# THURSDAY, 19 MAY 2016

***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 10:03.

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

**ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS** – see col 000.

# MONEY BILLS AMENDMENT PROCEDURE AND RELATED MATTERS ACT

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Thank you, House Chair. I move without notice:

That the House —

1. notes that the Third Parliament initiated and passed the Money Bills Amendment Procedure and Related Matters Act in 2009;
2. further notes that a number of technical challenges have become apparent with the implementation of certain provisions of this Act;
3. instructs the Standing Committee on Finance to review the Money Bills Amendment Procedure and Related Matters Act with a view to introducing amending legislation if necessary, and to —
	1. evaluate the application of the legislation including, but not limited to, the timeframes and sequencing associated with the different financial instruments and Bills, and the procedures to be developed in the rules;
	2. report on any other matter related to the implementation of the Act;
	3. confer with the Standing Committee on Appropriations; and
	4. submit a progress report to the National Assembly by

30 September of this year.

Agreed to.

# CONSTITUTIONAL COURT JUDGMENT

**DEMOCRATIC ALLIANCE V SPEAKER OF NATIONAL ASSEMBLY AND OTHERS**

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Thanks again, House Chair. I move without notice:

That the House —

1. notes the Constitutional Court judgement in *Democratic Alliance v Speaker of the National Assembly and Others* on 18 March 2016, regarding the constitutional validity of section 11 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act;
2. establishes an ad hoc committee to—
	1. review the Act, taking into account the Constitutional Court judgement and bring it in line with developments relating to parliamentary powers and privileges, and introduce a Bill in accordance with chapter 13 of the Assembly Rules;
	2. consist of 11 members as follows: ANC 6, DA 2, EFF

1 and other parties 2;

* 1. exercise those powers in Rule 138 that may assist it in carrying out its task; and
	2. complete its task by 28 October 2016.

Agreed to.

# IMMIGRATION AMENDMENT BILL

(Consideration of Report of Portfolio Committee on Home Affairs)

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY moved: That the report be adopted.

Motion agreed to.

Report accordingly adopted.

# IMMIGRATION AMENDMENT BILL

(Second Reading debate)

The HOUSE CHAIRPERSON (Mr C T Frolick): The hon Mashile, the chairperson of the committee, will address the House on this Bill. Where is the hon member?

[Interjections.]

Order, hon members. Order, hon members. We will get back to the Order so that we can continue with the business of the House.

The secretary will read the Third Order.

# UNEMPLOYMENT INSURANCE AMENDMENT BILL

(Consideration of Report of Portfolio Committee on Labour)

There was no debate.

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

Motion agreed to.

Report accordingly adopted.

# UNEMPLOYMENT INSURANCE AMENDMENT BILL

(Second Reading debate)

The MINISTER OF LABOUR: Thank you, hon House Chair. Ministers and Deputy Ministers, hon members and workers in general ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister, can you just wait please. Hon members, there’s too much movement and too much noise in the House, and the Minister is addressing us on an important Bill. Proceed hon Minister.

UNGQONGQOSHE WEZABASEBENZI: Ngiyabonga ukuthola leli thuba lokuthi ngiphakamise isichibiyelo kuleNdlu somthetho wokunxephezela abasebenzi esikhwameni. Sonke siyazi ukuthi kulesi sikhathi sanamuhla kuthatha isikhathi eside ukuthi umsebenzi olahlekelwe umsebenzi aphinde athole omunye. Yingakho

sithe uma sibheka siwuHulumeni kaKhongolose sabona ukuthi kungaba yinto ebalulekile ukuthi siwuchibiyele lo mthetho ukuze uhlale ukulungele ukubhekana nezimo zabasebenzi. Isibonelo, izinto esiphakamisa ukuthi sizichibiyele sithi abasebenzi abasebasha laba abasuke besezinhlelweni zokufunda besebenza nabo mabahlomule uma bephuma kulezo zinhlelo.

Uphinde unike isikhwama igunya lokutshala izimali zabo ezinhlelweni zokusiza abasebenzi ukuthi bakwazi ukuthola amathuba emisebenzi ngokushesha ngokubafaka ezinhlelweni zokuqeqeshwa emakhonweni ahlukene ayizidingo zomnotho futhi uzonika isikhwama igunya lokutshala izimali ezintweni ezivula amathuba emisebenzi. Uzokwazi ukuthi unike igunya kulesi sikhwama ukusiza lezo zimboni ezizithola zisenkingeni ngakwezomnotho ngokuthi sigweme ukudilizwa kwabasebenzi. Lokhu sikwenza ngokuthatha labo basebenzi abasuke besengcupheni yokudilizwa bafakwe ezinhlelweni zokuqeqeshwa ngesikhathi besalinde ukuthi isimo somnotho ezinkampanini lapho esuke beqashwe kuzona sibe ngcono ukuze bakwazi ukubuyela emisebenzini, lokhu esikubiza ngokuthi i-training layoff.

Abasebenzi abasuke bebambe amatoho kanjalo nalabo abasebenza ngokuthi uma beqashwa uma kwenziwa isivuno, ama-seasonal workers kwimboni yezolimo nabo ababe yingxenye yokuthi bahlomule kulesi sikhwama futhi abaqashi kube ukuthi bazothela nabo esikhwameni.

Abasebenzi basezindlini kanjalo nabo bazohlomula kakhulu kulezi zichibiyelo ngoba bazokwazi ukuthi bathole okuthe xaxa kunalokho ebebekuthola ngesikhathi esiphambilini, ikakhulukazi abesimame abakhulelwe ngesikhathi beyobeletha, bayohlomula ingxenye engaphezu kwamashumi ayisithupha omholo ebebewuhola ngesikhathi befaka isicelo esikhwameni.

