

TUESDAY, 24 MAY 2016

PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:02.

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.

NOTICES OF MOTION

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

That the House debates the urgent need for government to provide free sanitary products to millions of school girls who miss a week of school each month, simply because they cannot access sanitary products, which not only negatively impacts on their health but also denies them their right to education.

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

That the House debates mechanisms geared at ensuring the provision of services to all communities in a sustainable manner.

Mr P G ATKINSON: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House -

- (1) debates the South African economy's recent decline to the third largest economy in Africa and the effect that this will have on job creation and economic growth; and
- (2) discusses measures to be put into place to return the South African economy to its previous top-ranking position as Africa's largest economy.

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

That the House debates ways geared at encouraging the involvement of communities and organisations on matters of governance.

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

That the House debates the improvement of access to quality health services in urban and rural areas.

Mr M L W FILTANE: Chairperson, 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 reasons why government departments persistently fail to pay municipalities, which are currently owed over R3 billion.

Dr M J FIGG: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the effects on our economy, when as many as 200 000 jobs are lost as a result of the looming credit rating downgrade.

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

That the House debates the development and strengthening of local economies, creation of jobs and promotion of job placements, especially for young people.

Dr H C VOLMINK: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the DA:

That the House debates the substantial challenges that currently make section 27(3) of the Constitution, that is the right to emergency medical treatment, unrealisable for far too many people in our country, and the comprehensive legislative reforms that are needed to secure this basic human right.

Ms S C N SHOPE-SITHOLE: Chairperson, I hereby give notice that on the next sitting day of the House I shall move on behalf of the ANC:

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

EGYPT AIRPLANE TRAGICALLY CRASHED

(Draft Resolution)

Mrs S V KALYAN: House Chair, I hereby move without notice on behalf of the DA:

That the House -

- (1) notes that in the early hours of last Thursday morning, an Egypt airplane tragically crashed near the Greek island of Crete in the Mediterranean sea;
- (2) also notes that the plane was enroute to Cairo and was carrying 56 passengers and 10 crew members when it unexpectedly disappeared off the radar;
- (3) further notes that the 56 passengers on board were made up of 30 Egyptians, 15 French, two Iraqis and one each from Sudan, Chad, Portugal, Algeria, Canada, Great Britain, Belgium, Kuwait and Saudi Arabia;
- (4) acknowledges that initial reports have indicated that terrorism is to blame for this tragedy;

- (5) condemns in the strongest possible terms any form of terrorism or violence aimed at injuring or killing innocent civilians;
- (6) keeps the families of the 66 deceased passengers and crew in our thoughts and prayers; and
- (7) conveys our deepest condolences and messages of support to the Egyptian government as they deal with the aftermath of this tragedy.

Agreed to.

REV DR STOFILÉ'S INSTALLATION AS FORT HARE CHANCELLOR

(Draft Resolution)

Ms H H MALGAS: Chairperson, ANC moves without notice:

That the House -

- (1) congratulates Reverend, Dr Arnold Makhenkesi Stofile on his official installation as the Chancellor of the University of Fort Hare on Friday, 20 May 2016;

- (2) recognises that he is no stranger to the University of Fort Hare having obtained his Master's degree, amongst others at this university;
- (3) believes that he brings to this position a vast experience as he served in the South African government in various capacities including as Premier of the Eastern Cape Province, Minister of Sports and immediate past, Ambassador to Germany;
- (4) further believes that as an ordained minister, commendable sportsman and a committed servant of our people's struggle for freedom and liberation, he will manage with vigour, the important work of preserving and promoting Fort Hare as a critical space of academic excellence and an incubator of the leadership for the nation; and
- (5) wishes him a success in this new position of responsibility.

Agreed to.

