. E a gola kgwedi ka kgwedi mola terata ya kampa yeo ya diphoofolo le mehlare e se gona, e tšerwe ke boramekutwana ba kgauswi le kampa yeo.

Taba ya bobedi ke yeo e amago lepatlelo la Monsterlus gona kua mmasepaleng wo. Le gona, khamphani ya go šireletša e thuša fao, e hwetša mogolo kgwedi ka kgwedi eupša o sa tsebe gore e

hlokometše eng ka lebaka la gore terata ka moka ya lepatlelo leo e na le mašoba mo gohle - batho ba tsena ka mo ba tšwelelela ka kua. Bjale, tabakgolo ke gore gabotsebotse tšhelete yeo e golwago ke khamphani ye ya go šireletša eupša e sa thuše ka selo ke yeo e swanetšego go ya go kabo ya ditirelo. *(Translation of Sepedi paragraphs follow.)*

[Mr C D MATSEPE (DA): Hon Speaker, it is already seven years since the Committee of the Elias Motswaledi Local Municipality sold their animals. Surprisingly the security company which was appointed to take care of these animals is a white elephant. It continues to receive monthly payment despite the absence of the fence for camping animals and trees which were stolen by the squatter camp dwellers nearby.

The second issue is related to Monsterlus stadium in that very municipality. Yet again the security company appointed to look after it still receives payment, but they are not rendering the services. The security fence around the stadium is cut and people use the cut areas to enter and exit the stadium. Our biggest concern is around the money paid the security company in question while there is no service delivery.]

This ANC-led municipality is allowed to generate such wasteful expenditure at the expense of the poor. The Minister of Co- operative Governance and Traditional Affairs must urgently intervene before nothing is left for the ANC to waste. I thank you.

# THE ANC WELCOMES THE OPENING OF THE BAYWEST MALL

(Member‘s Statement)

Mr I A PIKININI(ANC): The ANC-governed Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape, under the efficient administration of Mayor Danny Jordaan ... [Interjections.] ... continues to intensify economic development in Port Elizabeth and surrounding areas with the aim of creating jobs and fighting poverty. This is done by**,** amongst many others**,** attracting investment and creating conducive environment to conduct business.

It is for this reason that the ANC welcomes the opening of the Baywest Mall in the Nelson Mandela Metro region. This new development in the Eastern Cape has brought hope and change to the people of Port Elizabeth and its surrounding areas, especially where job opportunities are concerned.

The mall has about 250 retail shops and has created employment to more than 500 people. The Nelson Mandela Metro regional economy has been under pressure with job losses in key sectors such as the motor, rubber and tyre industries that have been anchors of jobs in the area for many years.

The ANC encourages such investments and reiterates that the battle against poverty cannot only be waged by government alone but by all patriotic citizens and businesses alike. I thank you.

# CALL ON GOVERNMENT AND POLICE TO INVESTIGATE AND PRIORITISE FARM MURDERS

**INVOLVEMENT OF FORMER DA LEADER IN RACIST FURORE**

(Minister‘s Response)

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Speaker,

let me start with the statement made by hon Groenewald regarding farm killings by saying that I completely concur with him that we should come together as South Africans and condemn the killings on our farmers - but in doing so, we should equally condemn the killing of farmers as much as we condemn the killing and abuse of farm workers because indeed, it happens both ways.

On the issue of racism that continue to symbolise or to be identified with certain political parties, notably, as hon Chiloane specifically alluded to incidents which continue unabated, to begin to mirror the kind of calibre of people or political members of the DA because you see - as it is said in English that you are what you eat - I think that equally, you are what you attract.

What is it that racists find the DA so attractive to become members of that party? Maybe you need to look yourself in the mirror and say: ―What is it that we should do to our policies that attract these racists to us.‖ [Interjections.]

Let me indicate that I had a privilege together with the Speaker of the Assembly yesterday, to address the 20th anniversary of the Human Rights Commission and had the privilege to interact with a number of Chapter 9 institutions, the thrust of that conference was, of course, on the issue of racism which as you are aware the President in the state of the nation address has sanctioned to be the ... [Time expired.] Thank you.

# CALL FOR MORE IMPORTANCE TO BE PLACED ON EARLY CHILDHOOD DEVELOPMENT EDUCATION

**THE STATE OF AFFAIRS OF THE BASIC EDUCATION IN THE EASTERN CAPE AND KWAZULU-NATAL**

(Minister‘s Response)

The DEPUTY MINISTER OF BASIC EDUCATION: Hon House Chairperson, we indeed have a good cause to celebrate with regard to early childhood development. We recognise its importance and endorse the views of the hon member. According to Statistics SA last year, in terms of the household survey, 92% of all children have at least one year of preschool learning. That‘s an incredible achievement in terms of the department.

We have moved just in a matter of six years from 350 000 to more than 875 000 enrolment of Grade R learners in our schools. In addition, every child, black and white receives four books delivered to the school free of charge. These are important strides that we have made.

With regard to qualifications, not very long ago, there were practitioners that didn‘t even have a Level 4 qualification. We now have more than 95% of our practitioners who have at least a Level 4 qualification, 25% who have at least a Level 6 qualification and more than 30% who have a Level 5

qualification. We are moving towards a minimum qualification of all practitioners to Level 6.

There is a minimum norm with regard to payment that was uneven in the past. Now, at least R5 000 must be paid to each practitioner and the intention is to ensure that become permanent employees within the staff once they achieve level six.

With regard to the other issue in the Eastern Cape, indeed there are challenges with regard to governance or infrastructure but what we can celebrate is that 99 state-of-the-art schools have been established in the Eastern Cape. These are extraordinary schools which provide a wonderful environment for our learners and we have to continue delivery and we will continue doing so almost with one school per week.

With regard to issues of safety in KwaZulu-Natal, it is important to recognise that we are committed to creating a safe and caring environment in our schools and therefore we held a summit in December last year ... [Time expired.] I thank you.

# ?????????

(Minister‘s Response)

The DEPUTY MINISTER OF INTERNATIONAL RELATIONS AND CO-OPERATION:

Hon Chairperson, as South African government we have always condemned all killings in the Israel-Palestinian conflict. We have called for the lifting of restrictions in Gaza and West Bank. We have also condemned expunctions of settlements in the Palestinian territory as these present stumbling blocks to any conclusive agreement. There can be no everlasting peace when one nation occupies a territory of another.

As South Africa we are part of the United Nations, UN, initiative and committees that are trying to resolve the Israel- Palestinian conflict. Whilst we fight for UN reforms we insist that the UN Security Council take charge to end the untold misery. South Africa stands ready to assist international efforts to achieve this objective. We need to work tirelessly to arrest hopelessness and despair, especially of the youth who see no hope of a peaceful resolution. Thank you.

# ?????????

(Minister‘s Response)

The DEPUTY MINISTER HUMAN SETTLEMENT: Chairperson, I want to thank the member of the ANC who spoke about the beautiful rural houses in Mbhashe. It is indeed a good story to tell, particularly houses built in rural areas being houses of quality. The most important thing is an understanding that as we deliver those houses we also deliver community halls. This is in line with what we are saying in terms of the Department of Human Settlements that where we build houses there should be social amenities which mean that there must be clinics, parks and roads. So, that is an exciting thing to understand that we also do that in rural areas.

Chairperson, I must also say that a member of the ANC that said houses are being built in the Nelson Mandela Municipality is also exciting news. I agree with that. It is clear that as the ANC siyaqhuba [we‘re moving forward] and we are not only building houses but we also empower military veterans; we also have a youth brigade that is also building houses. I thank you. [Applause.]

# ?????????

(Minister‘s Response)

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

(Mr D van Rooyen): House Chair, as we celebrate 15 years of local government, the system that works and make sure that we deliver services to the majority of our people who were not exposed to these services before. Let us take this opportunity to commend the progress that has been made in an ANC-led government of Nelson Mandela. We think that it is important to commend this progress because firstly it confirms the effectiveness and the impact of a collaborative approach that was adopted by the ANC-led government to resolve development issues in Nelson Mandela.

We celebrate this achievement because it further confirms that there is a need for us as municipalities to centralise issues of local economic development because we think that this will ensure sustainable development of our municipalities.

Lastly, let me indicate to those who raised the problems of Mogopong and Modimolle as well as Mkhanyakude that our forces are working there through our back to basic approach. I must indicate that we are encouraging all role players including the DA and their shadow minister to come on board and give us information because he seems to be having information on some of the problems that are happening in those municipalities. We are

working and we urge them also to condemn as we do, the violence that has manifested in some of the protests taking place in those areas. I thank you. [Applause.]

(Minister‘s Response)

USEKELA NGQONGQOSHE WEZOKUTHUTHUKISWA KOMNOTHO: Sihlalo, sifuna

ukusho ukuthi siyababongela ngempela abantu base-Nelson Mandela, bafanele balindele okuningi kuloya Masipala ngoba thina esisebenza nabo ekuthuthukisweni komnotho siyazi ukuthi ubambano njengoba uNgqongqoshe eseshilo, kunezinto eziningi okufanele bazilindele kuzingqalasizinda, kunezinto okumele bazilindele kumnotho wasolwandle, kunezinto okufanele bazilindele emisebenzini yoMsebenzi Yomphakathi kanye nokuvuselela zonke izimboni ezazingasebenzi.

Sisho sithi lo msebenzi owenziwa yi-Nelson Mandela ukuyo yonke indawo, uyangena futhi komasipala baseNtshonalanga Kapa ngoba o- MEC bethu ... *(Translation of isiZulu paragraphs follows.)*

[The DEPUTY MINISTER of ECONOMIC DEVELOPMENT: Chairperson, we

would really like to congratulate people from the Nelson Mandela Bay Municipality. They must expect a lot from that municipality because as we work with them with regard to economic

development, we can achieve that through unity as the Minister has mentioned. There‘s a lot that they must expect from the infrastructures. There are things that they must expect from the blue economy. There are things that they must expect from public works with regard to making repairs in all the industries that were not operational.

We are saying this work that is done by the Nelson Mandela Bay Metropolitan Municipality is everywhere, it is also reaches the Western Cape municipalities because it is our MECs ...]

... of economic development have decided to focus on assisting all our municipalities ...

... kuyo yonke indawo lapho bekhona khona ukuthi indaba yokuthuthukiswa komnotho ilekelele ukuze ishintshe impilo yabantu, abantu bathole imisebenzi. Ngiyabonga. [Ihlombe.] *(Translation of isiZulu paragraph follows.)*

[... everywhere they are, economic development assists in changing the people‘s lives, so that people will get jobs. Thank you. [Applause.]]

# CONSIDERATION OF REPORT OF STANDING COMMITTEE ON FINANCE - REVENUE LAWS AMENDMENT BILL

There was no debate.

The Deputy Chief Whip of the Majority Party moved:

That the Report be adopted.

Motion agreed to.

Report accordingly adopted.

# REVENUE LAWS AMENDMENT BILL

(First Reading debate)

Mr Y I CARRIM**:** Madam Chair, comrades and friends, the Revenue Laws Amendment Bill postpones the annuitisation of the retirement benefits of provident fund members for two years to open up space for productive negotiations between the government, industry, trade unions and other parties, to deal with the retirement reforms in an holistic way, including as part of a long overdue reform of social security.

The requirement for provident fund members to annuitise two- thirds of their savings on retirement was passed into law in 2013 and constantly deferred for consultation with those trade unions and other parties who opposed it. Crudely put, you can see annuitisation in this context as simply receiving two-thirds of your savings in monthly sums after you retire, rather than your whole saving in a lump sum.

In November last year, our committee had to consider this matter again. National Treasury reported then that it had consulted trade unions and other parties in Nedlac and outside it, and that almost all parties had agreed to its latest provisions on annuitisation, except for Cosatu. The Congress of South African Trade Unions did not agree that there was adequate consultation.

The committee therefore noted in its report to Parliament on the Bill on 25 November 2015, as follows:

Besides the standing committee‘s engagement with stakeholders and the public, National Treasury reported to the committee that they also engaged with stakeholders before and after the Bill was introduced to Parliament. In the case of the retirement reform amendments, these consultations, according to National Treasury, have been taking place since 2012, including

through Nedlac, even though, finally, there was no agreement in Nedlac on the tax harmonisation and annuitisation amendments.

The committee is unable to tell about the quality and depth of these negotiations but that there have been negotiations is clear to the committee.

The committee decided to go ahead with the Bill following further concessions by National Treasury, including that provident fund members need not annuitise if they had saved less than R247 500, up from the previous ceiling of R75 000. However, following the President‘s promulgation of the Bill into an Act, Cosatu, the National Union of Metalworkers of South Africa, Numsa, the Association of Mineworkers and Construction Union, Amcu, and Nupsaw – for those of you who don‘t know, that‘s the National Union of Public Service and Allied Workers – protested vehemently. Government opened up new negotiations on the annuitisation issue, hence the Bill we have before us.

In response to sweeping and inaccurate statements in the media about the failure of Parliament to consult with stakeholders on the processing of the earlier Bill in October and November last year, the committee issued a statement at the beginning of the public hearings on 3 March this year. This can be found attached

to our report on the current Bill in the Announcements, Tablings and Committee Reports, ATC, on 11 March.

The statement explained that the committee did even more than was required by Parliament‘s Rules and conventions to ensure public participation. The statement noted that in our

25 November report to Parliament, we said:

The committee requested stakeholders and the public to comment on the latest amendments. Written submissions were received and a public hearing was held on 10 November 2015. The majority of stakeholders supported the amendments. The chairperson of the committee also facilitated further engagements outside the formal sittings of the Standing Committee on Finance with stakeholders who did not agree with the amendments and National Treasury.

We also noted in our 25 November report:

The committee did everything possible under difficult circumstances to try to get consensus on these amendments and it deeply regrets that it was not able to. Treasury has provided evidence that those aspects of these amendments that Cosatu disagrees with requiring annuitisation will begin to

come into effect after five years or more for most workers, and the committee has amended the Bill to require that the Minister review them through consulting further with stakeholders and reporting back to Parliament by 30 June 2018 ...

Given the level of indebtedness, the committee is excruciatingly aware of how strongly workers feel about access to their provident funds and urge Treasury to embark on a massive campaign to engage with workers and their representatives on these proposals. The committee believes that the comprehensive social security reform paper, which has been on the agenda for more than 10 years, needs to be finalised as soon as possible, and urges government to ensure that the paper is published as soon as possible. National Treasury has made it clear that the retirement reform amendments ... are consistent with the pending paper.

That is what we said in our report. The committee did, in fact, have public hearings. It did, in fact, get a report from National Treasury on the Nedlac process. It did, in fact, say that we cannot judge the quality of the Nedlac discussions – after all, we weren‘t there, so how can we tell? It did, in fact, over a further two weeks, foster negotiations with parties opposed to annuitisation.

We noted in our statement on 3 March that perhaps the committee could have done more to ensure public consultation last November, but unfortunately, not much more. However, we committed ourselves in our March 3 statement to do everything we could to foster consensus on the latest amendments, and that‘s exactly what we did.

Basically, National Treasury wanted a two-year deferment of the annuitisation provisions, and Cosatu, Numsa, Amcu and Nupsaw wanted the annuitisation provisions removed altogether. The industry said that the postponement would have adverse consequences for them for several reasons. This included that they had invested in new systems that were meant to come into effect on 1 March this year. However, its key representatives said that they would settle for the two-year deferment, if they had to. The Federation of Unions of South Africa, Fedusa, and the National Council of Trade Unions, Nactu, had last year said they supported the annuitisation provisions and didn‘t take part in the parliamentary process this year.

Unions opposed to annuitisation pointed out the overindebtedness of workers that pushed them to take their savings in a lump sum; the lower life expectancy of low-income workers compared to other income strata; that annuitisation could prevent workers

from bequeathing to their beneficiaries effectively; and the need to finalise the social security reform paper before annuitisation is dealt with. After consultations within and outside the committee, we proposed a compromise between mere deferment and complete removal of the annuitisation provisions.

The following aspects of a compromise approach were proposed. Firstly, the social security reform paper should be tabled for discussions in Nedlac within three months of the promulgation of this Bill. Issues for consideration should include an appropriate package of government social security measures and retirement fund reforms.

Secondly, National Treasury must engage with parties outside Nedlac, including trade unions, stakeholders in the industry and other interested parties.

Thirdly, all parties need to acknowledge the severe overindebtedness of sections of the population and the pressures on them to use their retirement savings for immediate needs, rather than for their retirement.

Fourthly, while recognising the challenges of overindebtedness, the need for people, including workers, to save for their

retirement be accepted by all parties, but the forms of these savings be negotiated, including some form of annuitisation.

Fifthly, National Treasury should not use the two-year deferment as a stalling period to simply implement the current provisions in the Bill without effective consultation.

Sixthly, National Treasury takes into account, among other concerns of trade unions, the lower life expectancy of low- income workers compared to other social strata and that some annuitisation options could prevent workers from bequeathing to their beneficiaries effectively.

Seventhly, parties opposed to the current annuitisation proposals of National Treasury commit to actively participating in the negotiations. I take it the workers sitting in the gallery are noting that.

Eighthly, should annuitisation be scrapped altogether, workers will lose their tax deductions provided in the Bill.

Ninthly, while recognising the challenges of overindebtedness, all parties will communicate with pension fund members that the proposed changes affecting provident fund members do not change

their situation, and they don‘t have to resign from their jobs for fear that they will be adversely affected by these proposals.

Tenthly, National Treasury must report on progress on negotiations to the committee every quarter. The committee will, as necessary, invite interested parties to National Treasury briefings on these progress reports.

Lastly, the Minister of Finance must submit written reports every six months to Parliament regarding progress on the consultations at Nedlac. The Minister must submit the first report before 15 December 2016 and the second by 15 June 2017.

It was also stressed that retirement funding reform must take into account that the design of annuitisation by provident funds should not undermine practices in the rest of the retirement industry, particularly for pension funds and retirement annuities. The scope for taking advantage of the differences in tax and annuitisation benefits by transferring funds from pension funds and retirement annuities to provident funds has to be reduced. This is something that those who are more well off use to escape paying the taxes they should. So, we don‘t want that to happen, obviously.

The compromise approach the committee proposed provides for a form of conditional deferment – the deferment of the annuitisation provisions provided certain conditions are met. The committee recognised that elements of this compromise package could not be put into the Bill. It would be particularly difficult because the Bill is a Money Bill in terms of

section 77 of the Constitution, which can only be amended in terms of a complex and time-consuming process set out in the Money Bills Amendment Procedure and Related Matters Act. This is provided for in the Constitution and was introduced by Parliament and not the executive.

Following engagements with lawyers and officials, it was agreed to amend the Bill to require National Treasury to defer the annuitisation provisions to allow for negotiations with interested parties, including through Nedlac, and for the Minister to report to Parliament on this by 31 August 2017. The committee complied with sections 8(5) and 11(3) of the Money Bills Amendment Procedure and Related Matters Act, as we report in our report to Parliament. The other elements of the package could not be put in the Bill and were included in our report to Parliament. They will constitute the framework for our quarterly oversight of progress.

The National Union of Metalworkers of South Africa rejected any deferment of the annuitisation provisions and argued that the Bill was not, in fact, a Money Bill. Based on legal advice and conventions in Parliament, the committee does not accept that the Bill is not a Money Bill, and requests that Numsa continue to engage with National Treasury on their concerns.

The DA says that the passing of this Bill shows the government‘s lack of policy certainty, once again. All this does is help Moody‘s Investors Service to decide on a downgrade for our country – which is exactly what the DA most wants – at the expense of the country‘s interests. [Interjections.] Let the country be destroyed so that they can get a few votes!

Of course, we need more policy certainty – and none other than the Minister of Finance has been saying this on behalf of government recently. However, policy certainty is not created by words alone, but by action, and what sort of policy certainty would it be if the key stakeholders refuse to implement it?

Without Cosatu and other trade unions, government will not be able to effectively implement retirement reforms. Policy has to be responsive to the concerns of key stakeholders. That government has opened up space for further negotiations on

annuitisation and retirement reforms is not a sign of weakness; it is a sign of strength. Ensuring greater consensus on policy is key to providing policy certainty. Now, there has to be swift progress towards a reasonable degree of consensus, and we are making this clear to Cosatu and the trade unions, whoever they are who oppose this, to the NGOs, and so on, and government. If the parties don‘t sort this matter out, Minister, in the next two years, Parliament will do so for you all. [Interjections.]

Of course, the DA says that the government caved in for fear of losing votes from Cosatu members in the elections.

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

Mr Y I CARRIM: However, it‘s the need for consensus that drives the government. Anyway, at a recent central executive committee, CEC, meeting, Cosatu decided that they‘d campaign for an ANC victory, even though they are opposed to the annuitisation provisions. All the DA does is reveal its antiworker biases.

To get to where we did on this Bill, we had to engage outside the committee with the parties, particularly Cosatu, informally. This was done within the framework of discussions in the committee. None of the informal discussions had any weight until

the committee considered them. This is no different from the way we processed the African Development Bank Bill. We had informal meetings and subcommittee meetings with the industry. No one from the DA complained, but now that we‘re doing it for Cosatu, they‘re objecting. This is once again, a reflection of their antiworking class bias. [Interjections.] So, how was it acceptable for industry, but the same process is not acceptable for Cosatu? Only this morning, we are finishing the Financial Intelligence Centre Amendment Bill. The Banking Association South Africa, Basa, took part up to 12:45 and we are going to vote on that Bill very shortly.

In our committee, we avoided mechanical public hearings. We are very clear. People must participate so that we get better consensus on the Bill and a better quality Bill. This does not mean that industry, trade unions or other sections of civil society are colegislating. No. We are clear. Ultimately, Parliament legislates. The elected Members of Parliament do - but we do so after the fullest consultation. That‘s what a People‘s Parliament is meant to do. However, we need not just the powerful stakeholders here, in Parliament, but ordinary people too.

The people must have their say, not just by voting for us every five years, but by actively engaging their Parliament. With our current economic challenges and growth challenges around jobs, we need that, colleagues, more than ever before. I thank you. [Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! I would like to recognise the workers in the gallery. Siyanamukela. [We welcome you.] However, I must also then ask that, as members of the gallery, you not participate in what is happening in the House, no matter how happy or angry you are. [Laughter.] You can‘t clap. You can‘t hurl some nasty words if you are unhappy. So, just be as quiet as you have been. Thank you very much.