Siphakamisa ukuchibiyela ingqinamba yaphambilini ebithi umsebenzi ngeke akwazi ukuhlomula esikhwameni uma eke wahlomula ingakapheli iminyaka emine. Uma lezi zichibiyelo ziba umthetho, abasebenzi sebezokwazi ukufaka izicelo zabo yize beke bakwenza lokho ingakapheli iminyaka emine. Umbandela othi umsebenzi kumele afake isicelo sakhe sokuhlomula esikhwameni zingapheli izinyanga eziyisithupha kulo mthetho omusha umsebenzi usenezinyanga eziyishumi nambili zokufaka isicelo sakhe futhi unika umphathi wesikhwama igunya lokusemukela isicelo uma nje izizathu zinohlonze yize sezidlulile izinsuku ezibekiweyo. Uma umsebenzi obenelungelo lokuhlomula kulesi sikhwama eshona lowo obengumhlobo kamufi ngokusemthethweni usenezinyanga eziyishumi nesishiyagalombili ukufaka isicelo sokuthola izimali zikamufi. Emthethweni esiwuchibiyelayo izihlobo zikamufi bebe nezinyanga eziyisithupha nje kuphela ukufaka izicelo zabo kodwa kubalulekile kakhulu ngoba kwamanye amasiko esintu owesimame oshonelwe akavunyelwe ukuhamba kungakapheli okungenani izinyanga

eziyishumi nambili. Izingane zalabo izimpilo zazo ebezithembele kumufi nabo bazokwazi ukufaka izicelo zokuthola izimali zikamufi inqobo nje uma bebhalisiwe ngokusemthethweni.

Ngakho abasebenzi kuzomele ukuthi babhalise labo okumele bahlomule uma bedlula emhlabeni. Konke lokhu sikwenza siwuHulumeni kaKhongolose ngoba uyabanakekela abantu bakulelizwe futhi wenza konke okusemandleni ukugwema indlala. Lomthetho sichibiyelo uyakuqeda nya ukuthi labo abasiza abasuke beshonelwe noma labo abangakwazi ukuzifakela izicelo ngokwabo ukuthi bafune inzuzo ngokusiza kwabo, amahumusha abexhaphaza abafelokazi nezingane ngokubakhokhisa izimali ngokubasiza, umthetho awusakuvumi ukuthi bakwenze lokho. Isikhathi phakathi kokufaka iscelo nalapho umsebenzi ethola okungokwakhe ikakhulukazi kulaba abahlala ezindaweni ezikude nekomkhulu lesikhwama sezizoshesha ngoba sesizovula amahovisi kuzozonke izifundazwe. Sisondeza usizo kulaba abaludingayo siwuKhongolose. Somlomo, ngiyafisa ukuthi leNdlu ehloniphekile iwemukele lomthetho futhi ngibonga usihlalo wekomidi kanye namalungu ekomidi ngokuxhasa nangokomsebenzi abawenzile futhi ngibonge inhlangano kazwelonke i-National Economic Development and Labour Council, Nedlac, ngokuthi bonke bavumelane ngalomthetho sichibiyelo. Sicela ukuthi lomthetho sichibiyelo wemukelwe yileNdlu ehloniphekile

ngokuhlanganyela sithuthukisa iNingizimu Afrika, sisho sithi:

*(Translation of isiZulu paragraph follows.)*

[The MINISTER OF LABOUR: Thank you for granting me an opportunity to raise an amendment in this House with regard to the Unemployment Insurance Fund (UIF). We are all aware of the fact that these days it takes forever for an employee who lost his or her eir job to find employment again. Which is why as the ANC we decided that it would be very important to amend this law so that it is always ready to deal with labour issues. For instance we propose that there be an amendment in regard to young employees who are under the programmes of doing practical work or learnerships in that they also benefit when they leave these programmes.

It also gives the scheme authority to invest their money in programmes which are meant to assist employees in getting access to job opportunities quickly by placing them in programmes which will train them in different skills which are necessary for the economy, and also give the fund scheme an opportunity to invest money in things that will create job opportunities. It will be able to give authority to this fund scheme to assist those companies which find themselves in trouble economically by avoiding the retrenchment of workers. We do this by taking those

employees whose jobs are at stake and putting them in training programmes whilst awaiting the companies economic state to improve so that they are able to return to work, which is called training layoff. Employees who are doing piece jobs and those who are seasonal workers in the farming sector should also benefit from this fund scheme and employers should also contribute to the fund scheme. Domestic workers will also benefit from these amendments because they will receive something a bit higher than what they were receiving before, especially women who are pregnant, they will get a potion higher than sixty percent of the salary they were getting at the time of their application to the fund scheme during their maternity leave.

We raise an amendment request in regard to an earlier issue which was that an employee may not benefit from the fund scheme if they have benefitted within a period of four years. If these amendments become an Act, employees will be able to make applications even if they have done that within a period of four years. The condition that an employee should make a benefit application within a period of six months, in this new Bill an employee has 12 months to make an application and it also gives the scheme manager authority to accept this application as long as there are valid reasons even if the stipulated date has

passed. If the employee who had benefits in this scheme dies the beneficiary now has 18 months to put in an application to receive money of the deceased. From the law that we are amending the relatives of the deceased only had six months to make an application but this is important because in some cultures widows are not allowed to leave the house for about 12 months.

Children who were dependent on the deceased will also be able to make applications to receive money as long as they are registered as beneficiaries.

Therefore employees should register those who will be beneficiaries when they pass away. All of this is done by the ANC because we take care of the people of this country and it is doing everything in its power to prevent poverty. This law amendment is totally getting rid of instances whereby the people who assist those who are experiencing a loss or those who are unable to make applications on their own ask for compensation for their assistance, fraudsters who were exploiting widows and children by making them pay for their assistance, the law no longer allows them to do that. The time frame between an application and when the employee receives their dues especially for those who live far from the headquarters of the fund scheme will now be quicker because we are now going to open offices in all provinces. We are bringing assistance closer for those who

need it as the ANC. Chair, I wish that this hon House could accept this law and I’d like to thank the chairperson and the members of the committee for the support and the job they did and also thank the National Economic Development and Labour Council, Nedlac, for all of them to agree on this law amendment. We request that this law amendment be accepted by this hon House together we are improving South Africa, we say:]

Singabakwantu sithi amaqobokazana angalala endleleni yazini kunyembelekile. Ndiyabulela. [As Africans we are saying should maidens sleep along the way they are lost. I thank you.]

MS YENGENI: Hon House Chairperson, hon Members of Parliament, guests in the gallery, the ANC supports the amendment ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Yengeni, can you just take your seat please. Table staff when a member takes the podium, you must reset the clock so that the member can see the time allocation and also the time that is left please. You may continue, hon member, we will monitor it.

MS YENGENI: ... to the Unemployment Insurance, UI, Act of 2002. In discussing the content of these amendments, I think it is important to outline the legislative process followed by the

committee on this Bill. The Portfolio Committee on Labour considered the UI Bill as empowered by the Constitution in section 55. In processing the Bill the committee facilitated public involvement as required by section 59 of the Constitution, by inviting interested parties and person to make submission on the Bill to the committee.