DEPUTY CHIEF JUSTICE'S RETIREMENT

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, the ANC moves without notice:

That the House -

- (1) congratulates the Deputy Chief Justice of the Republic of South Africa, Justice Dikgang Moseneke on his retirement, on Friday, 20 May 2016;
- (2) notes that the Deputy Chief Justice steps down from the second most powerful position in the judiciary after joining the Constitutional Court in 2002;
- (3) believes that he is leaving an indelible imprint in the history of South Africa, of which few judges can match;
- (4) remains highly indebted to the Deputy Chief Justice for his lifelong and selfless commitment to the course of the struggle for liberation and advancement of the rule of law and the Constitution;

(5) further remains confident that the Deputy Chief Justice is not lost to the legal fraternity nor to South Africa in general, as his meaningful contribution, even in his retirement, will continue to inspire generations of aspirant jurists; and

(6) wishes him well in his retirement.

Agreed to.

HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, may I request you to keep the noise levels down, please?

THE BRUTAL MURDER OF JAISHIKA AMTHA

(Draft Resolution)

Mr C H H HUNSINGER: Chair, I hereby move without notice on behalf of the DA:

That the House -

(1) notes with great sadness the brutal murder of Jaishika Amtha of Lenasia on 17 March 2016;

- (2) also notes that Jaishika had a great future ahead of her having just completed her degree in Pharmaceutical Studies at the University of Witwatersrand and had just secured a scholarship to read her Master's Degree in the same field;
- (3) further notes that on 17 March her mother returned home to find her only child brutally murdered by intruders who had gained access to the family home;
- (4) acknowledges that the police have already apprehended two suspects and we wish them well in their investigation;
- (5) also acknowledges that her murder has galvanised the Lenasia community in its fight against crime with her parents recently leading a large contingent in the annual Gandhi Walk in Lenasia, walking in her memory;
- (6) further acknowledges that compounding the tragic loss for her family is the loss suffered by all of us as a country that a young mind with such great potential has been so pointlessly extinguished;
- (7) conveys its sincerest condolences to her parents, Dinesh and Pravina Amtha.

Agreed to.

SIZEKA MBANDEZELI TURNED AWAY AT DELFT CLINIC

(Draft Resolution)

Mr A M SHAIK-EMAM: Chairperson, on behalf of the NFP, I move without notice:

That the House -

- (1) notes that on 10 May 2016 a resident from the Delft community in the district of Cape Metro was turned away by the Delft South MOU Clinic. After hours of extreme pain Sizeka Mbandezeli was rushed to the Delft Day hospital and then transferred to Karl Bremer hospital;
- (2) further notes that with shock that Sizeka Mbandezeli discovered that her baby had died at least 5 days prior;
- (3) also notes that the said sizeka Mbandezeli had been visiting the MOU clinic regularly and that the clinic failed to detect any problems;

- (4) also notes that this was her first child and this has left her in a distraught state of mind, devastated and she will require counselling and may never overcome this tragedy;
- (5) calls upon this hon House to extend its condolences to Sizeka Mbandzeli and family;
- (6) condemns the lack of professionalism, lack of empathy and poor quality of health care at the Delft clinic;
- (7) calls upon for a thorough investigation in this regard;
and
- (8) further calls upon the Department of Health together with the MEC for Health in the Western Cape to take the necessary steps to ensure that our people, the most vulnerable do not have to go through this again.

Agreed to.

SEVEN-YEAR OLD ZENANDE CROWNED MISS UNIVERSE

(Draft Resolution)

Mr M P SIBANDE: House Chairperson, the ANC moves without notice:

That the House -

- (1) notes that the seven-year old beauty queen Zenande Mancwabe has become the youngest South African to win a world beauty title after she was named Little Miss Universe 2016, in Turkey on Saturday, 14 May 2016;
- (2) acknowledges that the KwaZulu-Natal Grade 1 pupil has impressed the judges with her beauty and skills as she took the honours with three titles, Little Miss Universe, Best of the best and Best talent;
- (3) understands that the seven-year-old Zenande already holds nine titles including Little Miss World, Little Miss South Africa and Little Miss Tourism; and
- (4) congratulates the little Zenande Mangcwabe for her achievement and for raising South African flag high even at the age of seven.