I would also like to recognise the presence in the gallery of the hon Vice-Speaker of the People‘s Consultative Assembly of Indonesia, Dr H M Hidayat Nur Wahid, and his delegation.

Welcome, sir, to our Parliament. [Applause.]

Earlier, the hon Ollis, who was here, raised a point of order about our system. You can see it says, ―No sitting‖, but we are here. I want to indicate to members that we have noted the problem. The Table staff will be restarting the system to activate the screens at members‘ desks. This will not affect the

session, and we will continue with business while this is being done. Thank you, hon Maynier, for waiting.

Mr D J MAYNIER: Chairperson, I would like to begin by welcoming the Minister of Finance back after his technical retreat from the House. We hope that he used his absence to call his Deputy and we hope that he will use his reply to answer this question: Did his deputy meet the Gupta‘s? Yes or no? It is simple and we expect an answer.

The House will know the hon Yunus Carrim, chairperson of the Standing Committee on Finance, is a bit like the rand; he is very volatile and he is more down than up. But when it comes to the Revenue Laws Amendment Bill, the hon member did exactly the right thing. This Bill is a case study proving the proposition that when the Congress of South African Trade Unions, Cosatu, says jump, the ANC-led government says how high. But of course, the hon Yunus Carrim, tried to do what is right; he tried to do his best to stand up to Cosatu, and for that, he deserves a round of applause.[Applause.]In this House, for a chairperson to do what is right and stand up to Cosatu is a very rare thing.

The fact is, when it comes to the Revenue Laws Amendment Bill, Cosatu could not get what they wanted because what they wanted

was bad for the workers, bad for people retiring and bad for South Africa. So, of course, Cosatu threatened to strike and waged a disinformation campaign claiming they had not been consulted. The fact is, as we have heard from the chairman, Cosatu were consulted extensively. But of course, when all the consultation failed to deliver the desired result, Cosatu threatened to strike. As usual, the ANC-led government shivered and caved into Cosatu‘s demand and within two weeks, tabled this Bill in Parliament.

It proves that when Cosatu says jump, the ANC-led government says how high and proves who really calls the shots when it comes to economic policy inside the ANC, SACP and Cosatu alliance. It is not insignificant that the hon Deputy President was monitoring the process, because with one eye on the future he never seems to miss an opportunity to give an upset Cosatu the political equivalence of a foot massage.

In the end, what happened is that Cosatu told a blatant lie. They know that they told a blatant lie to workers, to people retiring and to the people of South Africa. That is the truth and Cosatu should apologise. I thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon members! I noted when hon Maynier said that hon Carrim was very lousy today. So, he wanted to entertain the workers, and indeed I saw everybody in the gallery smiling.

Mr T RAWULA: It is about time that workers wake up and realise that the ANC has long forgotten about them. The ANC voted with DA to deny workers access to their hard-earned money. It is also about time that workers wake up and realise that Cosatu is misleading them; they are not genuine but self-seeking hypocrites. Sister Sidumo Dlamini and his friends have destroyed independent workers movement, reduced it to a toothless congress alliance and a labour desk that promotes career unionism. All they care about is spoils of union-owned investment companies and senior positions within the ANC-led government.

The ANC with Cosatu‘s support, like they have done so before, has steamrolled this legislation in Parliament by abusing their majority in order to protect white monopoly capital. It is a matter of public and Parliament record that the EFF was the only political party in Parliament that opposed the pension fund reforms - both in the first and second debate. We warned that the reforms will have far reaching consequences. And the way the

ANC, with the support of Cosatu, steamrolled this piece of legislation it was never in the interest of the workers.

All the ANC wanted with the pension fund reform was nothing but to subject workers to a retirement of permanent poverty and payment of debt until they die. Instead, all this has caused unnecessary confusion; thousands of workers resigned when it was not necessary and could have been prevented - a clear sign that the ANC, together with Cosatu, is not in touch with the workers‘ struggle.

The EFF is not opposed to harmonisation of pension funds with retirement annuities and provident fund. It is important that there is equal and fair treatment. As the EFF, our position is clear, the legislation altogether must be rescinded with immediate effect. The ANC must stop treating workers like they cannot think for themselves. Failure to do so will further deepen confusion and many more workers will continue to resign in fear of losing their pension.

To suggest that the engagement at National Economic Development and Labour Council, Nedlac, will change the situation is a delusion. We all know that policies go to Nedlac to die and government, in particular, does not like Nedlac processes. We

have seen the introduction of national minimum wage; it was only sent to Nedlac to disappear. We now know that the only intention with the amendment of this pension fund and provident fund was to use it as a collateral for this government to get a loan from International Monetary Fund, IMF, so that it can finance the Nuclear Bill which will cost the country R1 trillion which is a total budget of the country.

In the face of job loses and all the social ills that this country has, this government wants to prioritise a loan out of the money of the workers. We call on all workers to discontinue with Cosatu affiliated unions with immediate effect and associate with unions that truly represent the interests of the workers. Thank you.

Ms S J NKOMO: Chairperson, this Bill, which speaks to the annuitisation of retirement benefits for provident fund, has evoked major criticisms from trade unions. I would like to state at this moment that when we speak about trade unions in the committee, we do not only speak about Cosatu. The chairperson spoke about Cosatu and then other trade unions. And I have always reminded him that the Association of Mineworkers and Construction Union, Amcu, is the other trade union and that it

is also his child. So, he cannot just pretend as if he doesn‘t know Amcu today. He knows Amcu.

This has led to the agreement with government last week that the implementation of the annuitisation regime will be delayed until March 2018. Whilst the IFP understands the negative impact that this postponement could potentially have on savings, this should also be balanced with the rights of the person to have the full access to funds accrued in his or her pension.

Should a person who finds himself or herself with a large amount of outstanding debt, say for instance, on a mortgage bond not be allowed to settle the mortgage bond? What if they choose to do so with their pension fund? Shouldn‘t they do that? Whilst we do encourage saving, we also aver that it should be every person‘s right to settle immediate debt with the pension fund monies.

This will save substantial interest payment for their creditors with the caveats, of course, that they do not then become a burden to the state once the pension fund has been exhausted.

In respect of the mooted two year postponement, one must also be mindful of the fact that, such a postponement does not automatically guarantee that after this period, the parties will reach an agreement. This kind of uncertainty does not augur well

for the industry. And in this respect we support the recommendation that the Discussion Paper on Social Security reforms be tabled within three months of the promulgation of this Bill, the report by the Treasury to the Standing Committee on Finance on a quarterly basis and the Minister of Finance to appear and report to Parliament on a bi-annual basis on the progress of negotiations in this matter.

In conclusion, we agree with the harmonisation of pension funds. The retirement annuities and provident fund is vital so as to ensure equal and fair treatment when it comes to taxation and access to benefits at retirement. Once again, I would like to repeat, Cosatu and Amcu are both your children. Thank you.

Mr A M SHAIK-EMAM: Hon Chairperson and members of this House let me start off by saying that the intention of ensuring that you save two thirds of your money and get it in monthly instalments, and get one third which will be tax free was done with good intent. That was in good intent because what we found is that people, repeatedly, receive large sums of money which they have never had previously. Now they have a million rand and they think it is going to last a million days. But if they do not know how to spend that money, it will be finished in 30 days.

What happened was that, more often than not, we found ourselves

in debt. We did not provide for the old age. So, as a result of that, this issue of ensuring that you put two thirds or 66% of your pension in an annuity and get monthly pension was the rational behind the decision.

The NFP supports a postponement and one of the reasons we support the postponement is not because there is something wrong with the intent but because we believe that if there are parties that are not happy, then further consultation must take place.

It is for that reason that we believe that we must go back – at the end of the day it is the people of this country that we represent and they must be part and parcel of the decisions that we make because it affects their lives.

When we talk about the members in the community who do know how to manage their finances, I can tell you repeatedly that there are former members of this House who cannot provide for themselves when the term is over. It is for that reason that we want to put a mechanism in place to ensure that you are able to get an income for the rest of your life and should something goes wrong and you die before time, then your beneficiaries will enjoy the fruits thereof. So, I do not think that there is anything wrong with that. I think in light of that the NFP believes that two years give us enough time to consult with all

the role-players, labour unions, people on the ground and ensure that when we reach a decision, it must be in the interest of the members that we serve. I thank you. [Applause.]

Mr N L S KWANKWA: Hon House Chair, I think the resistance that the ANC-led government got from the members of the public and various stakeholders around this matter, reminded you of a very important clause from the Freedom Charter that ―The people shall govern‖. I think ...

... besele niyilibele. Ngokuya ndandisemakhaya sazidla ngokuya entlombeni nomakhulu, Sekela Mongameli, sifike sixhentse phaya. Kwakuye kubekho ingoma ethi, ―aph‘ekhaya ndayimunamuna ndodwa, ndayimunamuna‖. Ingxaki, Sekela Mongameli, nani boogxa bam ... (*Translation of isiXhosa paragraph follows*.)

[... you had already forgotten. While I was still living in the rural areas, I used to go to the *intlombe* (traditional healers ceremony) with my grandmother, Deputy President, and we will get there and dance. There used to be a song that says, in isiXhosa,

―aph‘ekhaya ndayimunamuna ndodwa, ndayimunamuna‖ (―here at home, I struggle with it alone, I struggle with it‖). The problem, Deputy President, and you my friends ...]

... is that if you do not dip in consultation on these issues we will have a problem because ...

... uthi ukuze uyimunamune wedwa kokwenu kube kanti ubutsala wedwa awukhange ubatsale abanye abantu. [... for you to struggle on your own at home it‘s when you‘ve been doing things on your own without involving other people.]

So, it goes back to what I said that, ―The people shall govern‖.

Kutsho uXwebhu lweNkululeko. Lelenu ayilolwethu kodwa lolwethu sonke. [That‘s what the Freedom Charter says. You claim that it is yours alone but it is ours, all of us.]

So, it means now you had a situation where workers in particular and various other stakeholders felt like consultation was not done properly. Therefore, you cannot blame the people of South Africa for feeling that you were doing a smash and grab on their money because they did not know what you were trying to do even though it was well intended; but it was not communicated properly.

Nam bendiza kutoyi-toya. Yiyo ke le nto ndisithi ngabasebenzi abanibonisileyo inyaniso. Ukuba ugqitha phaya eDutywa, kukho

ibhodi ebhaliweyo enombhalo othi ―siyaqhuba rhulumente asimanga, siya phambili‖. Abasebenzi bayanibonisa ukuba nimile kwaye aniyi kubo, nithethe nabo, baza kuqhuba banishiye Mongameli ngoku nicinga ukuba niya phambili kanti nijikeleza kwitraffic circle. (*Translation of isiXhosa paragraph follows*.)

[I would also toy-toy. That is why I am saying the workers have shown you the truth. When you go pass Dutywa, you will see a board written, *“siyaqhuba rhulumente asimanga, siya phambili*‖ (we are working as government, we haven‘t stopped, we are moving forward‖). The workers are showing you that you are standing still and you are not visiting them, and speak with them, they are going to move forward and leave you hon President, meanwhile you think that you are moving forward when you are just going around in circles as if you are in a traffic circle.]

The other issue which is also very critical and important here is that rather than forcing people to save, we should provide more tax incentives Mr Minister. It is a carrot and a stick method that can work in this instance because at some point we need to be able to find a middle ground before the 2018 deadline which is very critical. We also do not want people to retire poor but I do not think we should stress this point about over indebtedness too much without actually addressing the causal

factor. We are poor as African communities and do not earn enough money; there are socioeconomic challenges; and we have many dependants that cause us to go and borrow money in order to put food on the table.

Uthe omnye ibingathi ndiqhwatywa sisithunzela, ndihamba entsimini xa endivuza lo tata. Lo tata ubuze ukuba xa esamkela ama-R5000 enabantwana abalishumi, uza kuyakha nini indlu. Kaloku naxa kufika ixesha lokuhlala phantsi, akazubanayo. Uhambise wabuza ukuba xa enganikwa imali yakhe, inkomo uya kuyithenga ngantoni. Baphela ke ngoku xa kulapho ubuciko nesingesi esikhulu, ndaqala ndayiqonda ukuba itya ekonsini. (*Translation of isiXhosa paragraph follows*.)

[The other one said he felt as if he was slapped by a ghost when he received his salary. This father asked that if he is earning R5000, with ten children, when will he ever afford to build a house. Because even when he goes for retirement, he will still not have the money. He continued and asked if he is given his money, how is he going to buy the cow. I then became dumbfounded and the big English words were nowhere to be found, and that is then I came in touch with reality.]

So, we need to consider all those factors obviously and know that as African communities we cannot keep on saying the international community and so and so wants this and that, and patronise people. This is South Africa; we have different conditions and challenges and that is a fact. We are one of the highest with regard to the level of inequality and that means we need to take drastic steps and try to bring other stakeholders on board.

Siyabulela. Kwekhu mama, uligadile eli xesha. [Thank you. Wow! ma‘am, you are keeping watch of this time.]

HOUSE CHAIRPERSON (Ms A T Didiza): - Ewe ndiligadile nangoku. [Kwahlekwa.] [Yes, of course I am keeping watch of it. [Laughter.]]

Mr A M LEES: Ya kuyazwakala. Abanye bathi uMazambane Sihlalo, ungayisebenzisa nayo leyondlela. [Yes it is understandable, Chairperson, some people are saying Mazambane can also use this way.]

Hon Chair, most of the public concerns about the preservation of pension and provident fund contributions and the annuitisation of the benefits are misinformed and are myths. It is a myth that

the Government Employees‘ Pension Fund, GEPF, members are affected by the Taxation Laws Amendment Act, Act 25 of 2015 requirement to annuitise. It is not a myth that there is a possibility that the law will be changed to force pension and provident funds to invest members‘ hard-earned savings through the Public Investment Corporation, PIC, into dodgy ideological ANC project such as the NHI and the nuclear build.

It is a myth that annuitisation is not good for workers. It is not a myth that savings‘ levels in South Africa are very low. Households savings as in the third quarter 2015 were a mere 0,2% of the GDP and they fell to 0,1% in the fourth quarter. Poverty for the elderly in the golden years after working hard for their families and for the economy of their country is just not right.

Poverty makes elderly people vulnerable to be exploited and left destitute by the sharks that circle the leaky old tub the elderly so often find themselves drifting desperately along. It is a myth that pension and provident fund members have to resign their jobs to take their pension money before the government takes it. It is not a myth that most current provident fund members will probably never take their pension money and will have to annuitise a portion of their pension money.

Amanga ukuthi abantu abayikhokhayo i-Provident Fund njengamanje abavunyelwe ukuthatha leyomali, amanga lokho, bazoyithatha, umthetho awukuvimbi. Iqiniso ukuthi noma ubani angayithatha yonke leyomali. Umthetho njengamanje awukuvimbi lokho. Banamanga laba abathi uhulumeni uzothatha imali. *(Translation of isiZulu paragraph follows.)*

[It is not true that workers who pay Provident Fund now are not allowed to take that money, that is not true, they will take it, the Act does not prevent that. The fact is that anyone can take all the money. The new Act does not prevent that. Those who are saying the government will take the money are not telling the truth.]

It is not a myth that provident fund members will now benefit from being able to deduct their contributions from taxable income. Workers may well take more money home in their pay packets in terms of the new Act. It is a myth that the postponement of about two years will see Cosatu suddenly agreeing to annuitisation. It is not a myth that a delay of two years will simple delay the implementation and will not be in the interests of workers that Cosatu claims to represent.

It is a myth that this midstream reversal is a minor issue. It is not a myth that the policy uncertainty that currently pervades government in South Africa is stated by most investors as being one of the major reasons for not wanting to invest.

This debacle with the flip-flopping on the annuitisation is a good example of ANC policy uncertainty.

It is a myth that the comprehensive social security reform paper will result in massive state funding for pensioners that will make savings for old age redundant. As urgent as the DA agrees that this reform is, it will not be a single event and it will take a considerable amount of time to be drafted, and implementation will of necessity be piecemeal.

It is not a myth that the changes to annuitisation of provident fund benefits now enacted have started a process towards a comprehensive social reform and must not be reversed. Thank you, Madam Chair. [Applause.]

Ms T V TOBIAS: Hon Chairperson, hon Deputy President, hon members, basebenzi bethu abahle [our beautiful workers].

Hon Chairperson, please allow me to quote Ho Chi Minh, a brilliant thinker from Vietnam, who had this to say when he reflected on national virtues:

The revolutionary must be endowed with virtues without which, however talented he may be, he cannot lead the people.

Having listened to the DA‘s hon David Maynier and hon Lees, I am left with no choice but to realise that they are not revolutionaries. Therefore they don‘t qualify to lead the people. Their comments instead reminded me of the brilliant thinker, Albert Einstein, who said,

Only two things are infinite: the universe and human stupidity.

And do you know what he also said, hon Deputy President? He said he is not sure about the universe, but he is definitely sure about human stupidity, which the DA which displayed today. [Laughter.] [Interjections.]

An HON MEMBER: It takes one to know one ...

Ms T V TOBIAS: We as the ANC‘s standing committee on finance acknowledges the importance of alignment and harmonisation of

retirement deforms based on international norms and standards. We also engaged stakeholders on several occasions as a build-up towards the adoption of the Bill. However, we acknowledged upfront that we did not reach consensus. [Interjections.]

I want you to listen carefully, hon Steenhuisen, because you always prefer to howl rather than engage intelectually. Just listen to this; it is going to help you. [Laughter.] [Interjections.]

We did not reach consensus on the matter of annuatisation. We referred National Treasury and the unions to further engage on the matter. That will address the concerns of the NFP. We have postponed this to 1 March 2018. This deferment will give all stakeholders an opportunity to relook at the designs and models of annuatisation.

Cosatu — for your information — has agreed that there is totally nothing wrong with harmonisation and alignment of the current pension reforms. Therefore, the provident fund from the

1 March 2016 — which was a few days ago — is ineffective.

So it is not true that, for some reason, we succumbed to Cosatu. [Interjections.] In case you have forgotten, the Bill is a

legislative amendment to the Taxation Laws Amendment Act based on the engagements we had. [Interjections.] It‘s an amendment. At no point, except to insult Cosatu, have we ever heard a single recommendation made by the DA, even here from this podium today. That is a fact; you said nothing. [Applause.] [Interjections.]

The ANC has pursued the sector to reconsider its position on retirement reforms, especially to think about the importance of saving. But we respect the decision of the workers. Those who will decide to take the one third ... it won‘t be tax free, it will be taxed and they will go home with less. That is what we said needs to be explained. In terms of the annuatisation we will take the discussion further.

This piece of legislation will continue to encourage a savings culture, given the difficult challenges that South Africans, particularly black people, still experience when they retire and find themselves depending on state pensions.

Empa ha re ka leka ho lokisa mathata ao re tobaneng le ona, re fumana hore ka hare ho Ntlo ena e hlomphehang, ho na le maloko a tshwanang le a DA, a sa utlwisiseng nalane ya motho e motsho ya tshotleho. Moo, o fumana hore ha motho a tlohela marapo

mosebetsing, a beha meja fatshe, a ya hae ho ya phomola, phaello ya penshene a e fumanang ha e lekane ho mo phedisa ho fihlela a ikela boyabatho.

Mokgatlo wa DA o batla hore tjhelete yohle eo motho a e sebeleditseng e tshelwe ho diinshorense: Ka sekgowa e bitswa annuitisation. E be motho o lapa le bana empa a sebeditse ka thata ka dilemo tse ngata. Jo, bona ke boqilo ba mohlolo! *(Translation of Sesotho paragraphs follows)*

[But when we try to resolve the challenges facing us, we discover that there are members such as those from the DA in this august House, who do not know the history of black people with regards to poverty. You will find that someone leaves their job and resigns, goes home and rests, the pension payout that they receive is not enough to sustain them until death.

The DA wants all the money that the person has worked for to be given to insurance companies: In English it is called annuitisation. Then a person will starve along with their family after having worked so hard over the years. Really, this is not a proper way of doing things.]

Therefore hon members, please allow me to repeat what Aristotle once said:

It is the mark of an educated mind to be able to entertain a thought without accepting it.

I therefore call upon stakeholders to consider the suggestion made by national treasury on the need to encourage savings as this will result in good investment at a later stage. However, I also call upon national treasury to speed up the process of the social security paper which has been requested by the union to facilitate closure to this matter. And to the David Maynier, the dancing David, as usual being the best choreographer, his hate for Cosatu makes him lose his intellect.

Mr J R B LORIMER: Madam Chair, over here. I believe the hon speaker shouldn‘t be talking about the hon Maynier.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, are you referring to hon Maynier?

Ms T V TOBIAS: The hon dancing David Maynier, being his usual best the choreographer his hate for Cosatu makes him lose his intellect if there is any. Consultation that we had with Cosatu

actually demonstrates the level of maturity that the ANC possess in resolving complex issues which have seen the ANC being the oldest political party on mother earth. [Interjections.] To the EFFs hon Rawula, the role of the party of the revolution can‘t exchange hands. The principal task of the ANC is to deliver the national democratic revolution and we are on course. Siyaquba!

We understand the lack of clarity of thought by the EFF to the fact that they are still on a sharp learning curve so we forgive you. [Interjections.] South Africa is a mixed economy and we continue to address the interest of the progressive forces of this ... [Interjections.]

Mr T RAWULA: Hon Chair, I think the fellow hon has missed the point that we are arguing, we are supporting the postponement of the bill [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you hon member. [Interjections.]

Mr T RAWULA: I think she is misunderstanding us. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you take your seat because that is not a point of order. Hon member continue.

Ms TV TOBIAS: Hon Rawula, raising a nuclear energy issue in the context of this debate is absurd to say the least. We need to be responsible leaders. On the IFP*,* Association of Mineworkers and Construction Union, AMCU has failed to adhere to the call to present itself to the public hearings to air their views even when we had them twice. So the committee can‘t be blamed for AMCU‘s failure to participate but thanks Ms Sebongile for the recommendation you made on harmonization and alignment. Hon Chair, we accept the call to further consult hence we accept the recommendation made by the NFP. Hon Mkwankwa, it is not true that enough consultation has not being done. We agree and accept that there are elements of disagreement therefore we believe in the principle for engaging and influencing one another. That is what we are going to do for the coming two years. We have already provided a free incentive for the first one third of the lump some and it‘s tax-free. It is a benefit so I don‘t know what you are referring to.