Submissions were received and were considered by the committee. The committee deliberated on the Bill and proposals were made by the committee members and some were incorporated in the Bill, as a result an A and the B version of the Bill was produced. The Bill was then finalised and sent to the House. In the House, before the Second Reading, the debate was conducted and an amendment was proposed by a member of the committee from the DA. As a result, thereof, the House sent the Bill back to the committee for the committee to reconsider the proposed amendments. This was done in terms of Rule 254 of the National Assembly Rules.

The committee considered the proposed amendments in terms of Rule 255 and as a result a C and the D versions of the Bill were produced. While in the process of considering the proposed amendments, as directed by the House, further amendments were proposed by another member of the National Assembly from another

opposition party. However, the committee could not deal with that amendment as it is prohibited by Rule 255 to deal with any other amendment other than the one it was instructed to deal with by the House.

The Unemployment Insurance Amendment Bill was referred to the Portfolio Committee on Labour on 13 October 2015. The Bill seeks to, among other things, provide for the extension of the unemployment insurance benefits to learners who are undergoing learnership training and civil servants as well as to extend contributor’s entitlement to benefits under certain circumstances.

Subsequent to receipt of the Bill by the committee, the following meetings were held: the department took the committee through the proposed amendments on 30 October 2015; the committee held public hearings on 3rd February 2015; the Department provided responses to the issues raised during the public hearings to the committee on 24th February 2016; the committee discussed clauses of the Bill on 2nd March 2016 and finalised the Bill by adopting a report as Announcements, Tablings and Committee, ATC, on 9 March 2016; and the Bill was well received by the members of the public and organised labour

during the public hearings as well as by all the members of the committee.

Notwithstanding the above, the committee members agreed that the following clauses be deleted from the Bill: One, clause 4, which aimed to amend section 11 of the Act by providing for the designation of the commissioner or any appropriate employee or functionary of the fund or the Department of Labour to perform the functions of the accounting authority, on such conditions as the Minister may determine; two, clause 10(b)(7), which aimed to exclude a contributor who voluntarily terminated her pregnancy from receiving maternity benefits. Furthermore, the committee members were assured that the implementations of the proposed amendments were not going to have a negative impact on the financial status of the fund.

This Bill will see that the individuals on learnerships and their employers, government employees, and fixed-term workers required to leave South Africa on expiration of their term, also receive benefits from the UIF. This amendment comes at the right time when thousands of workers in mines and farms are threatened by retrenchments. This amendment is a relief to both employed and unemployed workers of our country.

The ANC-led government delivers services to the people at the right time. It is for that reason that workers in the next coming local government elections will vote for the ANC in their big numbers.

Amasi abekwe elangeni kuzophela amaphupha. [The stage is set and some dreams will come true and some will perish.]

Workers will vote for the ANC because it is the only party that always championed the aspiration of workers as early as when the ANC was formed. Workers will not vote for the DA because it is a racist party. Workers will vote for the ANC because all their organisations were formed with the support and assistance of the ANC. Workers will not vote for the DA because it supports capital over labour. Workers will vote for the ANC because the ANC is their traditional ally not only for their realisation of their factory floor demands but for a free democratic society.

Workers will not vote for the DA because it is opposed to Congress of South African Trade Unions, Cosatu.

Workers will vote for the ANC because the ANC is the only party in Parliament which brought about a new progressive labour legislation in the Republic. Workers will not vote for the DA because it wants to amend and weakens worker’s victory in

relation to labour legislation. Just yesterday, they rejected the Budget Vote that is going to change and improve the lives of the workers. Workers will vote for the ANC because their federation, Cosatu, is part of the tripartite alliance with the ANC and the SA Communist Party, SACP, for a free democratic and prosperous South Africa. Workers will not vote for the DA because it supports all international institutions that are opposed to worker’s international solidarity. Once more, the ANC supports this Bill. I thank you. [Applause.]

Mr I M OLLIS: Chairperson, the point is that, of course, the DA supports this Bill and all its implications because it is going to help not only workers, but also the unemployed South Africans. The minute you are unemployed in this country you are in a terrible situation. You may have no financial means to support yourself. This Bill is going to tap into that

R128 billion reserve fund that the Unemployment Insurance Fund, UIF, has to give workers that become unemployed additional benefits. It’s going to put money in the hands of ordinary unemployed South Africans and we whole heartedly support this. Every political party in this Parliament supported this Bill and its amendments. Of course, we did make amendments because we thought that certain parts of it should be tightened up and all of our amendments were agreed to.

So much for the Bill, however, it would be wrong of me not to comment to something that happened in this House yesterday. The hon member from the NFP spoke some utter rubbish in this House if you look at what he said to my colleague. His comments were extremely homophobic. And as a gay South African I find it completely unacceptable that somebody who is a hon member of this House can come to this House and make this kind of homophobic comments to cheers. It is unacceptable. [Applause.]

Secondly, he told us ... [Interjections.]

The MINISTER OF SCIENCE AND TECHNOLOGY: Chairperson, I note that the hon member referred to is not in the House. There are serious allegations that are made which account to the principles and ethos of our Constitutions. Given those charges that are being made allegations, I think the hon member should be warned to be present in the House in order to have an opportunity to respond to the allegations made particularly with references to offences related to the Constitution.

The HOUSE CHAIRPERSON (Mr C T Frolick): The hon Minister is correct. Furthermore, hon Ollis, if you are of such a strong view on what happened in another session of the House, you

should submit a substantive motion so that we can activate the necessary processes to deal with it.

Mr I M OLLIS: Chairperson, I am guided by you and I think I have made my point and I am happy to raise it when the hon member is in the House.

The HOUSE CHAIRPERSON (Mr C T Frolick): Or submit a substantive motion.

Mr I M OLLIS: As you like. Furthermore, it is all about the wonderful heaven in the municipality run by the NFP in coalition with the ANC in Zululand. He told us about the water. Remember the wonderful water. They have all this water that they are providing for all the people that the DA does not do.

Let me quote you from the *City Press* ... [Interjections.]

Mr H P CHAWUKE: Point of order, Chair. We are debating about the Labour Amendment Bill and therefore, I think the member is really out of order. It cannot be – it cannot be that we deal with yesterday’s debate in the labour debate.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you hon, member. Hon Ollis, let me remind you that we are dealing with this Bill and let us stay within the ambits of the debate that is currently in the Order Paper. Order, hon members! Order, hon members!

Mr M WATERS: Chairperson, Chairperson, Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon member. I am still busy making a ruling, hon Waters, I will come back to you once I’m done. In your inputs please, focus on what is currently in front of us in the Order Paper, hon Ollis.