Agreed to.

ADVOCATE THULI MADONSELA AWARDED AN INTERNATIONAL AWARD

(Draft Resolution)

Ms P T VAN DAMME: House Chairperson, I hereby move without notice on behalf of the DA:

That the House -

- (1) notes that our Public Protector, Advocate Thuli Madonsela, was recently awarded a prestigious international award by the German Africa Foundation for her commitment to fighting corruption;
- (2) further notes that she was awarded the annual prize for exceptional contributions in promoting peace, democracy and human rights;
- (3) acknowledges that this is the latest in a series of international awards and accolades bestowed on our Public Protector;
- (4) congratulates Thuli Madonsela on this remarkable achievement; and

- (5) thanks her for her immeasurable role in fighting corruption and advancing democracy.

Agreed to.

DEATH FOLLOWING ROCK FALL AT THE IMPALA PLATINUM MINE

(Draft Resolution)

Mr E K SIWELA: House Chair, I move without notice on behalf of the ANC:

That the House -

- (1) notes with sadness the death of a miner following a rock fall at the Impala Platinum Mine in Rustenburg on Tuesday, 17 May instantly;
- (2) further notes that the second miner is still trapped underneath and the search and rescue teams are still trying to find him;

- (3) understands that the nine miners were working underground on shaft one during the incident but seven of them run for safety;
- (4) further understands that earlier this year, four miners were killed in an underground fire at the same mine; and
- (5) conveys condolences to the family and colleagues of deceased miner and wishes for a speedy and safe return of the trapped one.

Agreed to.

Mr N M KHUBISA: House Chairperson, on behalf of the NFP, I move without notice:

That the House -

- (1) notes that the Clothing Bank, a project supported by the Industrial Development Corporation, IDC, has won the 2016 Schwab Foundation's Social Entrepreneur of the Year award; and

- (2) further notes that the Clothing Bank is a South African Non-Profit Organization, NPO, that uses excess stock donated by large retailers to transform the lives of unemployed mothers who are trapped in a cycle of poverty; and
- (3) also note that the Schwab Foundation for Social Entrepreneurship is a sister organization of the World Economic Forum and has the aim to advance social entrepreneurship and to foster social entrepreneurs as an important catalyst for social innovation and progress; and
- (4) finally notes that the money the women earn through their microenterprises is used to feed, clothe and educate their families, as well as to stimulate other township businesses;
- (5) calls upon this hon House to congratulate the Clothing Bank on its international award; and
- (6) commends the IDC for the support it has given to the Clothing Bank.

Agreed to.

THE DEATH OF SHIRISH NANABHAI

(Draft Resolution)

Ms Z S DLAMINI-DUBAZANA: House Chair, on behalf of the ANC, I move without notice:

That the House -

- (1) notes with sadness the death of an Indian origin South African freedom fighter and a former Umkhonto Wesizwe, MK, [spear of the nation] Shirish Nanabhai on Friday, 1 April at number 1 Military Hospital in Pretoria;
- (2) further notes that the 70-year-old Nanabhai joined MK in 1962 and was later arrested for sabotage and sentenced to 10 years in prison, spending most of his imprisonment on Robben Island;
- (3) acknowledges that upon his release from prison in 1973, he was placed under house arrest in Fordsburg until 1978;

- (4) understands that Shirish Nanabhai was a fine, dignified, humble and committed servant of the ANC and of our democracy;
- (5) further understands that Nanabhai, was one of the first South Africans to volunteer for the ANC's armed wing, MK to fight against apartheid was honoured with the National Order of Mendi for bravery in 2014 by the hon President Jacob Zuma;
- (6) believes that his values will continue to serve and inspire the young and old of South Africa;
- (7) conveys condolences to the family and friends of comrade Shirish Nanabhai.