Hon Lees, you are the most outspoken member of the DA whom we have always thought you are reasonable. But today you are a true mythical character, you have shown it. [Laughter.] Amutasation might be good to the privileged that happens to be white but might not necessarily in the current conjuncture benefit those who suffered in the past. It is not a myth that the reality is

that most of the people who are still poor are black. People who hon Lees, and his DA does not represent. We as the ANC believe in the quality for all, black or white. And we continue to represent the interest of all as the only custodians of a democratic society. Thank you. [Applause.]

The MINISTER OF FINANCE: Deputy Speaker, let us first greet all the workers who have taken time off to be with us here today.

Can you applaud them because they may not applaud. Secondly, let me thank the chairperson of the committee and all the members of the committee for their contributions. [Interjections.]

Don‘t you have anything more sensible to say? Really, now. Come on! Wake up, man.

Anyway, hon Deputy Speaker, I thank all the unions and the industry for the contributions they have made to the debate but more importantly to reaching a consensus on the way forward.

We have agreed as Treasury and as the Ministry to postpone this matter of annuitisation for two years. Firstly, it is a long- term issue. The decisions we take today affect not just today‘s generation but many generations to come. Secondly, as

government, we would prefer consensus on this matter rather than an adopting an adversarial approach to it.

Let us, I want to appeal, forget about where we come from and what our differences might have been. Let us look forward by focusing our minds of completing the consultation on the design of annuitisation and savings through annuitisation so that views of workers and various constituencies can be taken into account, such as the serious concerns they have about how they will pay for a mortgage, or how to pay for unusual, unintended or unanticipated events in their lives using monies they have saved through provident funds.

The Treasury and the Minister of Social Development also agreed that these discussions must now take place in the context of the broader social security reform paper. We have committed to finalising that paper within the next few months — three months, I believe — in order to get the discussions on that matter going on as well.

Most importantly, Treasury has begun the process of launching a campaign to inform workers about what the need for savings is, how savings can actually benefit them, and how they could balance the requirement for savings and the requirement for

expenditure, either at a day-to-day level or the unusual events that I have referred to earlier on.

What is crucial is that we received through this consultation process, earlier rather than later, very concrete feedback from workers themselves about what some of those needs are that they want us to account of so that the design of the savings process and the annuitisation can take account of that.

At the same time, let us also be emphatic about the fact that, as of 01 March, workers are better off because the tax allowance that people save in pension funds are now also made available to workers who save through provident funds. So, your salaries would be a little bit higher because that tax deduction that hon Khawula was talking about is already in place. [Applause.]

What we should recognise is that there are some key pillars or principles that we don‘t want to sacrifice in this process. The first is that savings is important and that we need to make it part of our culture. As hon Lees said, we should increase the level of savings compared to the Gross Domestic Product, GDP, in our country to match some of the better practices that we see elsewhere in the world.

Secondly, at this point in time, there should be harmonisation between pension funds and provident funds.

Thirdly, we need to accommodate needs that might not have been taken into account up to this point in time regardless of what was really an extensive process of consultation.

Fourthly, the arbitrage that higher income earners have been taking advantage of, or utilising or abusing between pension funds and provident funds, will not be allowed any further.

As many speakers have pointed out, we must also emphasise what it is not true. It is not true that government is intending to nationalise pensions. The money that is in provident and pension funds belongs to the workers and others who contribute to those funds. Government has no intention of nationalising that money. It was incorrect to actually advance that view. Secondly, vested rights ... that is, anything that you have accumulated up to the end of February 2016 remains yours under the old rules. The new rules don‘t apply to that. That was also somehow confused this process as well.

Consultation did take place as the chairperson and others have pointed out but, let us allow for a further period if that is actually what is required at this point in time.

It is absolutely correct that members of the public service in South Africa who contributes to the Government Employee Pension Fund, GEPF, are not affected by the provisions that we are talking about in respect of provident funds.

As far as policy certainty is concerned, many elements of the original Bill remain in place, for example harmonisation. It is true that we as government are committed to creating as much certainty as we can in relation to this particular set of provisions and other provisions as well. We will hear a lot more about other provisions as well in the course of the next few weeks.

Now, in response to hon Maynier, we understand that local government elections are coming up and we understand that this is an ideal platform to begin to canvas for votes for the local government elections. [Interjections.]

You see how upset they get when you start speaking the truth to them. So, you should remember that when voting time comes. This

is the side that is on your side, not that that side. [Interjections.] Remember that. [Applause.] So, hon Maynier ... who is really a fine gentleman. He‘s a really fine gentleman ...

An HON MEMBER: Deputy Speaker ...

The MINISTER OF FINANCE: However, as one of the members pointed out, theatrics are a very important part of his presentation as he has to keep you awake and he has to keep us awake. But, in every minute that he spent on this platform there was no empathy for workers and what they want from this thing. [Interjections.] So, remember that when voting time comes. [Interjections.]

The DEPUTY SPEAKER: ... [Inaudible.] ... hon members.

The MINISTER OF FINANCE: Hon Khawula made an important point, but remember that access to hard earned money is something ... [Interjections.]

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

Mr D J MAYNIER: Is the Minister prepared to take a question? [Interjections.]

The MINISTER OF FINANCE: We will come back to you, hon Maynier. [Interjections.]

So, hon Khawula, we do not want the resignation of workers. Let us collectively send the message out. There is no need to resign. Preserve the money that you have. We will find a solution that will satisfy as many people as possible. We do not want people to take actions today that they will regret in a month or two later. We should all agree across the board.

I don‘t have time to respond to hon Maynier, but when the Deputy Minister is ready to answer his questions, he will do so. [Applause.]

Debate concluded.

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

Bill read a first time (Democratic Alliance dissenting).

# REVENUE LAWS AMENDMENT BILL

(Second Reading debate)

There was no debate.

Bill read a second time, with Democratic Alliance dissenting.

# RECOMMENDATION OF CANDIDATES TO FILL VACANCIES ON COUNCIL OF INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

(Consideration of Report)

There was no debate.

Question put: That Mr Paris Mashile, Mr Keabetswe Modimoeng, Ms Botlenyana Mokhele, and Mr Peter Zimiri be recommended for appointment as councillors to fill vacancies on the Council of the Independent Communications Authority of South Africa, Icasa.

The Chief Whip of The Opposition requested for Declarations to me made.

*Declarations:*

Ms P T VAN DAMME: Hon Chairperson, the DA is pleased that the two candidates who were opposed to have been removed from the list of candidates to fill vacancies on Council of the

Independent Communications Authority of South Africa, herein referred to as Icasa Council.

Firstly, Mr Lumko Mtimde who we opposed to on account of a support of a media appeals tribunal. We hope that the Minister‘s decision not to include Mr Mtimde means that she too is opposed to the introduction of the Media Appeal Tribunal and we will not see the introduction of legislation in this regard as in contained in the ANC National General Council documents.

We are also pleased that Mr Thami Ntenteni‘s name was withdrawn after the DA revealed that he has a criminal record. It is however disappointing that, almost a year after the DA revealed his criminal record, he continues to serve on the Media Development and Diversity Agency Board, MDAA Board. We trusted his removal from the MDDA Board and the filling of the outstanding vacancies on Icasa would be made priority. The DA supports this report.

Mr N P KHOZA: I am here on behalf of hon Commissar Mbuyiseni Ndlozi who is very busy with elections work. [Interjections.] As the EFF, we call for Icasa‘s independence and that it must be elevated to the same status as Chapter 9 institutions. Also, we are not here to rubberstamp the decisions of Luthuli House.

The Icasa must raise its game in regulating companies like Vodacom in terms of cost of data as well as MultiChoice which must open up space in pay-TV market for black entrants. Naspers must know it was built by apartheid money and it owes the people of this country to demonopolise itself and not own everything in media, including newspapers and radios. Thank you.

Mr N SINGH: Hon Deputy Speaker, let me first say that I was not part of the committee deliberations but we support the names that have been proposed. However, we note that there is a gender imbalance and we thought that the committee would have done rather better in having more females instead of one out of four females.

Having said that, one notes that Icasa is an independent communications authority and its mandate is to regulate both the telecommunications and the broadcasting sectors in the public interest.

Now, we do not see much of this happening in terms of independence and fairness because we find that when it comes to our public broadcaster, the SABC, more often than not, the ruling party gets more airtime than any other party, and most of other parties are excluded.

So, we hope that Icasa and these councillors who are going to be appointed after the resolution today take the jobs seriously in ensuring the independence of our broadcasting sector as we move forward.

There is another interesting programme that comes to mind that I watch now and again, and that is a programme called *90 Plein Street*. I think this programme needs to be looked at in terms of its bias because it is not offering education to the public about voting but it is offering ANC education to the public. I suppose this programme needs to be looked as we move into the future. We will support the names that have been proposed by the committee.

Mr A M SHAIK-EMAM: Hon Deputy Speaker, according to the Icasa Act, those appointed to the regulator‘s council must be individuals who are committed to fairness, freedom of expression, openness and accountability on the part of those entrusted with the governance of public service. A representative of a broad cross-section of the population of South Africa and possess suitable qualifications, expertise and experience in the fields of among other, broadcasting, electronic communications and postal policy or operations, public policy development, electronic engineering, law, IT

content in any form, consumer protection, education, economics, finance or any other relevant expertise or qualification.

The list of names presented to the portfolio committee report tabled here today represents a fair representation of the guideline set out in the Act. Mr Paris Mashile is an industry veteran who spent five years as Icasa Chairperson between 2005 and 2010. He has a good academic track record.

Mr Keabetswe Modimoeng worked as a business and labour journalist at the Sunday Times before working in communications for a number of big corporates. He currently sits on a board of the SA Weather Service and was previously shortlisted for his position on the SA Broadcasting Corporation Board.

Ms Botlenyana Mokhele is a consultant at Pygma Consulting and was previously a researcher at Icasa. She spent a five year tenure at the Department of Communications from 2007-2012.

Finally, Mr Peter Zimiri is also an industry veteran, currently a frequency spectrum specialist, who was senior manager for Spectrum at the Icasa between 2002 and 2004. Following his two- year tenure at Icasa, Mr Zimiri served as a director at the then Department of Communications for three years.

All four of the candidates listed have a valuable contribution to make and the NFP is satisfied that they meet the requirements for appointment to the regulator‘s council. Accordingly, we support the recommendations of the portfolio committee tabled here today.

Mr R M TSELI: Chairperson, the ANC supports the report. Indeed this is a true reflection of the deliberations of the Portfolio Committee on Communications that resulted in the unanimous adoption of the report by all the parties present in the meeting.

The Icasa is one of the entities that are performing extremely well and as the ANC we are confident that the appointment of the four recommended candidates will go a long way in taking it to a higher level as they possess skills relevant to the ICT regulatory environment. We are pleased by the fact that all the concerns that have been raised when the report was first referred back to the portfolio committee have been satisfactorily addressed as for the red overhauls could not pick up anything that warrants any response. Moreover, they were not even part of the meeting that discussed and finally adopted the report.

Vho R M TSELI: Sa ANC, ri tikedza muvhigo wa Komiti ya zwa Vhudavhidzani nahone ri khou tenda uri i ḓo bvela phanḓa uri Independent Commission Authority of South Africa, Icasa, i ise phanḓa mishumo yayo yavhuḓi. Ndi khou livhuwa. [U vhanda zwanḓa.] *(Translation of Tshivenḓa paragraph follows.)*

[Mr R M TSELI: The ANC supports the Portfolio Committee on Communications report and we also believe that it will be successful so that the Independent Commission Authority of South Africa (Icasa) can continue with its good work. I thank you. [Applause.]]

Question agreed to, with Economic Freedom Fighters dissenting.

Mr Paris Mashile, Mr KeabetsweModimoeng, Ms BotlenyanaMokhele, and Mr Peter Zimiri accordingly recommended for appointment as councillors to fill vacancies on the Council of the Independent Communications Authority of South Africa.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION AND TRAINING ON OVERSIGHT VISIT TO MPUMALANGA AND GAUTENG PROVINCES

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION AND TRAINING ON OVERSIGHT VISIT TO NORTHERN CAPE PROVINCE**

The DEPUTY SPEAKER: I now recognise the Deputy Chief Whip of the Majority Party.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Thank you, hon

Deputy Speaker. I move that the Reports be adopted.

The DEPUTY SPEAKER: The motion is that the Reports be adopted. Are there any objections? No objections.

Mr M WATERS: Deputy Speaker, the DA would like to make a declaration. Thank you.

*Declarations*

Ms Z JONGBLOED: Deputy Speaker, these two Reports cover amongst other things, visits made by our portfolio committee to the much haunted two new universities: Sol Plaatje University in Kimberley and the University of Mpumalanga. Both opened during 2015. Our participation ways in university education remains by international standards very low in spite of the rapid expansion of student numbers over the past 20 years. So, the two

universities are very welcome additions to the education landscape. The department has acted wisely in not allowing these two new universities to grow too rapidly.

The department lacked wisdom when it virtually forced the rest of the university sector to grow far too fast, with too little funding, to the detriment of quality, student contentment and the reputation of our system.

These new universities remain very small, rapid growth is not the problem. But, in time, will they evolve into proper universities or will they remain more like local community colleges?

Sol Plaatje University has impressed with ambitions to become a full university over time with all the sophistication that it requires. The University of Mpumalanga appears to be less set on this path. Both will, at the current meagre levels of university funding, struggle. We need to see evidence from the Minister of serious developmental funding and visionary imagination; not qualities that have been forthcoming in recent times.

If these two fledgling institutions are to become serious players in the future, this is what they will need. If fees are

not forthcoming, the department will need to acknowledge that these and perhaps several other institutions in our 26 strong university sector, may never be able to reach full university capacity given current funding levels. They will languish in the never regions of being neither one thing nor the other - financially insecure and academically undistinguished. Thank you.

Mr M S MBATHA: Hon Deputy Speaker, firstly, we would like to note the following: In 2014 we came here and we expressed our opinion that the Sol Plaatje University together with the University of Mpumalanga were not ready to be called the universities. And in our visits, this was confirmed. The two are supposed to be gradually let to become universities through a process that accommodates them in the university system. Maybe name them university colleges, be attached either to a primary university or be modestly led towards that process that will eventually give them the status of a university.

Secondly, today young people in these universities still call themselves the students of a university but with a special character. A lot of services that exist in normal Technical Vocational Education and Training, TVET, Colleges do not exist in these two universities.

Thirdly, these are an assemblage, in particular, the University of Mpumalanga. It is an assemblage of the old teacher and agricultural colleges. So, care was supposed to be taken in the consolidation and the structuring of what is called a perceived university.

On the other leg of the visit, which was the visit to the Tshwane University of Technology, the fires at this university are still burning. When we responded to the visit, we were attempting to defuse the fires with a view of understanding the intricate problems that faces the university. [Interjections.] Today, this university remains closed, the problems of 2014-15 remain unresolved. Who is leading that university? The corrupt, unprofessional ANC cadres, who probably know nothing about managing a university. Thank you.

Prof N M KHUBISA: Deputy Speaker, hon members, a continuous threat running through the observation recommendation of a portfolio committee is the need for increased funds for both the institutions as well as for the students. The NFP wants to say that establishing a new university is not easy and request an extraordinary amount of planning and money in it, if it is to be done properly. An under-resourced university defeats the objective of providing quality education and it is likely to

lead to dissatisfaction amongst students who have high expectations.

The NFP welcomes the depth and findings over oversight visit to the newly University of Mpumalanga but we want to say that funding alone is not the alpha and omega of solving all the problems at our universities. No amount of money will make a success of a university or college if there is no effective and efficient leadership.

In this regard, the NFP shares the concern that regarding the absence of stable leadership and governance at the Tshwane University of Technology, is causing problems for that university. This particular university has consistently been a hotbed of deep dissatisfaction among the students and we believe that a stable leadership would go a long way to restore a sense of dignity and ownership of the institution among the students.

The TVET Colleges in South Africa are seriously underfunded and underrated. These colleges face similar challenges as those faced by the university and they are not vigorously promoted as first choice institutions for school-leavers as they should be. South Africa has a massive need for skills and training which are offered at the TVET Colleges, yet the National Student

Financial Aid Scheme, Nsfas, allocation for this sector is seriously neglected. The NFP believes that, of course, we need some emphasis on degrees but more emphasis should be directed at encouraging school-leavers to go and give serious consideration for TVET Colleges.

When it comes to Sol Plaatje University, the NFP wants to say, it is important that from its inception, a newly established university should be well managed. Such a solid foundation will go a long way to ensure that the university becomes a model, exemplar of the new generation of universities; which can now build a university that has a clean slate and which can be developed to reflect the diversity of our nation in its spatial and social layout, and its curriculum content.

The NFP is also in support and recommend that the department should explore the possibility of engaging the National Treasury for additional funding to expand the TVET colleges‘ infrastructure. In fact, we believe that all TVET colleges in South Africa should be better funded so as to make these centres dispersed centres of further education that provide quality and affordable centres of learning. We would like to see a particular emphasis placed on developing TVET colleges which serve the rural communities, rural areas and we support the

recommendation of the portfolio committee. Thank you. [Time expired.]

Mr C D KEKANA: Hon Deputy Speaker, the Report is on the two universities. But, to start from the beginning, when we do oversight on universities - I just want to remind members that - we look at the following things: governance and administration; transformation; student registration; financial viability; Nsfas administration and other matters. Recently, we looked at student protests.

Now, for the new two universities, remember that while the ANC- led government was trying achieve there, was to address the legacy of the past, geographic and racial legacy. The fact that the two provinces, Northern Cape and Mpumalanga, did not have universities built in the past. It is one legacy we are addressing.

The second legacy, is about what hon Mbatha said about the protests that we are experiencing at universities. The new legacy that has been established is that though there are genuine student issues that the ANC has acknowledged as the government and Ministry, we still find that there are parties

that would like to fuel fire because they enjoy this fire that is burning at universities. [Applause.]

When we go out and stabilise and address genuine issues that students are raising, there are these people behind who are poking the fire because the more there is fire there, is the more they think that they can gain more votes because they don‘t have a better programme to offer.

With the growth of the universities, I must mention that resources have been allocated. The University of Mpumalanga received a start-up allocation of R376 million contrary to the impression created by opposition that there hasn‘t been enough resources allocated.

The other issue that I want to address, which I think is important, remember that in the Northern Cape we won the bid of Square Kilometre Array, SKA, the biggest television in the world and that is going to commensurate with the ... [Time Expired.] [Applause.]

Motion agreed to.

Reports accordingly adopted with EFF dissenting.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION AND TRAINING - ANNUAL REPORT 2013/14 OF SAFETY AND SECURITY SECTOR EDUCATION AND TRAINING AUTHORITY (SASSETA) AND PUBLIC SERVICE EDUCATION AND TRAINING AUTHORITY (PSETA)

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION AND TRAINING - STRATEGIC PLAN 2015/16 – 2019/20 AND ANNUAL PERFORMANCE PLAN 2015/16 OF MINING QUALIFICATIONS AUTHORITY (MQA) AND TRANSPORT EDUCATION AND TRAINING AUTHORITY (TETA)**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HIGHER EDUCATION AND TRAINING - STRATEGIC PLAN 2015/16 – 2019/20 AND ANNUAL PERFORMANCE PLAN 2015/16 OF CULTURE, ARTS, TOURISM, HOSPITALITY AND SPORT SECTOR EDUCATION AND TRAINING AUTHORITY (CATHSSETA) AND SAFETY AND SECURITY SECTOR EDUCATION AND TRAINING AUTHORITY (SASSETA)**

There was no debate

The DEPUTY CHIEF WHIP NOF THE MAJOTITY PARTY: Deputy Speaker, I

move:

That the Reports be adopted.

*Declaration(s):*

Ms Z JONGBLOED: Deputy Speaker, we have put all the three reports here which help. Most people acknowledged that the sector education and training authorities, Setas, are not working well. These reports cover meetings of our portfolio committee with several of the 21 Setas and providers with insight into the ongoing saga that they entail. Since the Department of Higher Education and Training took over management of the Setas from the Department of Labour, there have been some improvements. Minister Nzimande has taken a firmer line on those who are clearly corrupt and has followed the model used for dysfunctional universities to put them under administration.

But the multibillion rands Seta industry has proved resistance in many respects. There is just too much money available through cronious tenders and fly-by-night educational scams for this to go away that easily. Some believe that the government and even certain individual political parties and alliance of political parties, which I will not mention, are benefiting from some of these scams. This is at the expense of thousands of young people who are offered learnerships and apprenticeships and other qualifications through the Setas, but who never actually obtain them.

The big question is what is to be done with the Setas? The Minister had his own ideas about this. Keeping to his tendencies towards centralisation, he wishes to bring them all under his direct control and these empower their independent boards entirely, and strip the Setas of their original links to industry which funds them and labour which is meant to benefit from them until into another government department. This is not a solution. We acknowledged that something needs to be done about the Setas. But unless industry could be kept fully onboard as the host of the apprenticeships and learnerships that the Seta supports - government departments do not have a good record in that respect - the Setas will not be able to train properly employable people, and I would like to warn that there is trouble ahead in this sector. Thank you.

Mr S M MBATHA: Deputy Speaker, to start with, the Safety and Security Sector Education and Training Authority, in our view, is the most corrupt institution that we have ever identified. First and foremost, the chairman of this Seta has a wife working as an executive. She keeps on getting promotions and all others are investigated and suspended for wrong doings side by side with their colleagues. She keeps on skipping and surviving.

Until today, the recommendations on how the Seta could be taken

out of administration are still not clear. In fact, the idea of this Seta going out of administration seems be a pipedream.

The security industry needs skills and it has the lowest skill base in our country. Currently, in the services sector it is the most growing and is able to offer our people jobs, whether they are sustainable jobs or the other is neither here nor there.

What we need is a functioning Seta able to attributes all its resources and its endeavours to those in need, and not to the cronies of the politicians.

In fact, if we were to talk the truth this is one of the Setas that did a boo-boo. It invested wrongly and there was a huge criminal case that went nationwide on its investment. So you could see they have no shame either in providing skills or in other things such as investment.