Mr M WATERS: Chairperson, may I address you?

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes.

Mr M WATERS: Chairperson, yesterday during the budget votes many ANC members spoke about everything about the budget votes and gave us history lessons on many funs and not one presiding brought them into line that they should be talking specifically about the budget. Hon Ollis is giving comments on the Bill before us and he is talking about water which many workers and

unemployed people are obvious using [Interjections.] and I don’t know what your problem actually is.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Waters, you have made your point. Hon Ollis as your Deputy Chief Whip is saying that the ambit of the Bill must be your point of reference. May you deal with it like that? May I also state hon Deputy Chief Whip that generally, presiding officers do not raise points of orders in the House, but we deal with points of order that have been raised by members. And we do not interfere in the debate of a members, unless another member has a point that he or she want to raise.

Mr I M OLLIS: Chairperson, let me rephrase. Workers are not going to vote for the NFP or the ANC because of this. This is how you treat them.

According to the *City Press* a person called Ntshaba was born in the village situated in the heart of that Zululand District Municipality. She is disillusioned and angry as she scoops water out of a hole she dug in the river bed with her 15-year-old daughter.

The shallow pools where residents and workers have to come to KwaMusi and Silver, who are waiting to be connected to the municipality’s piped water supply, drew water for their homes and washed their clothes in the sandbanks of the river. The only water left is about 50cm under the river bed, seared to the colour of concrete. That is what the NFP and the ANC provide to workers in Zululand.

But it goes further. There is a report that water that is provided to those workers, has to be drawn from the river for 26% of the population in iLembe, 26% of workers in Pongola has to draw their water out of the river , and in Abaqulusi 12% of the workers have to draw their water out of a river. It is even worse in Nongoma, 38% of workers you leave them to draw water out of a river. You don’t provide water to them.

Let’s get to the toilets that you provide for the workers in that municipality. Pit toilets, 57% of the workers in iLembe have to use pit toilets because you don’t provide sanitation for them; and 60% in Pongola have to use pit toilets because you don’t provide toilets for them and the NFP doesn’t either. In fact, they have named those pit toilets Magwaza’s which is named after the long-serving former mayor of the NFP, Zanele

kaMagwaza-Msibi [Time expired.] Get the message. [Applause.]

Mrs C DUDLEY: Chairperson, I will bring us now back to the subject even if I’m going to tell you everything that you already know.

The Unemployment Insurance Amendment Bill seeks to provide, among other things, for the extension of unemployment insurance benefits to learners doing learnership training; to civil servants; to adjust a accrual rate of contributors entitlement; to provide for process of application for maternity benefits; and to empower the Unemployment Insurance Board to provide for the functions of the regional appeals committee.

The Unemployment Insurance Act itself covers the establishment of the UIF, a fund to which employers and employees contribute and from which employees who become unemployed can benefit alleviating a harmful economic and social effects of unemployment.

The UIF system plays a key role in South Africa’s social security architecture particularly since it is the only arm of our social security that caters for the previously employed unemployed. It operates in the case of involuntary unemployment where a person has contributed to the UIF and is capable of and

available for work if they have accumulated sufficient UIF credits before becoming unemployed

They are entitled to unemployment benefits for up to eight months provided that the unemployed person applies for benefits within six months of losing the job. Benefits are paid out between 36% and 68% of the ensured person’s average earnings in the last six months depending on the period of service and level of income of that person. The benefits should be paid after 14 days waiting period, which I believe is not the case.

According to actuaries, the proposed amendments will not have a negative impact on the financial status of the fund and that the fund will be able to cover the costs of the proposed amendments without any difficulties.

The inclusion of public servants will, of course, not affect the budget of the state since the UIF will pay benefits and government will reimburse the actual expenses paid as benefits. All that is left to say is that the ACDP supports these amendments. Thank you.

The CHAIRPERSON (Mr C T Frolick): The next speaker on the speakers’ list is the hon Mbinda, but I don’t see anyone in the

waiting bench. Please, hon members, you are unnecessarily delaying the work of this House if you do not move to the waiting benches.

Mr L MBINDA: Hon Chair, maybe my list had not been amended. I still expected other members to speak before me.

Greetings to you, hon members present in the house today. On behalf of the Pan-Africanist Congress of Azania, let me first communicate our great disappointment to the ruling party that 22 years into their government ... [Interjections.] ... our people still remain , and unemployed thus extremely poor. The riches of this country are still in the hands of our oppressors who have just co-opted a few black families and corrupted key political figures in the ruling party while our people remain in the same shacks as during apartheid days.

This Bill is part of the continuous insult of the intelligence of our people, as it attempts to give them false hope that this is a step towards the eradication of the miseries in which they live on a daily basis. We have said it before and we will continue saying that, for as long as the means of production are in the hands of the elite few, there is absolutely no way we can

liberate our people from the socioeconomic ills with which they are faced.

This Bill can only bring about cosmetic changes to the living conditions of the poor majority of this country and is a clear reflection of the inability of the ANC government to take decisive political stands against white monopoly capital in the interest of our people.

Amongst the key reasons for this inability is them being beneficiaries of this economic set-up that continues to impoverish our people.

As Parliament, we need to show a greater political willingness than we are showing currently to focus on Bills and pieces of legislation that will deal directly with redress, redistribution, and restitution. We must begin to address the imbalances, poverty, unemployment and landlessness in which our people find themselves as a result of colonisation.

As fellow countrymen and women, we have a collective responsibility to ensure that the society we live in prospers, and so we must stop playing funny, childish games in this Parliament and wasting taxpayers’ monies. If people are power

mongers, seek popularity or want to be film makers, Parliament is not the right place for those things. Thank you.

Mr J A ESTERHUIZEN: Chairperson, I read this speech on behalf of hon Mncwango.

This Bill seeks to improve service delivery of unemployment insurance to Unemployment Insurance Fund, UIF, contributors by addressing shortcomings of the principal Act and introducing certain improvements such as a wider scope of application in terms of beneficiaries, extension of benefit periods, extension of maternity rate benefits, as well as aspects of employment retention and re-entry of UIF contributors into the labour market.

These are considerable amendments and much-needed developments to unemployment insurance in South Africa and, as such, are all welcome by the Inkatha Freedom Party.

But there remain elements of concern. The absence of an independent appeal system, inconsistencies in maternity rates, inconsistencies in dependants’ benefits and, in a few instances, poorly formulated provisions, may lead to unnecessary legal disputes once the Bill becomes enacted into law.