Agreed to.

JANINE VAN WYK IS THE MOST CAPPED NATIONAL FOOTBALL PLAYER

(Draft Resolution)

Mr M S MALATSI: House Chair, I hereby move without notice on behalf of the DA:

That the House -

- (1) notes that Banyana Banyana captain, Janine van Wyk, set a new record for the most capped player across all national football teams when she played her 125th match for Banyana Banyana against Cameroon last month;
- (2) congratulates Janine van Wyk for this historic milestone;
- (3) recalls that she made her debut for Banyana Banyana in 2005 and has since evolved into an important player for the national women's football team;
- (4) commends her for dedication to the development of women's football through the Janine Van Wyk Girls School Soccer League;
- (5) wishes her and the rest of the Banyana Banyana team well as finalize their preparations for the upcoming Rio Olympic Games.

Agreed to.

**ESTABLISHMENT OF THE OFFICE OF DIRECTORATE FOR PRIORITY CRIME
INVESTIGATION**

(Draft Resolution)

Mr N M KHUBISA: I have already read my motion. It's his turn now.

Mr A M SHAIK-EMAM: Hon Chairperson, on behalf of the NFP, I move without notice:

That the House -

- (1) notes that on Tuesday, 15 March, the office of the Directorate for Priority Crime Investigation, DPCI, Judge was established;
- (2) further notes that Judge Essa Moosa was appointed as the first DPCI Judge;
- (3) also notes that with the office of the DPCI Judge in place, members of the community who are unfairly treated by members of the Hawks will be able to lodge a complaint directly with the DPCI Judge for investigation;

- (4) finally notes that the Hawks will in future now be able to conduct investigations without any outside interference, be it by politicians, the well-connected, and those in any position of power and will have the protection of the DPCI Judge at all times;
- (5) calls upon this hon House to commend the Minister of Police on this very important intervention;
- (6) congratulates Judge Essa Moosa on his appointment as the DPCI Judge.

Agreed to.

PASSING ON OF WARRANT OFFICER SITHOLE

(Draft Resolution)

Ms H H MALGAS: Hon Chairperson, I move without notice:

That the House -

- (1) notes with sadness the passing on of Warrant Officer Sithole who was a member of the Presidential Protection

Services of the SA Police Service in Juba, South Sudan on Friday, 13 May 2016;

- (2) further notes that Warrant Officer Sithole passed away after a sudden illness in the South Sudan capital where he was part of a team preparing for the Deputy President's working visit;
- (3) believes that Warrant Officer Sithole has served the SA Police Service with distinction in a very important and valued role; and
- (4) conveys its condolences to the family of the late Warrant Officer Muzwandile Joel Sithole.

Agreed to.

**YOUTH OF KWAMASHU IN DURBAN EMBARK ON A CLEAN-UP AND RENOVATION
CAMPAIGN**

(Draft Resolution)

Mr S C MNCWABE: Hon Chairperson, I move without notice:

That the House -

- (1) notes that the youth of KwaMashu in Durban embarked on a clean-up and renovation campaign aimed at restoring neglected open spaces in the community;
- (2) further notes that the campaign was initiated by a local youth group called *iMbumba ye mbokodo* with an aim to identify areas within communities that are neglected and used for illegal dumping, and thereby converting these dumping grounds into healthy and enjoyable recreational facilities for communities;
- (3) recognises that the Department of Parks, Recreation and Culture in the City of Durban is assisting the youth initiative;
- (4) expresses its support for the initiative taken by the youth group, *iMbumba ye mbokodo*, and the assistance given to them by the City of Durban; and
- (5) encourages other youth groups to work together with their local municipal structures to turn illegal dumping sites into healthy and enjoyable recreational facilities.

Agreed to.