The Public Service Seta has the lowest resources available. It is not able to provide as per its mandate. It is not able to provide us with a trained cadreship of public servants. It is ill-financed and most importantly is not capable to even handle any of the Public Service training requirements.

Now we come to the Culture, Arts, Tourism, Hospitality and Sport Sector Education and Training Authority, Cathsseta. This one has a mystery in its existence. It goes in and out of the administration. Again, there are no signs of it getting out of administration. In its last report to the committee, it signals as an institution that has been captured by criminals. It is one example of a captured institution where cronies from the inside eat with those who are outside. [Time expired.]

Mr K P SITHOLE: Deputy Speaker, may I address you, please. I have a serious concern. Members of the House are debating very important and fundamental issues. Neither the Minister of Higher Education nor the Deputy Minister is here. I think it must be on record and noted. How are they going to shape their thinking towards the concerns that members of this House are raising when they are not in the House?

The DEPUTY CHIEF WHIP OF THE MAJOTITY: Hon Deputy Speaker, on a point of order: This member is talking about Ministers who are not here. These are reports that have been Announcement, Tabling and Committee Report, ATCed. The Ministers have all the information. So they have prior meeting engagements. So we don‘t have to answer to you about that.

Prof N M KHUBISA: Deputy Speaker and hon members, the NFP is on record complaining about the service of the Setas in that they are given billions of rands, but not performing accordingly.

Where there is a turnaround we will be able to say there is a turnaround. The NFP takes note of the improvements in the management of the Cathsseta since an administrator has been appointed. We share the concern of the Portfolio Committee on Higher Education and Training about the challenges which this Seta will be facing in the year to come. These are some of the other challenges, however, where within the competence of the Cathsseta to deal with if the entity is managed in accordance with the regulations and prescribed management and internal control processes.

With qualified and experienced board members and senior management, the Cathsseta can effectively deal with the challenges of poorly managed business contracts, lack of provincial footprints, inability to merge service delivery and financial challenges and delivering consistent compliance with governance imperatives and develop relationships with nature conservation service providers.

The state of the Sasseta, unlike that of the Cathsseta, is not very encouraging. The NFP supports the recommendations of the

portfolio committee pertaining to Cathsseta as contained in this report.

When move to the other Setas, the NFP shares the concern of the Portfolio Committee on Higher Education with the underachievement by both Setas in the period under view. The sector education and training authorities have a very important role to play in further education skills development. Lack of performance will result in our young people getting inferior and inadequate training which will not equip them for success in the real world.

The NFP is also encouraged by the portfolio committee‘s recommendations that the Tetaseta should have a training programme with particular focus on taxi and truck drivers to improve their road safety skills. It is a known fact that South Africa has a very high number of road fatalities compared to that of the world. Minibus taxi accidents contribute accordingly to the carnage in our roads. The vast majority of South Africans rely on minibuses in the absence of reliable and affordable public transport. Until such time that the government gets its act together to provide a safe and affordable alternative public transport to minibus taxis, there will always be a desperate

need for a training programme with particular focus on taxi drivers.

The NFP also welcomes the portfolio committee‘s recommendations on both, the Mining Qualifications Authority, MQA, and the Tetaseta for their interventions to assist the learners in rural areas to improve their performance in maths, science and other subjects. But we would wish that these Setas move even more to help the people who are not learned to get more skills. [Time expired.] Thank you, Deputy Speaker. We support the report.

*Declarations:*

Prof C T MSIMANG: Hon Deputy Speaker, to argue that these Sector Education and Training Authority, Setas, are dysfunctional, would be an understatement of a decade. No wonder the Minister resolved to put two of them, namely, the Culture, Sport, Tourism and Hospitality Sector Education and Training Authority, CathsSETA and the Safety and Security Sector Education and Training Authority, SasSETA, under administration. Visions and goals of the National Development Plan, NDP, diminish daily because of the continuous failure of these key national Setas, which are the core of the skills development of South Africa.

These Setas are supposed to create job opportunities for our unemployed youth and contribute to the country‘s economy, reduce

the scourge of poverty and promote justice and social cohesion but instead, these public funds are wasted on irregular spending, poor performance and nonadherence to the provisions of the Skills Development Act of 1998. Furthermore, even the board members who should be part of the solution are to a large extent a major part of the problem. For instance, after the board of CathsSETA had commissioned Grant Thornton to conduct a forensic investigation into the allegations of maladministration and mismanagement, that very board could not act on the findings because some of the board members were implicated. Even its annual performance plan for 2015-16 is completely unacceptable because of its failure to meet the National Treasury‘s smart principles. These Setas are marked with corruption that hinders the development of the country‘s economy, and we urge the Ministry to consider possibilities of reviewing the Skills Development Act to ensure proper functionality of these Setas going forward. Perhaps, a better option would be to dissolve them altogether. Thank you.

Ms S MCHUNU: Hon Deputy Speaker and hon members, the ANC support the adoption of these reports. The committee met with the Setas to assess their financial and nonfinancial performance and also to check whether the policies pronounced by government were implemented accordingly. These entities are mandated by the

Skills Development Act to fund the skills development initiatives that are meant to produce scarce and critical skills needed for inclusive economic growth.

The committee identified serious challenges within some of the Setas and expressed to the Minister the seriousness of some of these issues. The Minister moved with speed and exercised his authority as advised by the National Skills Authority, NSA, and mandated by the Skills Development Act and placed the following Setas under administration; CathsSETA and SasSETA. As such, contracts awarded through noncompliance with legislation were terminated. In all Setas, processes of putting systems and internal controls are underway. The committee welcomed the commitment by the Mining Qualifications Authority, MQA, and Transport Education and Training Authority, Teta, to fund bursaries at universities and colleges. A concern was raised by the committee that only eight out of 50 Technical Vocational Education and Training, TVET, colleges offered transport related National Certificate Vocational, NCV, programmes and these should be addressed by the colleges.

The Public Service Education and Training Authority, PSETA, supported rural youth skills development partnerships, facilitated public service workplace for TVET lecturers and also

partnered with Education, Training and Development Practices – Sector Education and Training Authority, EtdpSETA, to have presence in the 50 TVET colleges. As the committee, we have made recommendations and will continue to monitor the implementation thereof. I thank you.

The DEPUTY SPEAKER: The motion is that the Reports be adopted. I now put the question. Those in favour will say ―Aye‖, [Interjections.] those against ―Noe‖ [Interjections.]. The Ayes have it.

Mr M S MBATHA: Deputy Speaker, please note the objection of the EFF.

Agreed to.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SPORT AND RECREATION ON COMMISSION FOR GENDER EQUALITY - PUBLIC HEARING REPORT ON GENDER TRANSFORMATION IN SOUTH AFRICAN FOOTBALL

The DEPUTY CHIEF WHIP OF THE MAJORITY moved: That the Report be adopted.

*Declarations:*

Mr M WATERS: Deputy Speaker, the DA would like to make a declaration. Thank you.

Mr S MALATSI: Deputy Speaker, the actual Report by the Commission on Gender Equality, CGE, on gender transformation in SA football makes for a very sad reading. This process started in 2010 by the CGE to evaluate levels of gender transformation in SA football. The commission had a lengthy struggle with the SA Football Association, Safa, in trying to get them to supply relevant information to help with the study but further to respond to pertinent questions regarding its efforts to ensure that there is gender equality in SA football. One of the glaring examples of this is typified by a line from that report, which reads that: It was apparent from Safa‘s responses that unequal effort, commitment and resources are applied to women‘s football.

The most painful part of this is that regardless of the efforts of a Chapter 9 institution to constructively engage Safa on this, they dilly-dallied throughout the entire process, in fact up until they were threatened with a subpoena, that they submitted the relevant information that was in there. In the committee we had a very robust discussion on the report because this is an issue that has dominated our attention. It was very

clear from some of us who have been following developments in football that, women‘s football in South Africa continues to be underfunded, women players are underrepresented and they are underpaid. Nothing illustrates this than the match fees that female national team players get, which is up to a maximum of R5 000 for a win in comparison to what Bafana Bafana get, which is up to R60 000 for a win if they do win games and R30 000 for a draw.

In 2016, it should never be acceptable that any professional athlete, least to say a national team player should be taking R5 000 for representing a national team. More so when we know that in that particular sporting code, there is no professional

league despite Minister Mbalula‘s commitment that he would fast- track this process. I think this is an opportunity that those who lead sports in the country should take it into cognisance that we must decisively put the structures in place that will make sure there is a professional women‘s league in place but more so, to use instruments of government to allocate those resources towards ensuring that the sport remains attractive to young women who aspire to represent the country because in this day in age pursuing sports in itself can be a career.

Nonetheless, we support the report. Thank you.

Ms H O HLOPHE: Deputy Speaker, I am standing on behalf of hon Moteka who is busy with election work because the Minister of the Department of Co-operative Governance and Traditional Affairs, who is a weekend special Minister and does not want to declare an election date. So, EFF does not want to be taken by surprise. EFF welcomes the initiative by the CGE, which seeks to focus our attention on a painful and yet neglected matter in our football, that of ignoring women in our football.

Last year, we saw an end of what by all means was a glorious career of Portia Modise, who was the first African player to ever score more than 100 goals in an international career.

Sadly, Modise spent all these years as a loyal servant to South African soccer. She retired with very little to show. The record she holds is not just for women soccer but soccer in general.

She was treated with very little care and appreciation by Safa. Her story is a serious indictment against Safa on its treatment of women in sports.

Women footballers, Modise claimed, are just given stipends for the matches they play and there was no mechanism for ensuring that they were well taken care of. As the report correctly states, it is not just Safa but also corporate sponsors are responsible for the neglected women football. We call upon Safa

and all those responsible for sports development to take this matter seriously and treat women in soccer the same way they treat soccer in general. We call upon Minister Mbalula to stop thinking like a celebrity. He is tweets 24 hours a day. He even tweets wrong things that are not supposed to be tweeted. So, he must start thinking like a Minister and sort out all those challenges in football. We welcome this report anyway.

The MINISTER OF SPORT AND RECREATION: On a point of order!

The DEPUTY SPEAKER: What is the point of order, hon Minister?

The MINISTER OF SPORT AND RECREATION: This is malice that she is spreading here. She can debate the issues and attack but she must never come here and claim that what we tweet here it is something that is wrong because it is never authenticated. And where is my right to defend myself when I am being looted here?

*Declarations:*

Mr K P SITHOLE: Deputy Speaker, our government is still falling hopelessly short in respect of implementation of principles of the UN Convention to end discrimination against women, especially women‘s football. Progress is still painfully slow in what is widely accepted as man only sports in South Africa. This

is evident meagre 8% of SAFA budget allocation which goes to women‘s football which shows that the sport is still undervalued and discriminated against.

This is difficult to understand because Banyana Banyana wins more games than Bafana Bafana, why also are those few women in senior management and coaching role at SAFA. Surely, in an organisation like SAF there must be compliance with the Employment Equity Act. Why it is not allowed to continue?

Hon Deputy Speaker, gender imbalance in sport is a problem that must be tackled by both public and private sectors as it appears that both sectors remain resistant to transformative change. It also speaks to related issues around equity and patriotic in our society that is so relevant even today. Twenty years into our constitutional democracy transformation in terms of race always tramps transformation in terms gender. We therefore calls for more women to be appointed to senior leadership and coaching position within SAFA as well as greater and equal budget allocations to be made available to women‘s football. I thank you.

Mr M L W FILTANE: Deputy Speaker, sports started off as activity that was designed to create entertainment; most fulfilling for

the people who participates and equally compensating to the social needs of the people who watch sport. With time as we moved on to professional sport it became a source of income. Paying less attention to women as compared to the attention given to men is a form of discrimination. It has to stop. It must stop.

It is just unacceptable that there is less attention given to women than is given to men, especially at this time of our development as a constitutional democracy. Briefly, I would say; were we having a Minister of Sport who is less celebratory and more functional this would be given appropriate attention.

However, as things are, the situation is unfortunately totally hopeless. I pity women who are trying to be serious in sport in South Africa, for as long as we have that Minister occupying the seat. It is as simply as all that, ANC people may not like what I am saying but the whole country can see that he is less serious about the development of sport – as simply as that. The report is okay.

Mr M S MABIKA: Deputy Speaker, the portfolio committee report tabled here has gender transformation in South African football as its focus. The findings may well be applicable to the wider

social discourse on gender equality in sports and gender equality in South African society in general.

In light of this context, the NFP welcomes the recommendations of the portfolio committee contained in this report. It will take a long time to achieve this gender parity in South African sport, and it is unfortunate that state supported federations such as SAFA should neglect to spearhead transformation towards gender parity and equality in the South African sport.

The blame for the slow gender transformation in South Africa can however not only be laid at the feet of sport officials.

Ultimately, the responsibility for the slow pace in gender transformation must and should be brought to the door of national Department of Sports and Recreation, and particularly to the door of its political boss, the Minister. The NFP finds it a national embarrassment that, 22 years after we have attained our hard earned democracy we still have to have debates on the slow pace of gender transformation in our society.

There is no justification for this laxity within the Ministry of Sports and Recreation to ensure that gender transformation receives top priority and we believe that the Minister has a lot to answer for it. It is within competence of his office to

ensure compliance with national objectives, but seemingly the will power is lacking.

Federation officials also have to show commitment to gender transformation in South Africa. They are tasked with the responsibility to administering and directing our different sporting codes. And if they are to be found neglecting their duty they should be held accountable. It is fine for the portfolio committee to make recommendations but there is no mechanism available to affect compliance.

The responsibility to ensure that a comprehensive and effective gender transformation programme is followed up in different sporting codes in South Africa rests with the Minister, although he has the power to execute his mandate, the NFP does not believe that he has the political will power to do so.

In conclusion, despite our misgivings about the political capacity of the Minister of Sports and Recreation to give effect to the recommendations; the NFP supports the report of the sports portfolio committee tabled here today. I thank you.

Ms D P MANANA: Lisekela Lasomlomo, malunga lahloniphekile, kukhona laba labatsi banesiciniseko sekutsi bayaphila; nangabe

bayaphila iphi indzima labayidlalako kulelive letfu? Ngako-ke, simo setemidlalo eNingizimu Afrika sitfole kucelwa lokunyenti kutsi kube nengucuko. Lenkhulumo iletsa kushayisana etindzaweni letinyenti le emimangweni yetfu.

Sikunakile lokutsi lelive letfu lisuka emlandvweni wekwehlukana lokwashiya bantfu labanyenti bate takhiwo letifanelekile kutemidlalo kantsi nekufinyelela nje ematfubeni etemidlalo nekukhibika. Luhambo lwangemuva kwa-1994 lwasiniketa ematfuba ekuntjintja nekwakha takhiwo letinsha, lisiko lelisha neligalelo lelitabogcugcutela umoya webuntfu. Kunakiwe nalokutsi akuzange kube malula futsi ngeke kube lula kuhlanganisa bantfu bemasiko lehlukene netimvelaphi letingafani, ngobe inchubomgomo yelubandlululo yakha tindvonga temcondvo wekwehlukanisa bantfu ngekwelibala labo. Ngibo bona laba.

Enhlitiyweni yetengucuko akusiko kuphela kwehlukana ngebuhlanga nekuphakelwa kwetinsita ngekungalingani, kodvwa tintfo letinyenti letipakelene natinganakwa ngeke tisinike litfuba lekulwa ngetinkhundla temidlalo. Kuhlolwa kwengucuko kufaka ekhatsi tintfo letimcoka letinjengebulili, kufinyelela, nesakhiwonchanti sekufaka sandla ematfubeni, tinchubo tekuphatfwa ngalokulinganako emisebentini, nekuhola

ngekwehlukana, inchubo yekutsenga nekubuka bunjalo bemphilo yebaceceshi nabonompempe kulemidlalo lekwaliwa ngayo.

Letintfo leti ngito letibalulekile ngobe nasikhuluma lendzaba yekuntjintja ngebulili kutemidlalo ngoba kubonwe yiKhomishane Yekulinganiswa Kwebulili, i-CGE, futsi siyavumelana nayo singuKhongolose. Sikholwa kutsi loku kungulenye incenye yako konkhe loku lokumelwe kutsi kubukwe. *(Translation of Siswati paragraphs follows.)*

[Ms D P MANANA: Deputy Speaker, hon. Members there are those who claim to be alive; and if that is the case, what role do they play in our country? Numerous calls for transformation in the sporting fraternity of South Africa have been made. This discourse is causing conflict in many areas of our communities.

We have noted that our country is from a divided historical past that left many people without proper sporting facilities and no access to sporting opportunities and recreation. Our journey from 1994 afforded us the opportunities for transformation and to build new infrastructures, new culture that promotes the spirit of humanity.

We have also noted that it wasn‘t easy and it will never be simple to integrate people of diverse cultures and different backgrounds, because the apartheid policy made mental walls that separate people according to their colour. These are the very same people.

The heartbeat of transformation is not only about racial discrimination and unequal delivery of services, but it‘s the whole range of issues, if not attended to, we will not be able to redress the problem of sporting fields. Assessing transformation includes critical issues like gender, access, infrastructure, procedures for equal treatment at work place, different salary earnings, procurement procedure and doing lifestyle audit of coaches and referees in these sports that they deny our people access to.

These are the critical things because if we speak of gender transformation in sports because that was noted by The Commission of Gender Equality, and as the ANC, we agree with it. We believe that this is part of all that needs to be looked at.]

So, the Commission for Gender Equality, CGE, report which was completed in June 2012 has been preceded by the National Sports and Recreation Indaba, which was held in November 2011. That had

resolved that there has to be radical approach towards ensuring that there is a total transformation to all sporting codes with concrete actions. As a result at the adoption of the National Sports and Recreation Plan in May 2012, the Eminent Persons Group was also appointed to guide transformation of all sports in our country.

The Eminent Persons Group, EPG, then conducted a pilot study for all five top federations in our country; which include SAFA, SARU, Netball South Africa, Athletic South Africa and Cricket South Africa, with the view to determine their transformation status. This was the first study in 20 years that has applicably tested and qualified to better understand progress made and outlining the gender imbalance ... [Time expired.] [Applause.]

The DEPUTY SPEAKER: Hon members, I put the question again. Those in favour will say, aye.

Hon MEMBERS: Aye!

The DEPUTY SPEAKER: Those against will say, no. The eyes have it.

Motion agreed to.

Report accordingly adopted (Economic Freedom Fighters dissenting).

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC ENTERPRISES ON OVERSIGHT VISIT TO PORT OF SALDANHA BAY

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON PUBLIC ENTERPRISES ON OVERSIGHT VISIT TO TRANSNET PORT OF DURBAN**

The DEPUTY SPEAKER: The Deputy Chief Whip of Majority or her representative.

Ms Z S DLAMINI-DUBAZANA: On behalf of the Deputy Chief Whip of Majority I move that the Reports be adopted.

The DEPUTY SPEAKER: The motion is that the Reports be adopted. Are there any objections? No objections.

Mr M WATERS: Deputy Speaker, the DA would like to make a declaration. Thank you.

The DEPUTY SPEAKER: DA wants to make a declaration, go ahead hon member.

*Declarations:*

Ms N W A MAZZONE: Deputy Speaker, the oversight visits took place to Saldanha Bay as well as Durban Harbour. I must, at the on set, say that it is always pleasing when we go to these particular areas as they are well organised oversight visits.

However, perhaps one thing that is slightly disturbing is that we keep visiting the same places over and over again. In actual fact the Department of Public Enterprises really needs to be taking us to power stations such as Medupi and Kusile on a more regular basis, because quite frankly, I think people at Durban harbour are getting a bit sick of seeing us all the time.

However, what I can say is that at Saldanha Bay we were pleasantly surprised with the work that was been done there. What did help was that it is the constituency of my then colleague who was in the portfolio committee with me and he had great insight into what is going on at Saldanha Bay. One of the problems was the extension to work been done there. We were expecting the work to be completed in a five year period and we now looking at a seven and half year period. Of course this is problematic for economic growth in our country as well as creation of jobs. So we would like to see an increase in productivity happening at Saldanha Bay.

When it comes to Durban harbour, of course the things that our committee looks at are waiting periods for the loading and off- loading of ships and the cargo, and the access routes in and out of the harbour.

This is said, even though the committee was – and we agree with the report found by the committee. I think it is imperative that we as the Portfolio Committee on Public Enterprises keep a very close eye on the harbours and make sure that our harbours are 100% ready to accept off-load and transport the nearly 7 million tons of food that is about to be brought into our country due to the drought crisis. Thank you.

Mr T RAWULA: The EFF views that the ANC has reduced the work of Parliament in doing their self-praising exercise on the backroom office to rubber-stamp the legislation that is not consistent with the constitution and which is not in the interest of the workers.

It is through many of these reports that the ANC uses its majority to adopt these reports in the House and we will continue to reject the adoption of these reports.

While the report notes that there have never been strikes in the last four years because of the working relationships with unions. Clearly, only a boardroom meeting could lead to such a conclusion - out of touch with reality.

On the ground, workers‘ daily struggle is completely different. Most workers employed at Transnet ports are employed through labour brokers and subcontracted companies such as Capacity, Greystone, DP World, Ulwandle and [Inaudible] that continue to exploit workers. Workers are forced to work for 12 hours to 16 hours a day and they are paid between R16 and R18 per hour.

Workers employed through these subcontracted companies are paid a maximum of R4000 per month while Transnet employees are paid R10000, but they do they same job.

Workers continue to work without legally binding employment contracts, they are not registered with the Department of Labour for UIF, they are not provided with protective clothing, they are not protected from intimidation by labour brokers and subcontracted companies, hence there are no strikes.

The report does not even make mention of these, just to show how out of touch with reality these reports are. Only intended to be self-praising exercise. On the 30th of July the EFF wrote to the

Minister of Public Enterprises and the executive of Transnet to bring these matters to their attention. Again, a follow-up letter was sent and workers are yet to see any change, let alone a reply from the Minister or Transnet.

The EFF rejects the adoption of these committee reports.

Mr N SINGH: Hon Deputy Speaker, international trade volumes are increasing rapidly. Not only within the region but continentally. We are seeing estimates of trade increasing by over 700% between now and 2050. With an estimated 200% increase in freight volumes over the same period. Over 90% of international trade is moved via carriage by sea and it is therefore of utmost importance that our ports are infrastructurally sound to act with the least impediment to the movement of goods to and from South Africa.