There is no doubt that the revision of the principal Act was necessary. The mandate to align South Africa’s unemployment insurance with international and regional standards flows directly from our Constitution, in that we are bound to bring our domestic laws into alignment with ratified international agreements to which we are party.

There are however a few areas in which compliance must still be attended to. Here I speak of waiting periods for access to unemployment and prescribed minimum periods of benefits. Such non-alignment with, in particular, the standards of the International Labour Organisation, ILO, must be rectified.

Our economy is currently going through a period of great contraction and almost stagnant economic growth. Employment is conservatively estimated at around 27%. Jobs are scarce and, in this regard, we would call for greater impetus and capacity to be placed on employment retention and re-integration.

The IFP does not support the argument that unemployment benefits should be extended to those who voluntarily resign from their employment, except in circumstances where good cause can be shown, such as for medical reasons or in cases of proven constructive dismissal.

In conclusion, the IFP supports the Bill. I thank you.

Mr M BAGRAIM: Chairperson, on behalf of the Democratic Alliance, I hereby accept the amendments to the Unemployment Insurance Fund.

The Democratic Alliance has a strong tradition of supporting the unemployed and the many that lost their jobs. There are very few safety nets for the unemployed in South Africa and, indeed, for those who lose their positions. The DA has gone on record on many occasions and on every platform to seek help for those who have been injured on duty. The Democratic Alliance has a proud and beautiful history of helping the unemployed.

Today, the amendments that we see to the Unemployment Insurance Fund are beneficial. In the short time that I have I don’t have the ability to outline what these amendments actually are, but I can say that each and every amendment affecting the unemployed is to the individual’s benefit. The extension of the claims and the inclusion of many categories can only be praised. The golden thread running throughout the Democratic Alliance’s support of the extension of benefits to the unemployed is evidenced in many of the amendments that we see here today.

The Democratic Alliance has been actively supporting these extensions and we have carefully studied and underwritten the majority of the proposals. We, as a political party standing for the rights of the unemployed, raise our voice whenever we see the suffering and the hardship of those that have lost their jobs. It is the Department of Labour and our hon Minister who have helped with these amendments going through and alleviating some of the hardships, for which I thank them.

An interesting but shocking example of how the Department of Labour is destroying staff morale is the debacle that took place at the Simonstown Town Hall in Cape Town. The staff is friendly and effective but the department apparently didn’t pay the rent for the town hall and staff had to set up on the pavement outside. Despite these problems, they are deserving people. The Department of Labour and in particular the UIF have once again destroyed what little faith we had in the department.

We all know that almost 9 million people in South Africa today are unemployed. We all know that the situation under our current government is getting worse. We have one party in Parliament that is just hot air and parrot slogans with no action. Their dismal performance in delivery and in particular in the Portfolio Committee of Labour speaks for itself.

We have the ANC ... [Interjections.] [Laughter.] ... who have become an international joke. [Laughter.] The ANC has fed the world’s perception that you are a joke. You have fed the perception of a failed state. [Interjections.]

Although the Democratic Alliance supports the amendments, it would be refreshing to hear some stories ... [Interjections.]

... about how the Unemployment Insurance Fund ... [Interjections.]

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

Mr M BAGRAIM: ... is going to better its service delivery. [Interjections.] It is all good and well to have legislation — and we have some of the best legislation in the world — but we have incompetent people who are appointed into jobs because of their pals. [Interjections.] We hear cries from the public on a daily basis about lost papers, long queues, inability to register and even locked Department of Labour offices. It is almost useless to have world class legislation when you can’t back it up with delivery. [Interjections.] The most vulnerable in our society — the unemployed — are treated not only badly but also sometimes not at all.

The real issue in South Africa today is an unemployment rate of over 30% and no one other than the Democratic Alliance has raised their voice and concern. The battle of the unemployed is ongoing and only the DA can deliver. [Interjections.]

Every person who has experienced frustration because of non- delivery or government inaction should come out and speak loudly for the DA. The concerned Democratic Alliance will do everything in its power to ensure that our principles ... Thank you. [Time expired.]

Ms F S LOLIWE: Hon Chair, as the ANC we support this Bill. We welcome it because South African workers, especially those in vulnerable sectors have suffered a lot in the past. As the leader of the society, the ANC has a responsibility to ensure labour peace and also to make sure that everybody is subjected to pieces of legislation that are not oppressive. The extended scope that is brought by this Bill which now includes domestic workers and those defined in section 1 of the Public Service Act of 1994 will make it possible for many workers to benefit.

We are aware that the Unemployment Insurance Fund, UIF, beneficiaries have to be in possession of specified credits in order for them to qualify for these benefits for a determined

period of payment. We understand that currently, our economy is bleeding jobs so these amendments will come as a relief to our people. It will benefit mostly the vulnerable workers who are the ones that are close to us as ANC members.

It will extend unemployment benefits to employees who are under contract as well as those who are covered by the Public Service Act, as I have already indicated. As a committee, we subjected this Bill, as the Chair has said, to participatory democracy where we invited people to share their interests. We are then perturbed to learn that there are those who are coming here now to pretend as if they were not agreeing with us or were bringing forward convincing arguments as we were in the committee.

As the ANC we do not regret arguing against the use of lawyers by the claimants because some lawyers want to be middle persons for those who will be claiming for maternity leave to say they claim on their behalf. As the ANC, we are saying a big NO because the payout of the UIF is not enough to pay the services of a lawyer and also assist the unemployed person. It cannot be correct that they spend money for a service that is provided for free by the Department of Labour.

Bantu baseMzantsi Afrika, ngurhulumente okhokelwa yi-ANC owabona kuyimfuneko ukuza nalo Mthetho we-UIF ukusukela ngowama-2001.

Ise kwanguye nangoku obonile ukuba kukho izikhewu. Yiyo le nto sixoxayo namhlanje. Siyi-ANC asithethi ngekati esengxoweni.

Sithi nazi izinto esizenzela abantu kwaye siseza kuthi gqolo sibenzela siyi-ANC.

Kukho iimpazamo ezenziweyo zokulahlekisa abemi boMzantsi Afrika, zisenziwa zezinye zezithethi ebeziphambi kwam. Ndicela ukukhumbuza ohloniphekileyo u-Ollis ... (*Translation of isiXhosa paragraphs follows*.)