ARSON ATTACKS ON EDUCATION INSTITUTIONS

(Draft Resolution)

Prof B BOZZOLI: Hon Chairperson, I move without notice:

That this House –

- (1) notes with displeasure that an arson attack has resulted in a R100 million worth of damage to a major building at the University of Johannesburg;
- (2) also notes that there was another arson attack on the University of Fort Hare on the eve of its 100th anniversary celebrations;
- (3) further notes that there has been severe damage to property during protest at the Vaal University of Technology; and that there has been an arson attack on cars, furniture and worst of all a library at Sekhukhune TVET College;

- (4) acknowledges that these recent multiple attacks come on top of the R300 millions worth of damage done to universities through riots, vandalism and arson over recent months;
- (5) condemns unequivocally any act which damages or destroys the property of educational institutions which are our precious national assets and which therefore damages the educational prospects of the vast majority of students who wish to study under safe and peaceful environment;
- (6) and calls on the Minister of High Education and Training to answer to Parliament for the shocking situation he has allowed to develop in universities and colleges across our country.

The HOUSE CHAIRPERSON (Ms A T Didiza): If there are no objections, I put the motion. There is an objection the motion is not agreed to.

AJAX CAPE TOWN UNDER-19 SOCCER TEAM CROWNED CHAMPIONS

(Draft Resolution)

Mr M P SIBANDE: Hon Chairperson, I move without notice:

That the House –

- (1) notes that the Ajax Cape Town under-19 soccer team were crowned champions of the NextGen tournament in Amsterdam on Monday, 16 May 2016;
- (2) further notes that the Cape Town youngsters defeated Tottenham Hotspurs 2-0 in the final, with goals coming from Leo Thethani;
- (3) believes that to win this tournament, in which giants such as Barcelona, Tottenham and PSV Eindhoven participated, is a fantastic achievement for this talented group of players from Cape Town;
- (4) further believes that the exposure of these players to this type of competition will assist our national soccer team immensely in the future;
- (5) commends the Ajax Cape Town youth academy on their strength and success in producing players of high quality;
and

- (6) congratulates the Ajax under-19 team on this great achievement.

Agreed to.

GABRIEL MOKWANA DONATE BOOKS TO AFFECTED SCHOOLS IN VUWANI

(Draft Resolution)

Mr C D MATSEPE: Hon Chairperson, I move without notice:

That the House –

- (1) notes that, in the aftermath of the protests in Vuwani, a 22-year-old man from Vanderbijlpark, Gabriel Mokwana took the initiative to assist affected school children by donating books;
- (2) further notes that Mokwana collected books and that he is now distributing more than 10 000 books and textbooks to the learners in the 24 schools that were tragically burned down;

- (3) acknowledges that his efforts will make a huge difference to the lives of the thousands of learners who have been affected;
- (4) condemns the violent destruction of schools in Vuwani;
- (5) welcomes any act of kind-heartedness and relief such as this shown by Mokwana; and
- (6) expresses its appreciation to Gabriel Mokwana for his initiative and his unwavering commitment to helping those in need.

Agreed to.

**MPHO BOTHA FROM WELKOM GYMNASIUM HIGH SCHOOL CROWNED MR TEEN
WORLD IN TURKEY**

(Draft Resolution)

Ms Z S DLAMINI-DUBAZANA: Hon Chairperson, I move without notice:

That the House –

- (1) notes that Mpho Botha, a 15-year-old grade 11 learner from Welkom Gymnasium High School, has been crowned Mr Teen World in Turkey on 14 May 2016;
- (2) further notes that earlier in the year, Mpho entered the Mr Teen SA beauty contest out of his own initiative and managed to successfully win the contest;
- (3) recognises that he represented South Africa in Bodrum, Turkey for the Mr Teen World beauty contest very well;
- (4) believes that Mpho is an example to many of his peers that hard work and perseverance also pays; and congratulates Mpho on his worth celebrating achievement.

Agreed to.