One can say that this is the case with regard to Durban because the Durban port is certainly developing in line with increased demands. However, there are particular challenges outside of the port, which hon Mazzone referred to. One such challenge is access roads into the port although a lot of money was spent on developing road infrastructure; there are still serious, serious backlogs in terms of the trucks bringing containers into the

Durban port. I think this something that needs to be addressed holistically.

But we must say that Durban is handling 65% of the country‘s trade volume when it comes to import and export of cars, and we need to maintain this competitive edge moving forward.

We also found as a committee that a lot needs to be done in terms of skills development and developing people in the rural areas. The outreach and training programmes need to be accelerated.

With regard to Saldanha Bay it certainly has a competitive edge in terms of liquid petroleum gas and this is something that we need to prioritise and exploit as we are moving forward. We would not like to see other ports along the coast taking away this business which Saldanha Bay can surely deal with, and the infrastructure development at Saldanha Bay is positive, to say the least, in being able to handle the liquid petroleum gas.

Coming to Durban and the consultation with committees, we are aware that the construction of the dugout port at the old airport terminal has been delayed for some time and I think this

is largely because the Salisbury Naval Base have made available two berths which are going to be developed.

But we would insist, that moving forward, all relevant departments need to get seriously involved, particularly the Department of Environmental Affairs, hon Deputy Minister.

Because communities in that area still have serious problems with regard to the dugout port and any approval for development must come with buy-in from communities.

I am sure we, like you, support sustainable development. There are still going to be some concerns but buy and large, whatever development must benefit the economy and the people if we are to move forward. We support the reports. Thank you very much Deputy Speaker.

Mr L M SHELEMBE: Hon Deputy Speaker. The Durban container terminal situated in the port of Durban is the biggest and busiest in the Southern Hemisphere. And currently handles 64% of the country‘s civil container traffic.

The ambitious R110 billion port upgrade and expansion project currently underway will significantly increase the capacity of the various terminals in the port. Transnet has proposed a

phased development of a new dugout port on the old Durban international airport site, among other projects. These developments indicate that the port of Durban has been positioned for short-, medium- and long-term economic growth and expansion, which is welcome.

The NFP is in agreement with the recommendations, although there seems to be a bias in favour of socioeconomic consideration. The NFP would have liked to see the Portfolio Committee commenting on aspects such as the future use of the sustainable and renewal energy, and a possible commitment by the port of Durban towards developing a model for reduced energy reliance on Eskom. In addition, the NFP would have appreciated it if the portfolio committee had been given an opportunity to pay a visit to the Durban South Industrial Basin to assess the impact of the port activities on neighbouring residential communities.

Overall, the NFP is encouraged by the portfolio committee‘s recommendations, particularly that of Transnet regularly engages with all stakeholders including the government of KZN, the business community and civil society regarding the opportunities and how they could collectively participate. Given the economic importance of the port of Durban, it is imperative that all stakeholders and role players work together to maximise the

operational potential of the port. Particularly so, if more business owned by the youth, women and people with disabilities could be accommodated.

In conclusion, the NFP supports the report of the Portfolio Committee on Public Enterprises tabled her today. I thank you.

Ms D B LETSATSI-DUBA: The African National Congress supports the portfolio committee on the two oversight visits, the one on 5 August 2015 where we visited Transnet ports in Durban and also the one on 6 February 2015 where we visited port of Saldanha Bay.

The purpose of these visits was to assess the progress made by Transnet in advancing the developmental objectives of government and nothing else. That was a purely an assessment visit. Those who don‘t agree with this assessment, I think they have a problem and we need to assist them. This was part of their market demand strategy, which all of us in that committee scrutinised and said let‘s go and see the implementation of this strategy. And now we went there and came back with the assessment report which we presented last time.

Transnet has also introduced an incentive for exports. I hear the hon members were raising the issues of the ports tariffs there. They have introduced a tariffs increase on the exports and manufacturing of goods, so as to incentify those who want to do business in the ports. And this was mainly to encourage localisation and beneficiation.

From the African National Congress, we support the reports. Those who reject were never part of the visits, I don‘t know what are they rejecting. I thank you hon Deputy Speaker.

The DEPUTY SPEAKER: Hon members, the motion is that the Reports be adopted. I now put the question again, those in favour will say aye and those against no.

Motion agreed to.

Reports accordingly adopted (Economic Freedom Fighters dissenting).

# CONDIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON RURAL DEVELOPMENT AND LAND REFORM – PUBLIC HEARINGS ON IMPLEMENTATION OF RECAPITALISATION AND DEVELOPMENT PROGRAMME

There was no debate.

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY (Ms Z S Dlamini-

Dubazana): On behalf of the Deputy Chief Whip, I move: That the Report be adopted.

The DEPUTY SPEAKER: The motion is that the Report be adopted. Are there any objections?

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, the DA would like to make a declaration.

The DEPUTY SPEAKER: Okay, declarations. Go ahead, hon member.

*Declarations of vote*:

Mr J SELFE: Hon Chair, the DA would welcome any report the tries to unpack why land reform has not succeeded in South Africa.

This is because the DA has not cynically abandoned the dream of a growing successful flourishing and unifying agricultural sector that provide: Firstly, opportunities for the poor, makes freedom a reality for all and create a fair economic system for farmers, farm workers and farm dwellers. We would like the following remarks by the DA to be noted: Fundamental questions need to be asked regarding recapitalisation funding. Why did the

project being supported fail in the first place and all the right thing being done to fix this? These questions are not answered. The Recapitalisation Programme will end up being a bottomless pit destroying the opportunity of those beneficiaries concerned, as well as suck resources from other ventures equally if not more deserving of support.

The factors that led to projects needing recapitalisation funding can be summarised as follows: Firstly, poor co- ordination between government departments, different levels of government and government agencies; secondly, poor beneficiary selection; thirdly, poor management and business models; fourthly, the wrong support at the wrong times, and then, fifthly, politicising delivery to the extent that the appearance of delivery becomes more important than actual delivery and lastly, poor accountability and poor governance in general.

The DA welcomes the interaction around this report. Within the committee, we thought it was a fair interaction, but do not feel that this fundamental questions have been answered by the department to our satisfaction. We still see political pressures on projects that disrupt the emerging business models. In other words, politicians tells farmers what they should do.

We still see no proper system of beneficiary selection. It‘s still unclear who supposed to be the beneficiaries. We still see poor communication, poor accountability, poor governance and also poor co-ordination. We still see support driven by government expenditure regulation than what the farmer actually needs. We still see projects being supported without the fundamental requirements for long-term success — the actual property rights ownership of these projects by the beneficiaries. We welcome the report, but we are not particularly impressed. Thank you. [Applause.]

Mr T E MULAUDZI: Deputy Speaker, the Recapitalisation and the Development Programme was launched in 2009, as a flagship programme of what Minister Nkwinti‘s department thought would usher a new era of agrarian transformation. This programme was meant to assist emerging black farmers with the basic inputs required to manage and run successful agribusiness. But as indicated by the people who participated in the public hearings, this programme has fallen far short of the intended objectives because we argue - it was poorly conceptualised from the beginning. There was never and still there is no clear-cut programme of co-operation between the Recapitalisation Programme and the Provincial Department of Agriculture, whose mandate is to provide support and extension of services to emerging

farmers. Recapitalisation Programme good-intentioned as it may be, is a duplication of functions of the Department of Agriculture.

Ri khou dovha ra vhona zwauri hoyu Muhasho wa zwa Vhulimi, Vho Zuma vho u fhandekanya na Muhasho wa Mbuedzedzo ya Mavu, hu u itela fhedzi u ṋea vhaṅwe vhathu maimo a kha Khabinethe. (*Translation of Tshivenḓa paragraph follows.)*

[We can also see that Mr Zuma has separated the Department of Agriculture and Department of Land Reform in order to give some people higher positions in the Cabinet.]

The approach of the Recapitalisation Programme is also too much commercially oriented, ignoring the struggle of many emerging farmers who use communal land or land allocated to them via traditional custom. The Recapitalisation Programme requires that one must have a title to the land before they can offer support. This flies in the face of the commitment to ensure that emerging farmers in the former Bantustans are supported.

The RecapitalisationProgramme is also not comprehensive enough to look at the entire agrarian value chain and support emerging

black agribusinesses to exploit those value chains. As such, it leaves the structure of agriculture still highly untransformed.

Ndi ngazwo ri khou ri riṋe, sa EFF, ri khou vhona zwe Vho Zuma vha ṱanganyisa Muhasho wa zwa Vhulimi na Mavu, zwo ita zwauri hoyu muvhigo ri pfe ri sa nga koni u u ṱanganedza ngauri u sia vhalimi vhanzhi vha re mahayani vha sa koni u wana thuso musi vho fhiwa mavu nga mahosi. Ndaa*! (Translation of Tshivenḓa paragraph follows.)*

[The EFF rejects this report because we feel that what Mr Zuma did, to incorporate the Department of Agriculture and Land makes it difficult for famers in rural areas to get support when they are given land by traditional leaders. Thank you!]

INKOSI N R CEBEKHULU: Deputy Speaker, Recapitalisation Development Programme was a well thought through strategy by the Department of Rural Development and Land Reform, which saw the emancipation of previously excluded communities who could now begin contributing to the economy of the country through farming.

Commercial farming in South Africa enjoyed certain benefits from the former government. These benefits saw farmers being assisted

by the state financing sector and paying back very low interest on such loans. They were subsidised to further grow their business operations, for example, by subsidised price on diesel. This led to increases with the extra produce being available for export to other countries. This assisted our economic growth whilst food security was maintained.

What is mostly worrying currently is the lack of co-ordination that is happening between the Department of Rural Development and Land Reform and the Provincial Department of Agriculture as this often leads to duplication of support for a few farmers living majority unassisted. The question then arises as to what criteria were used in identifying those farmers that were assisted?

Often strategic partners imposed on those farmers were of no assistance in that they could not mentor them into understanding the business of farming, but treated them as just employees and as a result no knowledge of farming and general administration was passed on.

On communal land, the same has happened as no extension officers were available to assist subsistence farmers. The provision of

tractors to subsistence farmers in communal land has also been unclear; provinces seem to do as they wish.

When National Department of Agriculture, Forestry and Fisheries and the Department of Rural Development and Land Reform identify the need to reach farmers, big and small, high hopes were created, but this has become very thin on the ground.

The Department of Rural Development and Land Reform is itself in need of desperate reform. Its policies of assistance require greater co-ordination, oversight and accountability if they are to have the desired impact. I thank you, Chair. [Applause.]

Mr C S MNCWABE: Deputy Speaker, the ownership of land in South Africa is highly politicised and an emotive issue. To date, only 8% to 9% of commercial farm land, amounting to about 7 million hectares has been redistributed or restored to black ownership. And as recently as two and a half years ago, 37% of first round claims had not been fully implemented.

The NFP believes that if land reform had been better administered over the past 22 years, it could have served as a possible solution to rural poverty in our country. All is not lost however; land reforms can still contribute to reducing

rural poverty if the transfer of land is accompanied by both appropriate farm planning and implementation of well designed support programme to help beneficiaries become productive.

Within the context of the dismal implementation of land reform programme, the NFP views the recommendation of the Portfolio Committee on Rural Development and Land Reform tabled here today, with a good measure of scepticism.

The recommendations regarding the Recapitalisation and Development Programme are somehow too vague and highly generalised.

We agree that there ought to be better co-ordination between the Department of Rural Development and Land Reform and the Department of Agriculture, Forestry and Fisheries. We also agree with a recommendation that the silo approach to planning, monitoring and evaluation must be abandoned in favour of a co- ordinated approach to land reform.

The NFP furthermore approves of the three months goal set out by the portfolio committee for the Minister of Rural Development and Land Reform, and we sincerely hope that the Minister will rise to the occasion. Finally, the NFP is in agreement with the recommendation of the portfolio committee that there will be

joined quarterly reports from the Department of Rural Development and the Department of Agriculture, Forestry and Fisheries on the implementation of the integrated funding model. We would however, like to see the National Treasury also included in the joint quarterly reports.

In conclusion, Deputy Speaker, despite our scepticism, the NFP support the report of the Portfolio Committee on Rural Development and Land Reform. Thank you.

Mr W L M FILTANE: The UDM concurs with the report, but we want to point out a few issues. Most common problems with this programme are the following: Firstly, insufficient support by the department with no collaterals coming from any other source, including the beneficiaries themselves. This makes the beneficiaries to be almost totally dependent on the department and rather to have a burden to bear.

Secondly, lack of project management skills on the part senior management of the department is glaring. This puts the beneficiaries and therefore, the department in an invidious position, hence the Minister recently directed that, from director-general downwards; staff members should attend project management courses. The department is caught up in a situation

where the Community Property Associations, CPAs, become a law unto themselves. Thus, failing to maximise the opportunities presented to them by the department.

In some cases, courts are brought in to resolve internal issues. In KwaZulu-Natal when we visited, that province was beginning to see the unfortunate but unavoidable effects of the drought that has devastated crops and livestock in most provinces in South Africa. Not much could be done at that time, but later the government tried to put in some assistance.

Most beneficiaries of the Restitution Programme prefer cash to land. This is a political scenario brought about by severe levels of poverty both of the ability to develop land and make it productive, as well as lack of foresight in so far as the long-term benefits of owning land are concerned.

Some people do not understand that land appreciates without you doing anything but due to external factors around you. More advocacy is needed as a critical component of the Restitution Programme.

Accordingly, we strongly suggest that this political challenge should no longer just be addressed through a simple mechanical

process of qualifying people for restitution and finally paying them. Rather, people must be offered land only; otherwise the state is going to run out of cash and the programme is going to crash.

I cannot find anything contrary to the Bill of Rights therein, and therefore, such a policy will stand a constitutional test. The slow pace of restitution is actually a contravention of section 25(5) of the Constitution. Government just cannot deliver on its promises of the Promised Land. I repeat, UDM concurs with the report, but makes these appropriate recommendations. I thank you.

Ms C P MABILA-NGWENYA: Deputy Speaker, hon Ministers, hon Deputy Ministers, hon members, we are talking here about the recapitalisation, not the restitution or the redistribution, nothing else. The portfolio committee held public hearings on the implementation of the recapitalisation, which was initiated by the department in 2009 and its implementation started in 2010.

As a new strategic intervention to ensure sustainable land reform, the main aim of the recapitalisation programme was to provide black emerging farmers with social and economic

infrastructure and basic resources required to manage a successful agricultural business.

Stakeholders raised the success stories about this programme, which has increased production, created jobs for the unemployed, provided beneficiaries with technical and agricultural skills that assisted in rekindling the class of black commercial farmers.

For instance, IziNdongaZe Africa from Mpumalanga, which is managed by youth specialising in poultry production is a progressive business. The Selame Poultry farm in the North West where nine cycles of broiler production is being produced is a success story.

The Bela-Bela CPA in Limpopo, which specialises in game, crop and cattle farming, contributes towards community development through money generated from the project. That is a success story.

Marinda in the Northern Cape, owned by a woman who is the only beneficiary specialising in sheep and cattle farming, is a success story. The Langa Livestock farmers in the Western Cape

are also progressive. The Qwabe CPA in KwaZulu-Natal, which is operating in the communal land, is a success story.

While success stories were mentioned, challenges were also presented by the participants. Some challenges need to be addressed by the beneficiaries of the programme, while others have to be addressed by the department. The department is in the process of reviewing the recapitalisation programme to address those challenges and to work together with other departments to strengthen the integrated approach on the postsettlement support given to land reform beneficiaries.

This is an important programme that provides postsettlement support to land reform beneficiaries, as per the resolution of the ANC conference. As the ANC, we support this report.

Ons is besig. [We are busy.]

I thank you. [Applause.]

There was no debate.

Ms Z S Dlamini-Dubazana moved: That the Report be adopted.

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

Motion agreed to.

Report accordingly adopted (Economic Freedom Fighters dissenting).

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TRADE AND INDUSTRY ON COLLOQUIUM ON RELATIONSHIP AND IMPACT OF TRANSFER PRICING ON BENEFICIATION OR VALUE ADDITION AS SET OUT IN INDUSTRIAL POLICY ACTION PLAN AND ON BROADENING PARTICIPATION AS OUTLINED IN BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT

*Declarations of vote*:

Mr G G HILL-LEWIS: House Chairperson and hon members, the principle in this matter is absolutely simple. Tax revenue which is due to South Africa must come to South Africa‘s coffers. If there is any company in South Africa that is illegally shifting profits and revenue to low-tax or no-tax jurisdictions, they must not only refund the fiscus but should face criminal prosecution and the full force of the law.

It is also true to say that South Africa already has fairly comprehensive and thorough rules around evasive profit-shifting. South Africa regularly ranks among the top three and even number one in the world for the regulation of our financial markets and our financial industry.

It is also absolutely true to say that these regulations should be more enthusiastically implemented and enforced by our government and our revenue service.

We support and associate ourselves with the proposals made in the report of the Davis Tax Commission around strengthening enforcement and tightening up loopholes for profit-shifting. The extensive Davis Tax Commission report, which is really required reading, takes into account global best practice and the increasing focus that many of the world‘s developing countries and even developed countries – even Europe and the Organisation

for Economic Co-operation and Development, OECD, – put on relooking at the issue of profit-shifting, and so should we.

Finally, I would say that proper, vigorous enforcement requires an ethically unimpeachable and incorruptible revenue service.

Any indication that Sars is itself engaging in illegal activities, in an effort to try and stop illegal tax evasion

does seriously undermine the credibility of Sars in its fight against illegal profit-shifting. It also undermines the confidence of the business community and the surety of the business community that their illegal actions will carry with them consequences in law. So, the current questions around the conduct of Sars are very unfortunate and undermine the fight against illegal profit-shifting in South Africa. Nevertheless, the DA supports the report.

Ms H O HLOPHE: House Chair, the EFF would like to welcome the announcements by the Minister of Finance in his Budget Speech that government will not consider the work of the Tax Justice Network and other institutions, instead of blinded, absolute reliance on the Organisation for Economic Co-operation and Development, OECD, which we have said before, cannot be trusted.

The step by the Minister will allow South Africa to be receptive and form part of the growing intellectual community that has begin to construct a pro-country fiscal sovereignty and protection of the country‘s revenue.

We are well aware that South Africa is not an island and needs to trade internationally. For a very long time, multinational

corporations, together with the OECD have made nations to just accept aggressive tax avoidance as a normal business practice.

The committee‘s report fails to capture the substance and spirit of submissions by stakeholders, not only that of the EFF, but also others, except the Department of Trade and Industry, who claims that the phenomenon is fairly new to South Africa.

This is what South Africa, through its various agencies must do to develop a comprehensive solution to illicit financial flows over and above the work that has already been done.

Firstly, South Africa must move towards an antitax avoidance legislation, which makes tax avoidance completely illegal.

Secondly, companies found to be involved in aggressive tax avoidance like Lonmin, as recorded by the Farlam Commission, must be expropriated without compensation and its directors must be jailed.

Thirdly, bankers and financial institutions that facilitate and assist multinational corporations with illicit financial flows and transfer mispricing must be subjected to excessive fines, prosecution and jailing.

The President must institute a judicial commission of inquiry to specifically look into illicit financial flows from South Africa since 1994. Government and Parliament must establish a cross- agency task team, a multidisciplinary task team that must include officials from Treasury, the Financial Intelligence Centre, Sars, and the Reserve Bank to investigate multinational corporations for aggressive tax avoidance and illicit financial flows.

Part of the research that must be conducted is to investigate the sixth method that has proven to reduce illicit financial flows and improve revenues.

As far as beneficiations are concerned ... [Time expired.] The report can be beefed up and we will support the adoption when that has happened.

Mr J A ESTERHUIZEN: House Chair, transfer pricing has the detrimental knock-on effect of undermining job creation and government‘s efforts to stabilise the economy, and derails efforts of achieving the goals, as set out in the National Develop Plan. Base erosion and profit-sharing is a concern, but so is the lost of foreign investment and we are pleased that Sars agreed that a balanced response is needed in order to rein

in the negative effect of multinational companies‘ tax avoidance strategies on a fiscal base.

We believe as well that more strenuous domestic legislative requirements are necessary, but these must be carefully balanced within the confines and parameters of the international law so that it does not negatively impact on foreign direct investment.

The IFP supports the report and we support the advocating of advanced pricing agreements to be considered on transfer pricing between taxpayers and Sars, as this will alleviate the burden of enforcement and collection and encourage fiscal compliance. I thank you.

Mr A WILLIAMS: Chairperson, in May 2015, the Portfolio Committee on Trade and Industry had a colloquium on the relationship and impact of transfer pricing on beneficiation or value addition.

Although transfer pricing is not illegal, the practice of manipulating prices by a company, in order to shift profits from a subsidiary to another part of a company in a different country to avoid taxes is unacceptable. I think that every party in this House agrees with that.

This has an adverse impact on the country‘s industrialisation drive and broadening participation effort of the government. The committee is of the view that it is fraudulent to reduce profits, to underreport income and to conduct exchange rates misreporting, as these practices reduce the country‘s income tax.

The reduced revenue, as a result of transfer pricing, impacts negatively on the following: workers‘ wages and working conditions, profits available to pay dividends to black economic empowerment, BEE, partners and the development of social infrastructure in mining towns. Transfer pricing leads to a negative balance sheet that, in turn, leads to Mining Charter noncompliance and nonadherence to the broad-based black economic empowerment codes of good practices.

The recommendations of the report are as follows: firstly, the Minister should consult the Minister of Mineral Resources to ensure that the Minerals and Petroleum Resources Development Act and any subsequent Mining Charter is aligned with the Broad- based Black Economic Empowerment Amendment Act and its associated codes of good practice, and secondly, the Minister should consult with the Minister of Finance to consider measures, including tax instruments to mitigate against the

impact of transfer pricing on the broader economy, in line with the international best practices. I thank you. [Applause.]

There was no debate.

Ms Z S Dlamini-Dubazana moved: That the report be adopted.

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

Motion agreed to.

Report accordingly adopted.