[People of South Africa, it is the ANC-led government who saw it necessary to implement the UIF Act since 2001. It is this government who saw that there were gaps. That is why we are discussing it today. As the ANC we are not talking about a pipe dream. We are saying here are the things that we are doing for the people and we will continue to do these things for them.

Mistakes were made which mislead the citizens of South Africa; mistakes made by speakers before me. I would like to remind the hon Ollis ...]

... that we visited a farm in Berlin in the Eastern Cape, last year where we were told that the son of the white farm owner there, swims in the dam that is meant for the workers to draw water for consumption. Secondly, you are quoting incidents of Zululand here. In the Zululand areas that you quoted, there are white farmers there who refused early development in their land that is why people are subjected to those circumstances.

Do you still remember how a black boy was burnt by a farm owner because it was alleged that he was trespassing? Remember, we are not the ones who own but the ones who are poor. Our kids travel on foot from school sometimes and farm owners; because they have their protected territories, do as they please. Hon Ollis, do you still remember the boy that was dragged by a tractor by a white farmer? Do you still remember the big number of workers that are dismissed by white farmers? I am quoting all of these, referring to these provinces but can you take a count of who the owners of those farms are? There is a common factor; it is white farmers who are owners. So, do not attribute these ill treatments to provinces but rather look at the one that owns the means of production. [Interjections.]

I may understand the mistakes that you have made because you are a bit depressed. Mvenya has resigned from the DA. [Applause.]

Hon Mbinda, you do not stop to amaze me. You come here and claim that we are bluffing when we talk of amendments. Are you aware that Parliament is currently dealing with a mess that you left at Mayibuye because the poor pensioners at the gate were employees of the company before it became Mayibuye, where you were a CEO? What have you done as the Pan Africanist and why is it that it is only black ex-employees that are at the gate? [Interjections.] As a CEO, did you only pay white employees and never paid our black people that are out there? So, do not come and mislead people.

You are saying legislation is just cosmetic changes. We understand you are the new kid in the block. When we pass law in Parliament we make sure that it is implemented to the latter.

You have a responsibility to monitor the implementation of these amendments that you are quoting. We also understand that you are a shadow person in the committee. If the big brother that sit in the committee – remember you are a lone ranger here, so you cannot be everywhere – so those who sit in the committee on your behalf are briefing you halfway.

I understand the representative from the IFP that he is talking of the Independent Appeals Board. The principal act is carrying it as it is. So, you must understand that it would not be easy

to implement the changes and also there was an attempt by those who sit in the committee because the IFP is an alternate but they did not come with convincing arguments.

Then to the one who spoke before me. Which fight are you lodging on behalf of unemployed people because you cannot have your brothers dismissing our brothers, sisters and mothers and on the other hand you claim to be fighting for the unemployed? Instead, you are making sure that the unemployment rate is going high in South Africa. A case in point, in my own constituency there are people who were dismissed by their employer, who is also unfortunately a white person who decided to leave them in the larch, running away to another province without having paid out what is due to them.

Yes, I have seen you coming with toys in the House and the only thing I can tell you is that, in December you can be appointed as a Father Christmas. [Laughter.] When you were wearing that I wanted you not to take it off. You are a good one and I will raise funds so that in my constituency I hire you when I am making Christmas for kids. [Laughter.]

Lastly, I want to say to South Africans that there is only one party that has been in the trenches fighting for your rights and

will continue doing so. Never ever sell out your mandate, give it to the relevant party and that is none other than the 105 year old, the ANC. Thank you Veliswa Mvenya for at last seeing that DA is not your home. You have been crying about racism there but now that you have left; we are saying bravo my sister, being their only hope amongst the black people. We are welcoming others. They must also leave before they have that; like Veliswa. I thank you. [Applause.] [Time expired.]

The MINISTER OF LABOUR: Hon House Chairperson, I want to thank all political parties for supporting these amendments and that confirms that it is only ANC that can be able to lead the people of South Africa and nobody else. It has been confirmed even by the DA today. I just want to remind hon Ollis that during apartheid they did not fight against the homelands, particularly the homelands of Zululand. If you did so, Zululand would not be where it is today. The ANC has delivered in that particular area that you are talking about and you do not even know where Zululand is. I was born and come from Zululand and you cannot tell me what has happened in that particular area.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister, can you just take a seat? Order hon members, what is your point of order, hon member?

Mr I M OLLIS: House Chairperson on a point of order: The Minister is misleading the House. My degree is from the University of Zululand. [Interjections.]

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

The MINISTER OF LABOUR: The University of Zululand is around Empangeni and not in Vryheid where the hon member was talking about. Ungoye is under Uthungulu District Municipality and not Zululand.

Hon members, what we are doing as the Department of Labour is guided by the Constitution of South Africa, Freedom Charter and the Manifesto of the ANC that was adopted in 2014 and we are going to continue to do so. As hon Loliwe has said, unfortunately hon Bargrain, really you were a Father Christmas. You do not even know the colours of the ANC. The worst part of it is that you are saying internationally the ANC is not recognised. If you go to the International Labour Organisation, ILO, as we speak, South Africa will be chairing the international labour conference for the coming conference of the ILO. [Applause.] It is because they recognise the ANC and the

government of South Africa. Unfortunately hon Mbinda, you know

...

... bewufathuza la njengesiphungumangathi [Kwaphela isikhathi.] ngakho ngeke ngibe nesikhathi sokuphendula isiphungumangathi futhi, ngiyabonga kakhulu. [Ihlombe.] *(Translation of isiZulu paragraph follows.)*

[... you were a clueless fool here [Time expired.] Therefore I do not have time to answer a fool, thank you very much. [Applause.]]

The HOUSE CHAIRPERSON (Mr C T Frolick): That completes the Speakers List. Are there any objections for the Bill being read the second time?

Debate concluded.

Bill read a second time.

Mr B L MASHILE: Chair, I want to indicate that the Department of Home Affair is now part of the security cluster of the executive. This assignment comes with serious implications. All activities of this department have to pass security risk to the

state. It is for this reason that the Portfolio Committee resolved to remove the risk posed by foreign nationals that overstayed their visas. Chairperson with introduction of this Immigration Amendment Bill B5 2016, the committee seeks to amend the Immigration Act 2002 so as to provide to for adequate sanction for foreigners who have overstayed in the republic beyond the expiry date of their visas.