TERM OF OFFICE OF PUBLIC PROTECTOR EXPIRES IN OCTOBER 2016

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move the draft resolution printed in my name of the Order Paper, as follows:

That the House –

- (1) notes that the term of office of the Public Protector expires in October 2016; and
- (2) resolves, in accordance with section 193(5) of the Constitution of the Republic of South Africa, 1996, to establish an ad hoc committee to nominate a person for appointment as Public Protector, the committee to –
 - (a) consist of 11 members, as follows: ANC 6, DA 2, EFF 1 and other parties 2;
 - (b) exercise the powers in Rule 138 that it may deem necessary for the performance of its task; and
 - (c) report to the House by 31 August 2016.

Agreed to.

PASSING OF FORMER MEMBER OF PARLIAMENT, MS DENE SMUTS

(Draft Resolution)

Mr M WATERS: Chairperson, on behalf of the Chief Whip of the Opposition, I move the draft resolution:

That the House -

- (1) notes that former Member of Parliament, Ms Dene Smuts, sadly passed away on 21 April 2016;
- (2) further notes that Ms Smuts served in Parliament for a remarkable 25 years, from 1989 to 2014;
- (3) recognises her noteworthy role in the constitutional negotiations of the early 1990s, where she contributed significantly to the writing of the Bill of Rights and in defining a proper process for judicial appointments;
- (4) acknowledges that, prior to her political career, she was a journalist, editor and an award-winning author;
- (5) recalls that she was the first female MP to serve as a Whip in Parliament;
- (6) further recalls that, in the span of her career, she served as the DA's Shadow Minister of Home Affairs and of

Communications and, later, as Shadow Minister of Justice and Constitutional Development;

(7) further acknowledges that we have lost a fearsome debater, brilliant legislator and a truly great parliamentarian, whose service to South Africa has been profound; and

(8) extends its sincere condolences to the Smuts family.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES RESPONSIBLE FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT: House Chair, hon members, guests, family and friends of Dene Smuts, ladies and gentlemen, it was with great sadness that I learnt of the passing of Dene Smuts.

I first met Dene when I came to the National Assembly in 1999. We worked particularly closely together on the Justice and Constitutional Development Committee, which she became a full member of after the 2009 elections. During that period, the committee finalised pieces of legislation, such as the Constitution Seventeenth Amendment Bill, which made the Constitutional Court the apex court and the Chief Justice the head of the judiciary; the Protection of Personal Information Bill - an immensely complex piece of legislation - and the Legal

Practice Bill - a very contentious Bill which had been some 15 years in the making because attorneys and advocates could not agree on many issues.

Dene, in her own words, said:

There are two approaches to opposition lawmaking work: making a noise and making a difference. Sometimes, you have to make some of the former in order to achieve the latter, but mostly not. I have never been interested in work that does not have effect ...

Whilst Dene was an opposition Member of Parliament, she definitely made a difference. She did not blindly follow a party line. She was a creative thinker who solved problems that were acceptable to a wide range of parties.

When the Justice Committee dealt with legislation, it looked at the more contentious clauses from many angles so as to come up with the best approach and to satisfy conflicting interests as much as possible. It was not unusual to find Dene and Debbie Schäfer, the other DA member of the committee, vigorously arguing with each other in the committee about certain provisions. That was the way things worked.

Dene was highly respected by the ANC members of the portfolio committee. She worked hard, and read and researched extensively, and because of that, we listened to her. We did not always agree, but the proposals Dene made were always given serious consideration, and many were, in fact, included in the legislation.

Dene was a formidable political opponent, a highly respected Member of Parliament and a good friend. She was larger than life, and it is difficult to think of her no longer being with us.

I remember, during a study trip to Germany to assist us with the consideration of the Constitution Seventeenth Amendment Bill, on our departure, Dene wondered aloud whether she would ever return to Berlin. I remember thinking she was being unduly pessimistic, as she still had many years in life, and, no doubt, she would return to Berlin, a city she enjoyed.