# HUMAN RIGHTS IN THE CONTEXT OF BUILDING A NATIONAL DEMOCRATIC SOCIETY UNDERPINNED BY THE VISION OF A UNITED, NONRACIAL, NONSEXIST, DEMOCRATIC AND PROSPEROUS SOUTH AFRICA.

(Subject for Discussion)

Nks N N MAFU: Ndiyabulela Sihlalo weNdlu ebekekileyo, aMalungu eNdlu ehloniphekileyo, zindwendwe ezibekekileyo, bantu boMzantsi Afrika ngokubanzi, ukubaluleka kwamalungelo oluntu ekwakheni uMzantsi Afrika omtsha, apho kuhlala kuwo wonke umntu kungekho

buhlanga, apho onke amalungelo abantu ejongwe ngokulinganayo asinakuze sikuchaze ukubaluleka kwawo. UMongameli welizwe, obekekileyo uMnu Jacob Gedleyihlekisa Zuma, uya kube ethetha nesizwe ngalo mba ngomhla wama-21 kweyoKwindla wama-2016 phaya eThekwini. *(Translation of isiXhosa paragraph follows.)*

[Ms N N MAFU: I thank you Chairperson of this august House, Members of this august House, distinguished guests, South Africans at large, not to mention the importance of human rights in building a new South Africa, in which everybody lives peacefully without any racism and where all rights of the people are observed equally. The President of the country, hon Mr Jacob Gedleyihlekisa Zuma, will be addressing the nation on this matter on the 21st March 2015 in Durban.]

The ANC has throughout its existence promoted human rights, justice and human dignity. These have always been among the key issues that were at the heart of our core of the struggle. The principle of humanity and its inherent values of freedom, equality and justice for all people irrespective of race, gender or social status have always been contained in the 1923 Bill of Rights and the 1943 Africans‘ Claims, both of which informed the formation of the Congress Alliance.

You will remember the closing statement at the Congress of the People in 1955, which said:

These freedoms we will fight for, side by side, throughout our lives until we have won our liberty. [Applause.]

In the mid-‗80s when the country was burning, when human rights violations were at their peak, the ANC issued constitutional guidelines for a democratic South Africa, which contained its human rights-based vision of a post apartheid South Africa. The ANC also sponsored the Harare Declaration in 1989 which laid the foundation for a negotiated settlement and the establishment of a democratic South Africa. All these were consolidated by the adoption of the Constitution of the Republic of SA in 1996. By the way, not all of us as political parties in this House were party to the adoption of this Constitution. But some of us raise their voices higher as if they were part of adopting it.

For us liberation means engendering freedom of the human spirit to search for better ways of doing things, express ourselves freely and enjoy the creative endeavours of humans. But as we do that, we also know that it is important to say individual freedom means individual responsibility, and collective freedom means collective responsibility.

It is very important, therefore, to also remind those that call themselves pseudo revolutionaries that there is always a titanic struggle between and among the forces representing the old and the new forces seeking to preserve the old order. Very often these forces enter into unavoidable compromises, which bring up their own challenges. No revolution is worthy of its name if it does not know when to enter into such compromises.

We are told that after 22 years of democracy, the ANC must not blame apartheid for our current reality. This assertion seeks to advance the self-serving political proposition that 1994 wiped out everything that had happened under apartheid, giving the

ANC-led government unfettered freedom to inscribe its own characters on these alleged blank slates and this, as if there was no compromise made.

The ANC‘s power to forgive is commendable, but we must never be asked to forget. We dare not forget where we are coming from. [Applause.] We remember the heroes and heroines who laid down their lives in order for us to stand here and debate this topic today. They endured the worst human violations and their families are still suffering from the after-effects of these violations. We would remember what Madiba said when he stood in the dock during the Treason Trial, he said:

During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.

Many ANC activists lived for this ideal and they died for it. [Applause.]

I would like to dedicate this speech, hon members, to one young cadre of the ANC called Nokuthula Simelane. Nokuthula Simelane, who was born in 1960 and became an activist at a young age, disappeared when she was only 23 years old. She had just finished her degree at the University of Swaziland and she came to Johannesburg, Gauteng, to buy graduation attire. She was lured to a meeting in Carlton Centre and there she was kidnapped. She was taken to Norwood police station and thereafter to the notorious Vlakplaas, and she was tortured. Up to today, her body has not been found.

The family of Nokuthula went to great lengths, and even went to the Truth and Reconciliation Commission, TRC trying to find the

truth about what happened to this young girl. Up to today nothing has happened. But we would like to draw your attention to the fact that recently the NPA resuscitated this case. There are three suspects who appeared in court in connection with this case.

Accused number one is a man called Musebenzi Radebe who was a councillor for the DA in Roodepoort until two weeks ago.

Musebenzi Radebe was a member of the Special Branch in Soweto around the 1980s. [Interjections.] I am raising this because the question is, did the DA not know who Musebenzi was? Did the DA not vet its public representatives when it elected them to office? Now, how many more of Musebenzi Radebes are in the ranks of the DA? [Interjections.] Now, this is a very important question for me.

You must remember that as Africans it is very important to bury your dead. When families are not able to bury their dead, that pain stays with them forever. We would like, therefore, to call on Musebenzi Radebe of the DA to tell the family of Nokuthula where her body is so that they can be able to bury her. [Interjections.]

We must commend the Mpumalanga government which on November 28 at least put up a life-sized statue in remembrance of Nokuthula. We also want to remind the people that whilst we talk of these things, a DA member is also a suspect in the Trojan Horse case in the Western Cape. Now, what does that say about the DA as an organisation, people that all the time say that they uphold democracy and human rights? Really?! Oh please! They do not, because even their leader Helen Zille always calls the people of South Africa refugees in their own land. That is the DA we are talking about.

Now, I want to remind the blacks of South Africa, particularly those that are members of the DA today and those who want to vote for this organisation, that Hendrik Verwoerd once said:

You can beat a Bantu today and he will smile at you tomorrow. Bantus are like monkeys; no matter how you mistreat them they will always beg to serve you. We must not be afraid of giving the Bantus the vote; they will use that vote to vote for a white man. Bantus, because they are like a dog, they cannot exist without a master. They need the white master to tell them what to do.

That is what Verwoerd said, the grandfather of the DA. [Interjections.] Therefore, ...

... inde le ndlela! Inde le ndlela! Kwaye imbongi yakwaXhosa uS E K Mqhayi wayichaza le nto – ‗asibuyi mva, sibheka phambili‘ – wathi ‗kunamhlanje ilizwe liyazuza‘. Abantu boMzantsi Afrika baza kuvotela i-ANC. [Laphela ixesha.] [Uwele-wele.] *(Translation of isiXhosa paragraph follows.)*

[... we still have a long way to go! We still have a long way to go! S E K Mqhayi, the Xhosa mentioned this this – ‗we are not going back, we are moving forward‘ – he said, ‗today the country is benefitin‘g. South Africans would vote for the ANC. [Time expired.] [Interjections.]

Mr J CARDO: House Chair, tomorrow, the ANC will try to railroad through this Chamber for a second time – the appointment of its former MP, Cecil Burgess ... [Interjections.]

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

Mr J CARDO: ... as Inspector General of Intelligence. This is the man who championed the so-called Secrecy Bill – a pernicious

piece of legislation denounced at the United Nations Human Rights Commission.

The Secrecy Bill wields a sword against individual freedoms and puts up a shield to protect the state from scrutiny. It is an attack on constitutional democracy. It is an assault on human rights.

And now, we as members of this august House are expected to entrust the Bill‘s most ardent advocate with the oversight of the country‘s crime intelligence, defence intelligence and state security authorities. It is quite frankly, a preposterous proposition.

You would be hard-pressed, studying his record, to find a less suitable candidate for the task than Cecil Burgess. In fact, appointing Cecil Burgess as Inspector General of Intelligence would be like putting Herod in charge of the maternity ward at Chris Hani Baragwanath. It would not produce a good story to tell, but such is the story of human rights in South Africa.

Our institutional human rights architecture is among the finest in the world, admired far and wide. The bastion is our Constitution. Its pillars are the Chapter 9 institutions

supporting constitutional democracy and the cornerstone is our Bill of Rights.

But, under this government, the edifice of human rights has become a house of cards. The foundations have been eroded and weakened by state capture, by the ANC‘s endless factional wars that play themselves out ... [Interjections.]

Ms Z S DLAMINI-DUBAZANA: Order, hon Chair!

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

Ms Z S DLAMINI-DUBAZANA: I am rising on Rule No 68. The member is quoting Cecil Burgess, which is on the Order Paper for tomorrow. So, he is anticipating the outcome of tomorrow‘s debate. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, Rule 68 talks about anticipation of the discussion. Let me be advised. [Interjections] I am advised that, yes he was anticipating on a matter of discussion for tomorrow, but already he has moved. Can we allow the member to continue?

Mr J CARDO: Chair, the foundations of our human rights at first have weakened by state capture; by the ANC‘s endless factional wars that play themselves out in state institutions like the National Prosecuting Authority and the Hawks; and by the crippling policy of cadre deployment that sees supine executive- minded recycled ruling party hacks like Cecil Burgess dumped into positions of power for which they are ill-suited. They are meant to be independent and impartial, but instead ... [Interjections.]

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

(Responsible for Justice and Constitutional Development): Chairperson, yes, he is anticipating again.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Cardo? [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Point of order, Madam Speaker!

The HOUSE CHAIRPERSON (Ms M G Boroto): Can I address hon Cardo first? Hon Cardo, please don‘t anticipate on a topic that is on the Order Paper for tomorrow. Thank you. Could you please continue, don‘t do that.

The CHIEF WHIP OF THE OPPOSITION: Madam House Chair, if I may address you?

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

The CHIEF WHIP OF THE OPPOSITION: The hon Cardo did not make any reference to the matter on the Order Paper for tomorrow. He said, dumped into positions for what he is not suitable. That would have been the Nkandla ad-hoc committee ... [Interjections.]

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

The CHIEF WHIP OF THE OPPOSITION: No, you can‘t curtail ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Steenhuisen, you are really now not ... [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: House Chair, you are suppressing his right of freedom of speech.

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no, no, hon. He actually talks about what‘s going to happen tomorrow.

The CHIEF WHIP OF THE OPPOSITION: Madam?

The HOUSE CHAIRPERSON (Ms M G Boroto): That‘s why I want to say to hon Cardo, continue and refrain from entertaining what will be discussed in the Order Paper tomorrow.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, may I ask you that you examine the Hansard of the last three minutes of the speech, and determine for yourself whether he strayed into the rule of anticipation, rather a rhyme on genocide ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I have already ruled. There is no need for me to do that.

Mr J CARDO: House Chair, these deployed employees are meant to be independent and impartial, but instead they do the ANC‘s bidding.

The result has been prolonged onslaughts over the past two decades on the institutions that underpin and the values that infuse our human rights culture, the values of freedom, fairness and opportunity. Don‘t take my word for it. Take the Finance Minister‘s.

On Sunday, after the latest bout of unseemly leaking in the ANC‘s inter-knee-sign battle for the soul of the state, he accused the Hawks of using, and I quote: ―Harassment and intimidatory tactics like the old security police did‖, of which, hon Mafu made reference.

Things have come to a pretty pass, when a man of the stature Pravin Gordhan compares our top crime-fighting unit to the very worst violators of human rights under apartheid. But what if the supporting pillars in our human rights edifice, the Chapter 9 institutions? Just about the only decent Public Protector we have ever had is the current one, Advocate Thuli Madonsela. Yet, she is vilified by the members opposite because, unlike her predecessors who turned a blind eye to sarafinagate, oilgate, arms dealgate, and every other gate the ANC has ever manufactured, she won‘t cover up for the ruling party.

As for the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, has anybody outside of this House ever heard of it?

The commission formerly known as the Independent Electoral Commission - we shall have to see how, after a litany of recent

scandals, it performs under the stewardship of President Zuma‘s bosom buddy, Glen Mashinini.

And more of the Commission on Gender Equality, CGE, well, the CGE, is where the superannuated matrons of the ANC Women‘s League go to further their retirement nests. Perhaps, hon Mafu, you can go there too.

When they grow tired of chasing ambulances and making noises on the sidelines of high-profile court cases, the CGE provides a soft landing. It‘s where they go to put their collective head in the sand every time President Zuma opens his mouth, so make one of his many embarrassing patriarchal, sexist and misogynistic remarks.

Last week, the SA Human Rights Commission released a damning report on the state of human rights. It fingered the ANC government as one of the biggest culprits.

The Commission noted how, last year, the government overrode decision of the High Court, as well as a request of a judge of the International Criminal Court, ICC, to arrest Sudanese President, Omar al-Bashir.

The Human Rights Commission concluded, and I quote: ―These occurrences are worrying for a human rights institution seeking to promote the domestic harmonisation of international laws and standards in South Africa‖.

In its report, the commission also expressed extreme concern with increasingly high levels of xenophobic violence, violence against women, and violence against those protesting government‘s service delivery failures.

In fact, if one were to make a detailed study post-1996 of how the ANC had respected, protected, promoted and fulfilled every right in the Bill of Rights, it would make for disconcerting reading.

Traditional first generation blue rights, like property rights and the right to freedom of expression, are under threat from the Expropriation Bill, the securitisation of the state, and a broadcaster that believes it serves the state, not the public.

And a host of second generation red rights, conducive to social justice, such as the right of access to adequate housing, health care and basic education, including further education are imperilled.

They are undermined by the ANC‘s crushing failure to unstitch the structural legacy of apartheid and create the conditions for a fair society based on freedom and opportunity.

House Chair, the time has come to take a stand against the ANC‘s woeful record on human rights. And we can start tomorrow by doing the right thing. I thank you. [Applause.]

Ms N V MENTE: Thank you, Chairperson. It‘s typical of the ANC to introduce such a topic when they reject and object to the motion of Kenny Motsamai who is languishing in jail because he has been denied his human rights. [Interjections.]

This country emerged out of a very painful past where a racial minority appropriated to themselves the right to decide who was human and who was not. Convinced that they and those who looked like them were human and that black people were not, they demonised our belief systems; desecrated our names; mocked our language; annexed our land; and forced us into wage labour so that each and every aspect of African life would be dependent on them. They sought to control minute aspects of African life, where they lived; what they ate; and how Africans related to each other.

Any attempt therefore at fostering human rights, nonracialism, nonsexism and democracy would have to dismantle the foundations laid by colonialism and apartheid that still ensures that whites have all the privileges — illegitimately bestowed on them by white minority regimes — which were and still are denied to our black people.

Our struggle for liberation was for the reclamation of our African personality in its entirety, and for the destruction of all the sick and inhumane oppressive tendencies brought about by the settler communities. Only that would guarantee us our human rights and dignity.

The struggle was for the uprooting of all the greed introduced to this country by the descendents of Europe; to rid the country of all the oppression that is essentially a European tendency; to do away with the culture of murder and plunder that is synonymous with the development of Europe; and to recreate a society where people will be valued just for being human beings and for being people.

How sad it is then that today, 21 years after state power moved from a white repressive regime to black hands, no significant transformation and guarantees on human rights as envisioned by

the forbearers of our liberation struggle have taken place. Rather, we have seen under the ANC the further entrenchment of the culture of oppression that black people fought against. We have observed that in thought and deed the ANC has become true descendents and guardians of a white culture of black stealing and elite enrichment.

We cannot be disingenuous and talk about human rights while in this very same House we have a Deputy President who himself testified to having ordered pointed action in the killing of Marikana miners, whose only sin was to ask for a living wage. We cannot be talking about human rights while the woman who took Zuma to court for rape had to be exiled for the country to escape victimisation. We cannot be talking about human rights when 22 ... [Interjections.]

The DEPUTY CHIEF WHIP OF THE MAJORITY PARTY: Hon House

Chairperson, on a point of order: I think the accusations that the hon member is making should be through a substantive motion. She cannot accuse the Deputy President and the President for those things without it being in a substantive motion.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, I think the order is sustained. Let us refrain from bringing issues that need substantive motions into our debate. Continue.

Ms N V MENTE: We cannot be talking about human rights when black people live in rat-infested shacks in Alexandra, Nyanga, Mdantsane and other labour concentration camps whose purpose is to provide a source of cheap labour for white controlled firms throughout this country.

Real human rights lie in our pursuit for justice for the past wrongs. Radical land distribution would offer our people real human rights. Only the EFF can guarantee real human rights. [Interjections.]

Mrs S J NKOMO: Thank you very much, hon Chair. The IFP is proud to have led the battle to include a Bill of Rights in our democratic Constitution. This can be extracted and verified from the Convention for a Democratic SA, Codesa, files. We fought this battle at the negotiation table when no-one else saw the need for a Bill of Rights in a new South Africa. After struggling so long for freedom they said the majority government could not possibly fail our people. Today we give thanks for the IFP‘s foresight.

In a country as diverse and pluralistic as South Africa with its veritable melting pot of cultures and ethnicities, its young democracy and a myriad of social and economic challenges, it is nothing less than a mammoth task in building a caring society by entrenching human rights for all; yet, it is a task that we must be equal to.

However, the reality is that 22 years since democracy South Africa‘s economy and education system do not work for the majority of our citizens. A significant percentage of black children still do not attend school. Many of those who do attend poorly funded and poorly equipped schools, and are often taught by unqualified teachers. Deprived of their basic right to education, these children retain the shackles of ignorance as they become adults.

As we celebrate our human rights culture this status quo must change. It must also serve as a reminder that we must build strong institutional human rights structures in our country. Our Chapter 9 institutions remain underfunded and need to be accorded greater mechanisms of enforcement. These institutions are meant to safeguard our democracy. Instead, the SA Human Rights Commission, SAHRC, lacks teeth and the Public Protector‘s

office has often been attacked, even in this very House, for doing her work impartially.

It is also worth noting that last week the SAHRC issued a damning critique ... or a damning report ... on the state of human rights in our country. In a statement sent to the UN Human Rights Council, the SAHRC said that South Africa‘s commitment to human rights was of great concern with many groups suffering from the abuse of human rights, including women, children, prisoners, indigenous persons, non-nationals and protestors. It further pointed out that racism was widespread across South Africa; that there was a high level of xenophobic attacks against non-nationals, migrants and asylum seekers; and that these factors converged to exacerbate the plight of black women living in poverty. The commission ...

... I thank you sir, and I would‘ve like to have taken questions not a lot of ... [Inaudible.] [Time expired.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you hon member. Will you leave the podium?

Mr S C MNCWABE: Thank you, hon Chairperson. As South Africans we often take pride in our Constitution which is considered to be

one of the most progressive in the world and firmly anchored in the Bill of Rights. Yet, many rights as per our Constitution have been violated. The demon of racism which we thought was buried with the apartheid system in 1994 has returned and we find our people being referred to as animals purely because of the colour of their skin. The right to education is also shaken. Many students have dropped out of universities because of outstanding fees — outstanding because they are so expensive; hence the #FeesMustFall movement.

We have seen our proud human rights record rise but we see it stumbling now and we ask the question, how long before we see it fall? Where was our proud human rights record when 350 000 people died in South Africa being denied lifesaving antiretroviral medicine because the then President of the country was in denial at the time? Where was our proud human rights record when Andries Tatane protested for a basic right to water and was killed for it? And where was our proud human rights record when the blood of miners stained the granite hills at Marikana?

The illusion of human rights for all has been shattered; the rainbow nation of President Mandela and Archbishop Desmond Tutu reduced to a stark reality of black and white, the colour of a

burnt-out fire — shattered black bits against flecks of white ash.

To add insult to injury, our international reputation is in tatters, shredded this morning by the Supreme Court of Appeal which found that the state has violated our Constitution by aiding and abetting a man who stands accused of international gross human rights violations, when he should have been arrested.

We have to face the fact that we are losing the moral high ground. The NFP calls upon all peace-loving, patriotic South Africans to come together and vow to protect our human rights against abuse, whether by the state or individuals. Only through unity in our diversity will we be able to ensure that we build a national, democratic, nonracial and nonsexist society underpinned by the core values contained in our Bill of Rights.

Mr P J MNGUNI: House Chairperson, the member of the DA who was standing here did nothing to debate ... [Interjections.] No, no. He did nothing but hurl insults at the President, at the government, at the ANC, at everything. [Interjections.] It shows deep-seated anger and hatred. We would suggest that he goes for a racism test, under oath, so that South Africa can be assured

that it was not a racist who stood here hurling insults at our own democratically elected President, our own government and the ANC. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, would you take your seat please. Yes hon member, why are you rising?

Mr M WATERS: Chairperson, on a point of order: If I may address you, the speaker currently on the podium is casting aspersions on the individual member calling that person a racist and I suggest to you that is unparliamentary.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Deputy Chief Whip, I will check the Hansard and I will come back with a ruling.

Continue hon member.

Mr P J MNGUNI: It is a privilege – all protocol observed – to accept the task on behalf of the ANC to say few words to celebrate the human rights as a fundamental tenet of our struggle to usher in a free South Africa which is nonracial, nonsexist, democratic and prosperous, taking its place alongside the rest of the nations of the world.

We start off by lending some words of wisdom from the time- tested fallen giant on the statement of human rights year in 1968 who said:

For the oppressed people of South Africa, the commemoration of the 20th year of Universal Declaration of Human Rights bears a very poignant meaning, in our country the Declaration of Human Rights is ‗treasonable‘ document.

That was O.R. Tambo in 1968. This is how far the ANC have come in pursuit of human rights.

A glance at our current South African calendar will show it to be recognising as holiday such important days as the Women‘s Day, Youth Day, Workers‘ Day, Day of Reconciliation and Human Rights Day like we are doing today, which is due on 21st March next week. It is the latter on which we are focussed today. To give a little bit of background and context as has been done by my colleague, hon Mafu. The ugly demon of human rights abuse in this land dates back to the arrival of the three ships via the Cape in 1652. They carried some people‘s forefathers.

Those whose ships broke later became colonialists who took inland throughout the country ravaging with violence shooting,

killing, dispossessing and ultimately racially demonising the indigenous inhabitants, the Africans in particular. They changed the politico-economic landscape from one end to the other throughout subsequent centuries leading to the white republic in 1910, the so-called Union of SA.

By 1913 they had subsequently passed the notorious Land Act which recognised the appropriation of 87% of productive arable land to the white minority 5% of the population. The 1948 promulgation of grand apartheid sealed off the fate of black people; the Africans, Indians, and the Coloureds as subservient to the entrenched system. Thus, no amount of exclamation could deter the white minority junta from continuing with ruthless repression in order to enforce their oppressive system of apartheid.