In the past, the regime provided for penalty fees which proved inefficient. Maybe one should explain the danger posed by overstayers. It is important that Home Affairs should at all time account on foreigners in the country, their reason and time for being in the republic. Past experiences are that foreigners would overstay on a particular visa and disappear into our communities without trace. Some even try to convert their visa terms or throw them away and apply for asylum. Such person poses danger as the biometric as citizens do not exist. If involved in a crime, they cannot be apprehended. We therefore have many in our country who overstayed and disappeared in our communities and they are undocumented.

This amendment is done on section 32 of the principal act where we provide for a disqualification of a foreigner from getting a visa or an entry visa into the republic or admission into the

republic or getting a permanent resident permit for a prescribed period if such a foreigner has overstayed. These provisions also include recalls to any foreigner who is aggrieved by such disqualification to make representation to the Director General for review. Note should be made that this amendment will apply to first offenders in terms of this section. Repeat overstayers will graduate to punishment for a specified period in terms of other provisions of this act. We believe that this provision will enhance the capacity of the department to manage the floor of foreigners into the republic and ensure their security on the other side.

I need to indicate that this is a Committee Bill introduced in terms of Rules 238 of the NA Rules. The committee was granted permission to proceed with the legislative proposal on the

25 November 2015. Prior notice of introduction of the Bill together with explanatory summary of the draft Bill was published in the government gazette on the 11 December 2015. It included a notice of invitation to interested person and institutions to submit return representation of the draft Bill.

The invitation was also published in City Press and Mail and Guardian in English as well as in Ipondo in isiXhosa and the Free State news in Sesotho. The committee also consulted the

joined taking mechanism in terms of Rule 239 (1) for advice of classification of the Bill. We received 12 submissions in total and these submissions were deliberated on and the department responded on all of them. The deliberations happened on the

8 March 2016 and on the 15 March 2016, the day in which the committee adopted the Report. It is however regrettable that the DA chose to abstain while the EFF opposed the Bill. All the other parties are in support of this Bill. On the quest to ensure security of the state and making sure that citizens and legal foreigners feel safe and are indeed safe, this Bill is necessary and urgent. I therefore put the Report to this House for consideration approval. Thank you.

Mr A M FIGLAN (DA): House Chair ...

... emva kweminyaka engamashumi amabini anesibini, eli cala lingapha lisabona abantu ngokwebala. INational Party yabhubha, nayiginya apha kuni ngaphakathi kodwa ngoku nisabuyela kwingcinezelo. Lihlazo ke elo namanyala enyoka. [Uwelewele.] [Kwaqhwatywa.]

Umbuzo endifuna ukuwubuza apha kuni ngowokuba: ii-ovaroli ezibomvu ziphuma phi? Ngabantwana benu? Zifuze emzekweni kwaye ziphuma apha kuni. [Uwelewele.]

Mandibulele ngokufumana eli thuba. [Uwelewele.] Ndiphuma kwaDlamini. (*Translation of isiXhosa paragraphs follows*.)

[... after twenty two years, this side is still seeing people according to the colour of their skin. The National Party died; you swallowed it but now you come back with discrimination. It is a disgrace and a very bad occurrence. [Interjections.] [Applause.]

The question that I want to ask you is: where do the red overalls come from? Your children? They take after you and they come from you.

Let me thank you for the opportunity that was afforded me. [Interjections.] I’m from the Dlamini clan.]

This Bill has been before our committee on a few occasions and we welcome the open and the frank debate that was held in the committee. There were a few areas of concern that the DA expressed with the original draft and we appreciate the indulgence of the committee in accepting the proposed changes. Not to say ...

... besingasebenzisani nekomiti, besisebenzisana nekomiti kodwa sifuna ukuqonda phambi kokuba sivumelane ngento kuba kaloku kubalulekile ukuxoxa ngento xa ningayazi. (*Translation of isiXhosa paragraph follow*.)

[... that we did not work well with the committee; we worked with the committee, but we want to understand the issue before we agree, because it is important to discuss the issue if you do not know it.]

We are satisfied that the matter of concern that was raised have been addressed and ...

...lo mbutho wabantu, umbutho wethemba, umbutho oza kwenza utshintsho, umbutho womntu wonke ongaboni abantu boMzantsi Afrika ngokwebala, ebabona njengama-Afrika, uyawuxhasa lo Mthetho siHlomelo uYilwayo. Enkosi kakhulu. (*Translation of isiXhosa paragraph follows*.)

[... the people’s organisation, the organisation of hope, the organisation that will make changes, the organisation of everyone who doesn’t see people of South Africa according to the colour of their skin, but sees them as Africans, is supporting the Amendment Bill. Thank you very much.]

Mrs C DUDLEY (ACDP): Chair, the ACDP welcome the Immigration Amendment Draft Bill which aims to provide adequate sanctions for foreign nationals who have overstayed in the republic beyond expiry of the visas. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order! Hon members.

Mrs C DUDLEY: There is now clarity that those who have stayed beyond their expiry date do not qualify for a port of entry visa. A visa admission in to the republic or a permanent residence permit will be declared undesirable for a certain period of time depending on the length of his or her overstay. We note that in February the government announced that Basotho nationals leaving in South Africa without the right documents will only face deportation after the 31 December 2016. For Kenyans, South Africa has relaxed visa rules with a recent agreement to extend a 10 year multiple entry visas for South Africa for Kenyans business people and academics. Kenyans students studying in South Africa will be offered a long term visa which will be aligned to their course of study or their school work.

Now with regard to Zimbabweans however, there are many incorrect, undated and outdated media report detailing South

African visa options so applicants are advised to check with the Department of Home Affairs website as an initial source of information for updates and not to rely on media or other websites. This will also avoid the risk of being taken in by con artists trying to make money of foreign nationals who do not have the correct official information regarding requirements, etc. The ACDP notes Zimbabweans in South Africa will soon be able to continue working, studying or running their businesses following negotiations in March between the two governments that will see an indefinite extension of the expiry of permits legalising their stay in South Africa.

Authorities have been seeking to regularise the staying of qualified Zimbabweans immigrants through special dispensation permits. So although special permits should last through to 2017, they require Zimbabweans to return home and apply for an extension from there. The ACDP along with many Zimbabweans who have made a life and a home in South Africa is pleased to see that Zimbabweans in South Africa will soon no longer need to make the costly journey home to process their permits as modalities of being finalised to extent the permit renewable deadline from South Africa. The ACDP recognises efforts by the department to make it easier to get experts and skills in general into South Africa to promote growth through skilled

immigration. We also appreciate work being done to ease the travelling of bona fide travellers across the continent and this legislation is important to ensure clarity regarding checks and sanctions so as to not undermine safety and security efforts which are also important. Thank you.