The international community correctly declared white based apartheid system as crime against humanity. Nonetheless apartheid rolled out subjugation to all including women, children, and disabled people, the rural poor and all marginalised. The repression of the system spared no force to enforce its repugnant system, including through various massacres that this country has ever seen from Sharpeville, KwaLanga, Soweto, Boipatong, Sebokeng, Thokoza, Ingquza Hill,

Bisho, the list of ruthless human slaughter under a white racist regime is endless. One massacre after the other was the order of the day, but the tide has turned.

From the forefathers to the current ANC-led crop, generation after generation, the people did not sit back and do nothing. Battle cry to battle cry they fought for freedom. The wisdom of the revolutionary Ernesto Che Guevara is as if he was instructive throughout when he said, ―If you tremble at every injustice with indignation then you are a comrade of mine‖.

Ukuba ngaba uyangcangcazela unyathele nayiphi na into enokucinezela nokungalingani, wena uliqabane lam, utsho uqabane uChe Guevara. [―If you tremble with indignation at every injustice, then you are a comrade of mine‖, so said comrade Che Guevara.]

―If you tremble with indignation at every injustice, then you are a comrade of mine.‖ In pursuit of freedom as a human right, the ANC was formed in Mangaung in 1912, and so followed other formations but we are also inspired by a white party, a white party in the midst of ruthless oppression, who called for a black republic, the SA Communist Party, that became the life and death ally of the ANC. These alliance formations were born in

struggle, as can be summed up in president O.R. Tambo‘s words that, ―Ours is an alliance sealed in blood‖. The alliance certainly included Sactu, Cosatu, and Sanco as it crystallised later.

The ANC‘s history is a history of nonviolent human democratic struggle, even regarding the armed struggle, the MK‘s founding manifesto was appropriately contextualised when it said:

The time comes in the life of any nation when there remain only two choices - submit or fight. We shall not submit ...

That is from the MK manifesto. Even when we had to take up arms, we were left with no options. All the doors had been closed. So, we could not submit; we had to fight. That is why we are here today.

From the 60s to the 90s the ANC had, in resilience to detentions, kidnappings, killings, burnings, house arrests, unfair trials, etc, reason to define the scientific conception of the human rights struggle for which it stood. The national democratic revolution as conceptualised therefore, sort to realise human rights for all and as has always been quoted,

―liberation of the blacks generally and Africans in particular.‖

The unbanning of the ANC - we have to teach everyone here, especially these benches - the release of Nelson Mandela and other political prisoners, came as a result of people‘s war against the enemy. It never reflected any change in the hearts of the white minority regime. In its struggle the ANC always valued life. It had called for the no hangings for all on death row.

On the other hand the regime on behalf of white South Africa saw black life as cheap and valueless. A number of black lives were killed and some disappeared to date, including Dr Neil Aggett, Solomon Mahlangu, Mkhonto, Hashe, Godolozi Qaqawuli and many more. We take this moment to once again condemn the racist criminal Janusz Walus who killed our leader, Martin Thembisile Chris Hani. Walus does not deserve freedom; he is supposed to rot in jail. At least until he speaks out the truth, we may forgive but never forget. Walus must speak the truth; we can forgive him.

Over the past 22 years, the ANC-led government has done a lot for our people including – as has been alluded to by hon Mafu – ushering in a democratic Constitution that is appreciated by the whole world. The ANC has helped to wipe the face of violence from our society which has been significantly reduced. We like

to remember uTata Sisulu at the occasion of their release when they were welcomed at Nasrec in 1989 when he said, ―we stood for peace in 1912, we stood for peace in 1961, we stand for peace today – that was 1989 – and we will stand for peace tomorrow‖ That is the ANC stance summed up in the words of that stalwart. Of course not to be taken for granted even for the people, the masses and the youth, the ANC has led and ushered in the franchise, the right to vote.

The vote is an individual‘s choice and contributes in determining the direction and leadership in society. A number of related participatory mechanisms, structures and institutions are now in place. The values espoused and accordingly promoted by the ANC include nonracialism, nonsexism, democracy and so on. The ANC is a standard bearer of the most advanced values in our society. We lead, they follow.

We would have loved to show the application – had we had more time – of our notion of freedom and human rights in spatial terms, but we continue to welcome – since the reopening of lodgement, 130 000 new land claims have been lodged. We jump to conclusion ... [Time expired.] Thank you very much. The ANC leads, the ANC lives. [Applause.]

Ms C N MAJEKE: Hon Speaker and hon members, nation-building that is underpinned by a vision of a united, nonracial, nonsexist, democratic and prosperous society needs to emphasise the democratic participation of people as a basic human right and responsibility. It will need to build the society, economy and polity which will meet the basic needs of the people so that they are not driven by poverty, inequality and unemployment on one hand or by the desire to compete for resources and power on the other.

This does not mean only producing the formal institutions of democracy, but also the underlying culture, which recognises respect for the identities and needs of others. It means development of human rights — political, civil, economic and social — and the rule of law. Nation-building must allow the participation of civil society and develop a democratic state that promotes welfare.

The advent of a democratic South Africa created a firm foundation for the realisation of a truly united, nonracial, nonsexist, democratic and prosperous society. However, it will be naive to expect that the deep racial division and gender inequalities within our society disappeared with the ushering in of a new democratic order. It provided us with tools to

collectively do everything to finally bury the scourge of racism and sexism whilst building a united nation.

Amongst many actions that will have to be taken to end the divisions, these tools includes firm measures at a legislative level, which are meant to prevent, reduce and finally eliminate these ills. These ills have a terrifying impact on individuals and the nation as a collective. The violence linked with unemployment can reduce self-esteem and hope. Lack of education can cripple minds, and poverty can create chronic insecurity and can disfigure persons.

To overcome such situations, government needs to govern in a more socially inclusive way with a greater sense of public duty, empathy and solidarity with vulnerable people. I thank you.

The HOUSE CHAIRPERSON (Mr C T Frolick): According to the Speakers‘ List, the next speaker would have been the hon Lekota, but he has just left the House. I thus call on the hon Carter.

Ms D CARTER: Chairperson, the topic for this debate has been framed straight from the ANC‘s strategy and tactics document under the heading, ―building a national democratic society‖, which refers to the journey towards a united, democratic and

prosperous South Africa in which the value of all citizens is measured by their humanity without regard to race, gender and social status within a democratic and prosperous South Africa.

In reality, it is no different to a vision, values and principles set up for South Africa and its people in the preamble to our Constitution - human rights enshrined therein and the Constitution, namely; to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; [Interjections.] to lay a foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; [Interjections.] to improve the quality of life for all citizens, free the potential of each person and build a united and democratic South Africa, which is able to take its rightful place as a sovereign state in the family of nations. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, can you just quieten down please? Thank you.

Ms D CARTER: The real question to be asked in this debate, instead of casting aspersions on and blaming others, is how has government failed under a majority of leadership of the ANC, in

advancing the building of a national democratic society? Is every citizen equally protected by law or some are more equal than others? We need to look no further than the President to realise that the political elite are more equal than others through the abuse of organs of the state. Under the leadership of the ruling party, have we created a democratic and open society in which government is based on the will of the people? Is this what we witnessed when the students felt that they had no alternative but to storm the gates of Parliament to get government‘s attention?

Under the ANC, has the potential of each person being freed? Not with the abject failure of our state schooling system or the unfolding crisis at our universities. How are democratic values being advanced, when the ANC in cahoots with the IEC corrupted the Tlokwe voters roll? And I can continue! The fact of the matter is that the ANC has failed in achieving its own vision of b uilding a national democratic society. But worse, the ANC has failed to give effect to the vision of building a united, democratic and prosperous South Africa in which the value of all our citizens is measured by their humanity, without regard to race, gender and social status with a democratic and prosperous South Africa. What a shame! [Time expired.]

Mr S L N KWANKWA: My humble apologies hon Dudley, House Chair, I think further down the list, the UDM has another opportunity to make an input. Can we give it to hon Lekota since he hasn‘t read his speech please? [Interjections.] [Laughter.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Has he taken out membership of the UDM? It‘s party representation in the House, and not individual representation. Hon Dudley, you may continue. [Laughter.]

Mrs C DUDLEY: House Chair, last year was the worst year in modern history for Christian persecution throughout the world. And w ith this in mind the ACDP notes that religion and belief are conspicuous by their absence in the title of today‘s debate.

According to Open Doors North Korea is the most dangerous place in the world for a Christian. And then Iraq is the first of 35 countries where Islamic extremism has risen to levels that resemble ethnic cleansing. Violent Hindu extremists have now put India on the top 20 list for the first time. And closer to home, militant groups - Boko Haram and Al-Shabaab in Africa, are described as the sinister power behind persecution in four African countries.

Two Sudanese Christian men are the latest to be detained by Sudanese authorities and three Egyptian teenagers have been imprisoned for their beliefs. Of course Christians are not the only ones persecuted with on-going conflicts in countries such as Syria, Iraq and Yemen. Tensions between Sunnis and Shia Muslims complaints of mistreatment in Sunni dominated countries like Saudi Arabia and complaints of discrimination in the Shia dominated states of Iraq and Iran.

The ACDP welcomes a recent ground breaking Muslim document- The Marrakesh Declaration, which calls for the protection of Christians from persecution. More than 250 Muslim religious leaders, scholars and heads of state released the Marrakesh Declaration. It‘s a 750 word document calling on Muslim countries to grant religious freedom to non-Muslims.

The ACDP also appreciates the UK Prime Minister David Cameron, who in his Easter message urged the nation to speak out over the persecution of Christians around the world. We also commend the USA on its efforts and success in obtaining the release of Pastor Saeed Abedini recently. The ACDP calls upon the South African government to not only do more through diplomatic channels to intervene and prevent the killing, torture, enslavement and imprisonment of Christians around the world -

but to ensure that freedom of believe and religion is not downplayed in South Africa. This is not to say there will not be contentious issues but with the sanctity of life and freedom to choose as foundational values, the difficult decisions can be weighed and taken in the interests of all who live in South Africa.

Article 18 of the Declaration of Human Rights states that everyone shall have the right to freedom of thought, conscience and religion, including the right to have or adopt a religion or belief of choice. And freedom either individually or in community with others and in public or private, to manifest religion or belief in worship observance, practice and teaching. Thank you.

Mr M P GALO: Hon House Chair, when the AIC saw the subject for discussion on the Order Paper this morning, we were reminded about the good and progressive intentions of the establishment of the Truth and Reconciliation Commission, TRC, in 1995. We all watched the TRC proceedings with great hope that the wounds of the victims of g ross human rights violations by the apartheid regime since 1960-94 would be healed by the current democratic government. But seemingly, this government has failed the victims of gross human rights violations in

particular and the people of this country in general in the last 21 years of democracy because of the following: One of the three committees appointed by the TRC was the Reparation and Rehabilitation Committee. This committee was tasked with providing victims with support to ensure that the TRC process restored dignity, rehabilitation and healing of victims, their families and communities. A President's fund, funded by Parliament and private contributions, was established to pay reparations to victims according to the terms prescribed by the Promotion of National Unity and Reconciliation Act 34 of 1995. O nly a few politically connected victims are benefiting from this fund, the vast majority of victims are left in the cold.

Mrs Graca Machel-Mandela, when delivering the second annual Desmond Tutu International Peace Lecture in 2012, pointed out that South Africa has still not healed after the end of apartheid and participation in the TRC. As she notes,

―South African society is violent, intolerant, accusatory and angry because it has failed to address the emotional mutilation wrought by apartheid.‖

She further recommended additional TRCs to continue dealing with these issues. The AIC fully supports the recommendation, because this will go a long way in ensuring that the extensive recommendations of the TRC are fully implemented and the TRC unit of the Department of Justice and Constitutional Development ... The point is taken. Thank you. [Time expired.]

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL

AFFAIRS: Chairperson, hon members. This year we mark Human Rights Month and the theme: South Africa United against Racism. We honour the martyrs of Sharpeville and KwaLanga - brutally massacred on the 21 March 1960 while protesting peacefully against apartheid pass laws, leading the United Nations, UN, to declare the day as the International Day for the Elimination of Racial Discrimination. We also remember the youth of 1976 and the Women‘s March of 1956. This year marks the 20th anniversary of the signing of the Constitution at Sharpeville on 10 December 1996 and there I will like to pay special tribute to two giants of our struggle, the late Collins Chabane, who one year ago, tragically passed away. The second, the late Dullah Omar, Minister of Justice, who passed away on the 13 March 2004, [Applause.] both of them contributed immeasurably to the formulation and adoption of our Constitution.

The Department of Justice and Correctional Services recently released South Africa‘s draft National Action Plan, NAP to combat racism, racial discrimination, xenophobia and related intolerance for public comment. The NAP recognises that significant progress has been made over two decades of freedom yet there is still much more to be done. South African society remains divided. Many schools and suburbs and places of worship are integrated but many are not. South Africa remains one of the most unequal economies in the world. The privilege attached to race, class, space and gender has not been fully reversed.

Government programmes have had a significant redistributive effect. Close to 60% of government spending is allocated to the social wage. Such expenditure has more than doubled in real terms in the last decade.

Per capita health spending has doubled. Free basic education is provided to the poorest 60% of learners. Almost three million housing units have been constructed. Access to basic services such as piped water, sanitation, electricity and refuse removal have all improved, all contributing to a decline in both absolute and relative poverty. However poverty and inequality still exist. South Africa has not fundamentally touched the structure of the economy in order to effect true economic transformation. 20 years into freedom, we are still grappling

with poverty, inequality and, the black majority still owns only 3% of the Johannesburg Stock Exchange, JSE. We need to move faster to achieve meaningful economic emancipation through radical economic transformation. Systemic and inherited racism must be confronted by society; otherwise it will be reproduced and reinforced across generations. It is this inherited psyche of racial prejudice, breakdown in values, inequality of opportunity and massive poverty, as well as competition for scarce resources, which helps fuel racism and more recently, xenophobia. Discrimination on the grounds of sexuality and homophobic violence are also a major problem. The NAP provides South Africa with a comprehensive policy framework for programmes and strategies to combat racial discrimination.

The Minister of Justice will soon introduce a Hate Crimes Bill, sending a clear message that hate crimes will not be tolerated in South Africa. However, a NAP against racial discrimination must be a truly national undertaking, involving all elements of government and society. In this regard we thank the Ahmed Kathrada and Nelson Mandela Foundations as well as the Anti- Racism Network South Africa, ARNSA, for their role in supporting the NAP. We also commend the initiative by Independent Newspapers to mobilise society against racism.

As deel van hierdie dialoog moet ons onsself afvra of ons ons kinders en kleinkinders wil verdoem tot ‗n eindelose herhaling van die verdeeldheid en die konflikte van die verlede, en indien ons antwoord ―nee‖ is, moet ons onsself die volgende vrae afvra: Eerstens, wat doen ons om die geweldige ongelykhede in ons samelewing aan te spreek? Vir solank as sommige tale uitgespreek word met aksente van armoede, hongersnood en siekte terwyl infleksies van gemaksugtige selfsug aan ander kleef, sal ons mekaar nooit behoorlik kan hoor nie. Vir solank as wat die skakerings van kleur ons vel nie net strale van die Afrika-son waaronder ons gemeenskaplike lotsbestemming lê, weerkaats nie maar ook die skrille kontraste in ons rykdom en welvaart sal dit pynlik wees om mekaar te aanskou.

Vir solank as wat daar ‗n ryk wit nasie en ‗n arm swart nasie is, sal ons oë skaam bly om mekaar as gelykes te aanskou, as broers en susters en medeburgers van een nasie. Tweedens, wat doen ons om dit moontlik te maak vir die jeug en veral die jong wit Suid-Afrikaners om die konflikte van die verlede te verstaan en te verwerk? Vir solank as wat hul ouers en hul ouers se leiers swyg, sal jong wit Suid-Afrikaners wonder wat dit nou eintelik is wat deur regstellende aksie reggestel moet word en sal die pyn en frustrasie wat eie is aan die onkunde hulle verhoed om te sien dat hulle die geslag in ons geskiedenis is

wat die blinkste toekoms voor hulle het, vry om hul menslike potensiaal ten volle te ontwikkel, vry van die haat en verdeeldheid van die verlede. Vir solank as wat ons wat hulle ouers swyg, sal hulle nie verstaan dat wat op hulle rus nie die morele blaam vir die onreg en sonde van apartheid is nie maar die verantwoordelikheid om die voorregte wat apartheid vir hulle meegebring het in te span om ‗n beter en meer regverdige lewe vir almal te skep.

Derdens, wat doen ons om te verseker dat die kulturele, godsdiens en taaldiversiteit waarmee ons geseën is ons nader aan mekaar bring en nie die verdeeldheid van die verleede laat voortleef nie. *(Translation of Afrikaans paragraphs follows.)*

[As part of this dialogue, we must ask ourselves whether we want to condemn our children and grandchildren to an endless repeat of the division and the conflicts of the past, and if our answer is ―no‖, we must ask ourselves the following: Firstly, what must we do to address the enormous inequality in our society? For as long as some languages are pronounced with accents of poverty, hunger and illness, whilst infections of self-indulgent selfishness cling to others, we will never be able to hear each other properly. For as long as the shades of the colour of our skin not only reflect the rays of the African sun above our

common destiny, but also the stark contrast of our wealth and prosperity, it will be painful to look at each other.

For as long as there is a rich white nation and a poor black nation, our eyes will remain ashamed to see each other as equals, as brothers and sisters and fellow citizens of one nation. Secondly, what are we doing to enable the youth and especially the young white South Africans to understand and process the conflicts of the past? For as long as their parents and your parents remain silent, young white South Africans will wonder what exactly it is that should be corrected by affirmative action and the pain and frustration unique to the ignorance will prevent them from seeing that they are the generation in our history with the brightest future ahead of them, free to fully develop their human potential, free from the hate and division of the past. For as long as their parents remain silent, they will not understand that what rests upon them is not the blame for the injustice and sins of apartheid, but the responsibility to use the privileges apartheid gave them to create a better and more just life for everyone.

Thirdly, what are we doing to ensure that the cultural, religious and language diversity that we are blessed with bring

us closer together and does not perpetuate the division of the past?]

Ben Okri tells us in: *A Way of Being Free* that:

When victims stop seeing themselves as victims and discover the power of transformation, forces are born on this planet. The possibilities of a new history depend on it. What is done with these possibilities depends on how wisely we love. And ultimately we are bound in fate with whom ever the other may be. We are bound in the fact that we have to deal with one another. There‘s no way around it.

A recent survey conducted by Futurefact suggests that young South Africans agree with Ben Okri. The survey found that: the majority of young students, irrespective of party, believe black and white people in South Africa cannot prosper without each other – though young DA students are less likely to believe this. Jos Kuper of Futurefact, writing in City Press the 13 March 2016 observes:

It is also fascinating that 64% of EFF students agree or disagree that whites should still feel guilty about apartheid. It is no surprise, perhaps, that more than seven in 10 young DA

students have this view, although it is interesting that only 40% of ANC supporters believe this.

Kuper goes on to ask: ―Why are young DA students less conciliatory?‖ Has the DA somehow been instrumental in cementing this view through its policies?‖ [Interjections.] Or is this a generation that is reluctant to take responsibility for the horrible things that happened in South Africa before they were born? Jos Kuper might find answers to some of his questions in an article by Gilad Isaacs, a researcher at Wits University.

Isaacs asks in, ―An open society for some?‖: ―Do we not also need radical wealth redistribution in order to give everyone a fair shot?‖ The DA‘s position on this spectrum was confused. On the one hand its policy document acknowledges ... [Interjections.] that the debilitating consequences of poverty, poor education, lack of access to basic healthcare and employment limit the ability to enjoy freedom. [Interjections.] On the other hand the remedy offered is paper thin; it does not speak about equal opportunity but simply opportunity for all, and that opportunity only extends as far as the chance to

―develop one‘s capabilities‖, with an emphasis placed on education and skills development. [Interjections.]

Essentially, everyone in the race gets to go to boot camp and no formal discrimination is permitted but the benefits which inherited privilege provides, and the many handicaps that disadvantage brings are left unchallenged. [Applause.] The DA‘s flip-flop and ultimate rejection of the Employment Equity Bill last year is a good example. [Interjections] In the words of Helen Zille:

Empowerment strategies that broaden opportunities and create jobs for individuals are in but systematic intervention on behalf of a disadvantaged group is out. ...

AN HON MEMBER: Always the Deputy never the Minister.

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:

The DA speaks of every person as being equal but nowhere in its official platform does it speak of a more equal society; [Interjections.] indeed its underlying philosophical approach is completely incompatible with the latter. [Interjections.]

Ultimately genuine opportunity for all not only creates a more equal society, [Interjections] but is only possible on the basis

of radical policies that simultaneously pursue creating equal opportunities and far more equal starting points. Surely we want a world where none of us enter the arena with only one leg. [Interjections.] This is why the ANC is committed ... [Interjections.] to the building a national democratic society in line with the Constitution and the National Development Plan, NDP. Both documents trace their roots to the Freedom Charter and the Africans‘ Claims. The NDP envisages that by 2030, South Africans will be more conscious of the things that they have in common than their differences. Their lived experiences will progressively undermine and cut across the divisions of race, gender, space and class. The nation will be more accepting of peoples‘ multiple identities. Ben Okri makes the point that:

―The way we see the other is connected to the way we see ourselves. The other is ourselves as the stranger.‖

AN HON MEMBER: You never see yourselves in the cabinet.

The poet Mbuyiseni Oswald Mtshali makes that same point in his poem: *Izwi elivela kwabafileyo*, *[a voice from the dead]:*

Ngalizwa ngisebuthongweni lingibiza ngokuhlebeza. Kwaku ngumama ekhuluma ethuneni lakhe. Ndodana yami! alikho izulu phezu kwamafu.Ini! Yebo, Izulu liphakathi enhliziyweni yakho.