Prof C T MSIMANG (IFP): Hon Chairperson, this Bill is primarily concerned with the provisional and adequate sanction in respect of foreigners who have overstayed their visit into South Africa. It is an essence, a clarification Bill which seeks to clear up confusion over the issue of desirability of foreigners to re- enter South Africa once they have been already transgressed their expiry dates on their previous visa. Currently, section 30

(1) of the Immigration Act make provisions for various classes of foreigners and the grounds upon which they may be declared undesirable by the Director General of Home Affairs. Section 30

(1) has been found to be particularly problematical in this regard and has led to many appeals and legal disputes being instituted over interpretational issues in this section.

The Bill before us now, clarifies the issue regarding a foreigner who has overstayed his or her visa on only one occasion and whether or not he or she will be granted another entry into South Africa. Hon Chairperson since 2010, we have had

just under 400 000 foreigners who have overstayed their welcome in South Africa. This places strain on administrative and policing capacity of the department and it is a burden on the country’s resources. It also fuels xenophobia and other criminal activities. The department must adopt a proactive approach and pre-empt overstays from occurring by conducting proper screening of foreigners at our ports of entry. In conclusion, the IFP supports the Bill. I thank you.

Ms D D RAPHUTI (ANC): The Chair of the House, hon members, ladies and gentlemen, fellow South Africans and the world at large. May I take this opportunity to say that the ANC supports the Home Affairs Committee Report as outlined by the Chair of the committee? May I also remind this august House that ANC government is not homophobic or xenophobic? The ANC government has reclassified Home Affairs under the justice crime prevention and security cluster.

It is therefore stating and re-emphasizing that the safety and security of all in South Africa is a prerequisite. Also to remind you that not all those that visit our beautiful country comes with the right intensions, as they did 2000 years ago by the person named, van Riebeeck*,* [Interjections.] [Laughter.] he overstayed. Their intension when they came, it was to build a

refreshment station but they stole everything including our dignity because they took advantage of our kindness. [Interjections.] [Applause.] The ANC said, no this criminal injustices, cruel tendencies to our fellow South Africans, that is the reason ...

Mr C MACKENZIE: Hon Chair, on a point of order: The hon member is misleading the House. [Interjections.] She said that, van Riebeeck arrived 2000 years ago, [Interjections.] She is confusing Jesus Christ with ... [Inaudible.] [Interjections.] Thank you [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member take your seat please. [Interjections.] Continue hon member.

Ms D D RAPHUTI: Yes, whatever date they came in here. [Interjections.] [Laughter.] Whether 2000 years ago or whatever but they stole our land. [Interjections.] That is the reason the ANC brought ... [Inaudible.] [Interjections.] Act back.

The HOUSE CHAIRPERSON (Mr C T Frolick): Order! Hon members.

Ms D D RAPHUTI: This is the story to tell our children, our neighbours and some sell in and some sell out. [Interjections.]

I asked one of our African sister, Yvonne Chaka Chaka, I said,

―Weso’ [Ours], why do you always sing this song? Who is the man calling me a stranger in my mamma land? [Interjections.] Who is that stranger if it is not the DA? [Interjections.] Ladies and gentlemen, another song is ...

*Mabawuyeke umhlaba wethu*. Mama, sishoda ngawe! [They must leave our land. Madam, you are short of you!]

Do not vote for the DA or EFF but vote for the ANC. I thank you. [Interjections.] [Time expired.]

Bill read a second time.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members there is a request from the House Chairperson Didiza for all members of Parliament who are part of capacity building programme with the University of Witwatersrand to remain behind in the Chamber so that she can meet with you.

The House adjourned at 11:13.

# ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

**ANNOUNCEMENTS**

**National Assembly**

**The Speaker**

1. **Letter from President submitting Public Protector Report No 11 of 2015-16 in terms of Executive Members’ Ethics Act, 1998**
	1. A letter dated 28 April 2016 has been received from the President of the Republic, submitting to the Assembly Public Protector Report No 11 of 2015-16 in terms of section 3(5) of the Executive Members’ Ethics Act, 1998 (No 82 of 1998) following an investigation into allegations of a violation of the Executive Code of Ethics by the Minister of Trade and Industry, Dr R H Davies MP.

Referred to the **Portfolio Committee on Trade and Industry** for consideration, and to the

# Portfolio Committee on Justice and Correctional Services.

1. **Letter from President submitting Public Protector Report No 12 of 2015-16 in terms of Executive Members’ Ethics Act, 1998**

(1) A letter dated 28 April 2016 has been received from the President of the Republic, submitting to the Assembly Public Protector Report No 12 of 2015-16 and his

comments thereon in terms of section 3(5) of the Executive Members’ Ethics Act, 1998 (No 82 of 1998), together with a report on the action he has taken in respect of a request by the Public Protector following an investigation into allegations of a breach of the Executive Code of Ethics by the Minister of International Relations and Cooperation, Ms M E Nkoana-Mashabane MP.

Referred to the **Joint Committee on Ethics and Members’ Interests** for consideration, and to the **Portfolio Committee on Justice and Correctional Services**.

# Letter from President submitting Public Protector Report No 13 of 2015-16 in terms of Executive Members’ Ethics Act, 1998

(1) A letter dated 28 April 2016 has been received from the President of the Republic, submitting to the Assembly Public Protector Report No 13 of 2015-16 in terms of section 3(5) of the Executive Members’ Ethics Act, 1998 (No 82 of 1998) following an investigation into allegations and counter-allegations of a violation of the Executive Code of Ethics by the former and current Ministers of Defence and Military Veterans, Ms L N Sisulu MP and Ms N N Mapisa-Nqakula MP.

Referred to the **Portfolio Committee on Defence and Military Veterans** for consideration, and to the **Portfolio Committee on Justice and Correctional Services**.

# Letter from President submitting Public Protector Report No 14 of 2015-16 in terms of Executive Members’ Ethics Act, 1998

(1) A letter dated 28 April 2016 has been received from the President of the Republic, submitting to the Assembly Public Protector Report No 14 of 2015-16 in terms of section 3(5) of the Executive Members’ Ethics Act, 1998 (No 82 of 1998) following an investigation into allegations of a violation of the Executive Code of Ethics by the former Deputy Minister of Economic Development, Mr E Godongwana.

Referred to the **Joint Committee on Ethics and Members’ Interests** for consideration, and to the **Portfolio Committee on Justice and Correctional Services.**