[Ihlombe.] uNkulunkulu akasiwo umfanekiso onentshebe emhlophe njengeqhwa. Ini! Yebo, uNkulunkulu yi sigoga sesinxibi esibhazalele egumbini lesitaladi. Asikho isihogo esivutha ngesibabuli netshe eligqogqayo. Ini! Yebo, Isihogo siyinzondo elokoza phakathi esweni lakho. [Ihlombe.] [Ubuwelewele.] *(Translation of isiZulu paragraph follows.)*

[I heard it whispering, calling me from my sleep. It was my mother speaking from her grave. My son! There is no heaven on top of the clouds. What! Yes, Heaven is inside your heart. [Applause.] God is not an image with a beard that is white as a snow. What! Yes, God is the maim beggar that is lying on a street‘s room. There is no hell that burn with sulphur and a burning stone. What! YES, Hell is the hate flickering in your eye. [Applause.] [Intejections.]]

Yes, indeed hell is the hate flickering in our eyes. Let us reject this hell. Let us reject this hate. Let us as the elected representatives of our people in this parliament say that we are united against racism. As the ANC we say:

Asinamona, asinanzondo, siyayidumisa iNingizimu Afrika. [We are not jealous, we have no hatred, we are praising South Africa.]

We call upon all South Africans to join us in doing so. I thank you. [Applause.] [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Malatsi before you continue, I want to request your colleague at the back who has been standing throughout the last 10 minutes to take up his seat please. Hon members it is a general request that when you enter this House just take up your seat.

[Interjections.]

I do not think so. It is also disrespectful hon Chief Whip and I wish you to address it and in general when members stand with their backs to the Chair, it is wrong. It is also disrespectful to the speaker on the podium and also to the Chairperson.

Continue hon member.

Mr M S MALATSI: Hon House Chair, hon Mafu, it is not about who was there when the Constitution was adopted. [Interjections.] It is about who upholds it best. You and the ANC-led government had to be taken to court to respect the Constitution. [Applause.] However, if you need a reminder of who the most formidable functionaries of the apartheid government are today, they sit amongst your benches. The hon Kilian, the hon Koornhof, the hon

Landers and the hon Oosthuizen here, but then again it is always the emptiest vessels that make the loudest noise. [Applause.]

Hon House Chairperson, the enjoyment of human rights by all the people at all times can be the springboard for a vibrant democracy and a fair society which is what makes this debate even more important. It is an opportunity for us to optimise by reflecting honestly on the progress we have made in living up to the aspirations of our Bill of Rights and where we have come short in realising the promise of a rainbow nation.

Honestly, in 2016, can we claim that we are a nonracial society under an ANC-led government? When ANC Members of Parliament, MPs and the Deputy Minister spew the most racist drivel on this podium? [Interjections.]

We acknowledge that racism remains the stain that contaminates our struggle for reconciliation. It is therefore incumbent upon all of us to condemn it at all times when it occurs and to punish its perpetuators and of course Minister, to unite against it at all times. If we do this we will be laying a solid foundation for a fair society.

Can we also claim that we are a nonsexist society, when women under the ANC-led government still earn on average 15% less than men for doing the same job? Whether you are a feminist or not, it is totally unacceptable that in this day and age people are discriminated against both in remuneration on the basis of their gender. As the DA we recognise the need to redress this. This is why at the heart of our fairness policy document, our key policy interventions is to uplift, empower ...

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

Mr M S MALATSI: ... from gender discrimination so that they too can have a fair chance of a better life. For the DA understands that having a job for the 8,3 million jobless South Africans is the ticket they can only have out of joblessness. For without an opportunity to work there is no prospect for a better life. This is why where we govern service delivery is underpinned by the values of fairness. For an example in the City of Cape Town we provide the most expensive package of free basic services for those who cannot afford them, hon members. [Applause.] As a caring government, we go beyond the normal standards of service delivery to improve the ...

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

Mr M S MALATSI: ... because we believe that quality service, restore the dignity of our people. One shining example of that is how the City of Cape Town transfers title deeds to occupants of council rental stock in Scottsdene, Makhaza and KwaLanga who were previously unable to own these properties because of the same government that some of your members represented so that we can redress the legacy of apartheid housing. For it is just and right that those who were previously prevented from occupying these properties can now own them and have them as security.

Unfortunately this is only an exception where the DA governs. In the constituency I serve in Giyani, in ward seven, in a village called Siyandhani and I am sure the former Speaker of the Giyani Municipality will know this; the community has for four years endured sharing water with livestock from the same river because the Giyani Municipality has failed to invest properly in the water supply infrastructure and in 2016 it will be a shame for all of us here that there are some people that access to free drinkable water, is an elusive privilege to them.

Hon House Chairperson, it all starts with ethical leadership from all of us. Unethical leadership breeds corruption, it cheats service delivery and it steals from the poor. This can

only change when we punish corrupt people instead of rewarding them and this goes directly to the ANC.

If you claim to care about human rights of poor South Africans, why do you reward individuals who presided over provincial governments that inflicted the most brutal assault on human rights by forwarding them to Parliament? One such example is the former premier of my home province Limpopo, hon Cassel Mathale who sits over there and presided over the worst performing provincial government in the history of our democracy, yet today he sits comfortably on this side of the House. [Applause.]

Dr C Q MADLOPHA: Hon House Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, will you take your seat please, there is a point of order. Hon member, what is your point of order?

Dr C Q MADLOPHA: Hon House Chairperson, my point of order is: The hon member is accusing the former Premier of Limpopo and that needs a substantial motion.

The HOUSE CHAIRPERSON (Mr C T Frolick): That is correct, hon member. If you refer to the other hon member of this House it

requires a substantive motion and it must be submitted to the Table. You cannot just make a general remark over it. Continue hon member.

Mr M S MALATSI: Hon House Chair, it was under the premiership of hon Cassel Mathale that the provincial government of Limpopo ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member I have made a ruling on that regard.

Mr M S MALATSI: ... was put under administration. [Interjections.]

Dr C Q MADLOPHA: Hon House Chairperson, on a point of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I made a ruling and you are ignoring it. Hon member, you must withdraw that statement.

Mr M S MALATSI: Hon Chairperson, the former premier of the Limpopo provincial government ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, you must withdraw that statement. I am waiting for you to withdraw that statement and submit the substantive motion. Order hon members! Order hon members! Hon member you must withdraw that statement and submit the substantive motion with regards to what you have said about the hon member of this House.

Mr M S MALATSI: Hon House Chair, I withdraw but, tsebe ga e na sekhurumelo. [He has heard what I have said.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, hon member you must withdraw unconditionally! Order hon members! Hon member! You must withdraw unconditionally, hon member!

Mr M S MALATSI: Hon House Chair, I was rapping up in my home language.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I am asking you for the last time to withdraw1

Mr M S MALATSI: Hon House Chair, I withdraw.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you. Your time has expired. [Applause.]

Nks N N MAFU: Enkosi, Mhlalingaphambili. Abantu baseMzantsi Afrika bayazazi apho basuka khona kwaye bayamazi umsindisi wabo. UKhongolose uwalwele amalungelo enu kwaye ndazi ngokumhlophe ukuba xa kuthe kwafika ithuba lokuba nivotele oorhulumente basekhaya anizi kuyenza impazamo; niza kuvotela i-ANC. Niza kuphinda nibonise ukuyithemba i-ANC kuba niyazi ukuba soloko isecaleni kwenu. Akakho onye umntu wokukhusela amalungelo enu ngaphandle kwe-ANC. Hambani ke niye kuvota xa kufike ixesha lokuba nivote.

Andizi kuphendula ngamandla kubantu ebebethethe apha, kodwa ndiyafuna ukutsho kwaba bantu bangamalungu omqokozo obomvu ukuba amalungelo abantu ahamba nokuhlawula imali yesondlo. Ndiyafuna ukutsho ukuba, ekugqibeleni thina apha asiphazami, siyazi apho sibheka khona. Sikhumbula ngexesha apho kwakukho ugqirha ekwakusithiwa ngugqirha wokufa, ngesiNgesi ‗doctor death‘, uGqr Basson. Siyazi ukuba kwakusithiwa bagcine intsholongwane eyayiza kusetyenziselwa ukuhlaba abantu abamnyama.

Ningayenzi impazamo, bantu boMzantsi Afrika; mnye umsindisi wenu yi-ANC. I-DA soze inise ndawo; i-EFF soze inise ndawo; i-NFP soze inise ndawo; i-IFP soze inise ndawo. Hambani niye kuvotela i-ANC. Enkosi. [Kwaqhwatywa.] *(Translation of isiXhosa paragraphs follows.)*

[Ms N N MAFU: Thank you, hon Chairperson. South African citizens know where do they come from and they know who will help them.

ANC has fought for your rights and I know very well when local elections come you will not make a mistake; you will vote for the ANC. You will show your trust in ANC because you know it‘s always on your side. There is no one who can protect your rights other than the ANC. Go and vote the time has come.

I am not going to reply much to people who spoke here, but I would like to say to those in red, if human rights go with paying money for maintenance. I would like to say, the bottom line is that we are not making a mistake, we know exactly where we are going. We remember the time where there was a doctor called ‗doctor death‘, Dr Basson. We know it was said that they kept a virus that will be used to inject black people.

Don‘t make a mistake, South Africans; ANC is the only hope. DA, EFF, NFP and IFP will never take you anywhere. Go and vote for the ANC. Thank you. [Applause.]]

The CHIEF WHIP OF THE OPPOSITION: Hon House Chairperson, on a point of order.

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

The CHIEF WHIP OF THE OPPOSITION: Hon House Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes hon Chief Whip, why are you rising?

The CHIEF WHIP OF THE OPPOSITION: Hon House Chairperson, I was just going to ask if you will be able to ask the speaker to speak up a bit. We are struggling to get what she is saying. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): No hon member, it is a bit too late for that now.

Debate concluded.

The House adjourned at 19:35.

# ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

**FRIDAY, 11 MARCH 2016**

**National Assembly and National Council of Provinces**

1. **The Minister of Arts and Culture**
	1. Annual Performance Plan of the Afrikaanse Taal-Museum and Monument for 2016/2017.
	2. Annual Performance Plan of the Iziko Museums of South Africa for 2015 – 2016.
	3. Annual Performance Plan of the National English Literary Museum for 2016/2017.
	4. Annual Performance Plan of the KwaZulu-Natal Museum for 2016/17-2018/19.
	5. Annual Performance Plan of the Msunduzi/Voortrekker and Ncome Museums for 2016 to 2017.
	6. Annual Performance Plan of the National Museum – Bloemfontein for 2016 – 2017.
	7. Annual Performance Plan of the Ditsong Museums of South Africa for 2016 – 2017.
	8. Annual Performance Plan of the Robben Island Museum for 2015-2016.
	9. Annual Performance Plan of the War Museum of the Boer Republics for 2016/2017.
	10. Annual Performance Plan of the William Humphreys Art Gallery Kimberley Northern Cape for 2016/17.
	11. Annual Performance Plan of the Freedom Park for 2016/17.
	12. Annual Performance Plan of the National Heritage Council for 2016/17.
	13. Annual Performance Plan of the National Film and Video Foundation for 2016/17.
	14. Annual Performance Plan of the National Arts Council for 2016/17.
	15. Annual Performance Plan of the South African Heritage Resources Agency (SAHRA) for 2016 – 2017.
	16. Annual Performance Plan of the South African Library for the Blind for 2016/17.
	17. Annual Performance Plan of the National Library of South Africa for 2016 – 2017.
	18. Annual Performance Plan of Artscape for 2016/2017.
	19. Annual Performance Plan of the Performing Arts Centre of the Free State for 2016/2017.
	20. Annual Performance Plan of the South African State Theatre for 2016 – 2017.
	21. Annual Performance Plan of the Playhouse Company for 2016 – 2017.
	22. Annual Performance Plan of the Windybrow Theatre for 2016 – 2017.
	23. Annual Performance Plan of the Luthuli Museum for 2016/2017.
	24. Annual Performance Plan of the Nelson Mandela Museum for 2016/17.
	25. Annual Performance Plan of the Market Theatre for 2016 – 2017.
	26. Annual Performance Plan of the Pan South African Language Board (PanSALB) for 2016 – 2017.

# The Minister of Basic Education

* 1. Revised Strategic Plan of the Department of Basic Education for 2015/16 – 2019/20.
	2. Annual Performance Plan of the Department of Basic Education for 2016/17.
	3. Strategic Plan of the South African Council for Educators (SACE) for 2015/16 – 2019/20.
	4. Annual Performance Plan of the South African Council for Educators (SACE) for 2016/17.
	5.  Strategic Plan of the Quality Council for General and Further Education and Training (UMALUSI) for 2015/16 - 2019/20.
	6. Annual Performance Plan of the Quality Council for General and Further Education and Training (UMALUSI) for 2016/2017.

# The Minister of Cooperative Governance and Traditional Affairs

* 1. Strategic Plan of the Department of Traditional Affairs for 2015 – 2020 [RP 42 – 2016].
	2. Annual Performance Plan of the Department of Traditional Affairs for 2016 – 2017[RP 43 – 2016].
	3. Annual Performance Plan of the Department of Cooperative Governance for 2016 – 2017.
	4. Annual Performance Plan of the Municipal Infrastructure Support Agent for 2016/17.
	5. Annual Performance Plan of the South African Local Government Association (SALGA) for 2016/2017.
	6. Strategic Plan of the Commission for Religious and Linguistic Communities (CRL) for 2016/17 – 2020/21.
	7. Annual Performance Plan of the Commission for Religious and Linguistic Communities (CRL) for 2016/17 - 2019/20.
	8. Strategic Plan of the Municipal Demarcation Board (MDB) for 2015 to 2020.
	9. Annual Performance Plan of the Municipal Demarcation Board (MDB) for 2016/17.

# The Minister of Economic Development

* 1. Annual Performance Plan of the Competition Tribunal for 2016-2017.
	2. Annual Performance Plan of the Competition Commission for 2016/17.
	3. Corporate Plan of the Industrial Development Corporation of South Africa for 2016/17 to 2020/21.

# The Minister of Environmental Affairs

* 1. General Notice No 1190, published in Government Gazette No 39468, dated 2 December 2015: Biodiversity Management Plan for the African Lion (Panthera Leo) in South Africa for implementation, in terms of section 43(1)*(b)(i)* read with section 43(3) of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
	2. General Notice No 1191, published in Government Gazette No 39469, dated 2 December 2015: The Biodiversity Management Plan for White Rhinoceros (Ceratotherium simum) in South Africa, in terms of section 43(1)*(b)(i)* read with section 43(3) of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
	3. Government Notice No 1207, published in Government Gazette No 39489, dated 9 December 2015: Waterberg Bojanala Priority Area Air Quality Management Plan, in terms of section 19(5) of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
	4. Government Notice No 5, published in Government Gazette No 39578, dated 8 January 2016: National pollution prevention plans regulations, in terms of section 29(3) read with section 53(a) and (o) of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
	5. Government Notice No 6, published in Government Gazette No 39578, dated 8 January 2016: Declaration of greenhouse gases as priority air pollutants, in terms of section 29(1) read with section 57(1) of the National Environmental Management: Air Quality Act, 2004 (Act No 39 of 2004).
	6. General Notice No 5, published in Government Gazette No 39589, dated 12 January 2016: Draft amendment of the norms and standards for the marking of rhinoceros and rhinoceros horn, and for the hunting of rhinoceros for trophy hunting purposes, under section 9(1)*(c)* read with section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
	7. Government Notice No 1145, published in Government Gazette No 39423, dated 19 November 2015: Draft notice declaring the Tsitsikamma National Park Marine Protected Area, under section 22A of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003).
	8. Government Notice No 1146, published in Government Gazette No 39424, dated 19 November 2015: Draft Regulations for the Management of the Tsitsikamma National Park Marine Protected Area, in terms of sections 48A(2) and 86(1)(a), (b) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No 57 of 2003).
	9. Government Notice No 1147, published in Government Gazette No 39425, dated 20 November 2015: Regulations pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations under section 44*(aE), (aF), (aG), (aH)* read with sections 24(5)*(b)(ix)*, 24(5)*(d)*, 24N, 24P and 24R of the National Environmental Management Act, 1998 (Act No 107 of 1998).
	10. Government Notice No 1148, published in Government Gazette No 39426, dated 20 November 2015: Intention to declare an extention to the Harold Porter National Botanical Garden, under Section 33(1)(b) read with section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No 10 of 2004).
	11. Government Notice No 1034, published in Government Gazette No 39347, dated 30 October 2015: Draft Estuarine Management Plans (EMPs) for the Durban Bay and Orange River Mouth estuaries, in terms of section 34(1)(a) read with section 53(1)(c) of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No 24 of 2008).

# The Minister of Finance

* 1. Corporate Plan of the South African Airways SOC Limited (SAA) for 2016 - 2019.

# The Minister of International Relations and Cooperation

* 1. Revised Strategic Plan of the Department of International Relations and Cooperation for 2015 – 2020.

# The Minister of Labour

* 1. Strategic Plan of the Sheltered Employment Factories for 2014 - 2018.
	2. Annual Performance Plan of the Sheltered Employment Factories for 2016/17.

# The Minister of Rural Development and Land Reform

* 1. Annual Performance Plan of the Department of Rural Development and Land Reform for 2016/17 [RP 112-2015].
	2. Annual Performance Plan of the Ingonyama Trust Board for 2016/17.
	3. Annual Performance Plan of the Commission on Restitution of Land Rights for 2016/17.

# The Minister of Small Business Development

* 1. Strategic Plan of the Department of Small Business Development for 2016/17 – 2020/21.
	2. Annual Performance Plan of the Department of Small Business Development for 2016/17.
	3. Corporate Plan of the Small Enterprise Finance Agency (SEFA) for 2017-2021.
	4. Annual Performance Plan of the Small Enterprise Development Agency (SEDA) for 2016/2017 – 2018/2019 .

# The Minister of Science and Technology

* 1. Annual Performance Plan of the South African National Space Agency (SANSA) for 2016- 2017.
	2. Strategic Plan (Revised) of the Academy of Science of South Africa (ASSAF) for 2015/16 – 2019/20 and Annual Performance Plan for 2016/2017.

# The Minister of Sport and Recreation

* 1. Annual Performance Plan of South African Institute for Drug-Free Sport for 2013 – 2018.

# The Minister of Tourism

* 1. Strategic Plan of the Department of Tourism for 2015/16 – 2019/20 and Annual Performance Plan for 2016/17-2018/19.
	2. Strategic Plan (Final) of South African Tourism for 2016-2021 and Annual Performance Plan for 2016/17.

# The Minister of Trade and Industry

* 1. Report to Parliament on the 121 Tax Allowance Incentive administered by the dti for April 2011 to March 2015.

# The Minister of Women in The Presidency

* 1. Strategic Plan of the Department of Women for 2015 – 2020.
	2. Annual Performance Plan of the Department of Women for 2016-2017.
	3. Annual Performance Plan (Revised) of the Department of Women for 2015-2016.

# The Minister in The Presidency: Planning, Monitoring and Evaluation

* 1. Strategic Plan (Revised) of The Presidency for 2015 – 2020.
	2. Annual Performance Plan of The Presidency for 2016/2017.
	3. Work Programme of Statistics South Africa for 2016/17 (Book 1) [RP 82-2016].
	4. Work Programme of Statistics South Africa for 2016/17 (Book 2) [RP 83-2016].

# COMMITTEE REPORTS

**National Assembly**

**Please see pages 8-16 of the ATCs.**

**MONDAY, 14 MARCH 2016**

**TABLINGS**

**National Assembly and National Council of Provinces**

1. **The Speaker and the Chairperson**
	1. 1st Quarter Performance Report for the 2015/16 financial year.
	2. 3rd Quarter Performance Report for the 2015/16 financial year

Referred to the Joint Standing Committee on the Financial Management of Parliament, in terms of section 54(2) of the Financial Management of Parliament and Provincial Legislatures Act.

# The Minister of Communications

* 1. Revised Strategic Plan (Medium-Term) of the Department of Communications for 2015/16 – 2019/20.
	2. Annual Performance Plan of the Department of Communications for 2016/17 - 2018/19.
	3. Strategic Plan of the Government Communication and Information System (GCIS) for 2015/16 – 2019/20.
	4. Annual Performance Plan of the Government Communication and Information System (GCIS) for 2016/17 – 2018/19.
	5. Strategic Business Plan and Annual Performance Plan of the Media Development and Diversity Agency (MDDA) for 2016/17 – 2020/21.
	6. Strategic Plan for 2016/17 – 2021 and Annual Performance Plan of the Independent Communications Authority of South Africa (ICASA) for 2016/17.
	7. Strategic Plan for 2016 – 2021 and Annual Performance Plan of Brand South Africa for 2016/17.

# The Minister of Higher Education and Training

* 1. Annual Performance Plan of the Wholesale and Retail Sector Education and Training Authority (W&R-SETA) for 2016/17.

# The Minister of Police

* 1. Annual Performance Plan of the Civilian Secretariat for Police for 2016/17.
	2. Annual Performance Plan of the Private Security Industry Regulatory Authority (PSIRA) for 2016/17.
	3. Report of the Civilian Secretariat for Police on compliance of the South African Police Service (SAPS) with the Domestic Violence Act for the period 1 October 2014 to 31 March 2015, tabled in terms of section 6 of the Civilian Secretariat for Police Act, 2011 (Act No 2 of 2011).

# The Minister of Public Enterprises

* 1. Eskom’s tariff increase for 2016-17 and amended pricing structure for municipalities with effect from 1 July 2016, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003), and supporting documents required in terms of section 42(3) of the same Act.

# TUESDAY, 15 MARCH 2016

**TABLINGS**

**National Assembly and National Council of Provinces**

1. **The Minister of Communications**
	1. Strategic Plan (Corporate) of the South African Broadcasting Corporation (SABC) for 2016/17 – 2018/19 and Annual Performance Plan.

# The Minister of Water and Sanitation

* 1. Amatola Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	2. Overberg Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	3. Magalies Water Board’s Proposed increase in Water Tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	4. Mhlathuze Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	5. Sedibeng Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	6. Rand Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	7. Rand Water Board’s (Bushbuckridge Local Municipality) proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	8. Lepelle Northern Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	9. Bloem Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).
	10. Umgeni Water Board’s proposed increase in water tariffs for 2016-17, tabled in terms of section 42 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

# COMMITTEE REPORTS

**National Assembly**

**Please see pages 3-25 of the ATCs.**