She was outspoken, fearless and dedicated to what she believed in, but perhaps the single most outstanding characteristic of Dene was that she put principle before politics. There was no "in-between" with Dene. If something was right, it was right. She would defend it to the bitter end and would not be swayed.

I had to smile as I read a piece on how Dene, in 1987, as editor of the *Fair Lady* magazine told Naspers that she was not going to put up with editorial interference by management. As far as I recall, I think the dispute was over an article about Winnie Madikizela-Mandela that *Fair Lady* wanted to run and Naspers didn't. As a result, she resigned as editor. Former Naspers Chairperson, Ton Vosloo, recalled her saying, "I don't approve ... I am taking my handbag and going".

Shortly thereafter, Dene embarked on a journey in politics, first elected to Parliament in 1989 for the Groote Schuur constituency. During the constitutional negotiations, she served on the then Democratic Party's negotiating team and significantly contributed to the writing of the Bill of Rights. She was also the Democratic Party's spokesperson at the Truth and Reconciliation Commission.

In her farewell speech in the NA, in April 2014, she said, "I am a lawmaker" - and that, she was, par excellence. Her intellect and her ability to shape legislation were unrivalled.

Dene Smuts made a difference, always - sometimes with a bit of noise, sometimes with all-out vigour, but always strategically working towards finding that compromise position, meticulously

crafting at the words of a Bill, striking that nuance that ensures that the legislation works and works well. As an experienced legislator, Dene was one of the most colourful and authentic personalities that ever graced the parliamentary passages. I am pleased that her memory will live on in the Dene Smuts Memorial Scholarship fund, an award which is to be established in her honour.

If Dene were here now, I am sure she would tell us to get on with things, as there is much to be done. I found a poem and I inevitably thought of Dene. It reads:

If I should go before the rest of you
Break not a flower nor inscribe a stone,
Nor, when I'm gone, speak in a Sunday voice
But be the usual selves that I have known.
Weep if you must:
Parting is hell,
But Life goes on,
So, sing as well.

My sincerest condolences go to Dene's family, friends and former colleagues. A great tree has fallen. May she rest in peace.

[Applause.]

Ms L L VAN DER MERWE: Hon House Chairperson, when I joined the National Assembly four years ago, I naturally looked around for role models that I could learn from. Within my own party, I found leaders and mentors, but when I looked across party lines, I could not help but focus on the honourable Dene Smuts. Here was a brave woman, not afraid to speak her mind, nor intimidated by politics, strong opinions or confrontation. Here was a leader who could even stand her ground in the face of the late Dr Mario Oriani-Ambrosini!

I admired her strength. She had the courage of her convictions and worked with determination for the party she served. Wherever she was placed, she had a profound impact - from home affairs to communications to justice and constitutional development. The role of a Shadow Minister is not easy. Yet, the honourable Smuts believed that the position was about more than just pointing out mistakes and weaknesses, and she sought to strengthen the portfolios she served on.

Hers was a familiar voice in this House, for she served as a Member of Parliament for 20 years. In addition, she retains the accolade of being the National Assembly's first female Whip.

Selfs voor die demokrasie het die agbare Smuts 'n groot rol gespeel tydens die onderhandelings by Kemptonpark. Haar liefde vir Suid-Afrika was ooglopend, maar so ook haar liefde vir haar familie. Ek was diep aangeraak tydens haar begrafnis deur die huldeblyke van haar kinders. Ons het haar geken as iemand wat alles in haar werk ingesit het, maar sy was ook 'n wonderlike ma. Sy het duidelik 'n goeie balaans in haar lewe gehandhaaf. Dit was ook roerend om te hoor hoe trots sy op haar herkoms was.

(Translation of Afrikaans paragraph follows.)

[Even before democracy the hon Smuts played a significant role during the negotiations at Kempton Park. Her love for South Africa was obvious, but also her love for her family. I was deeply touched during her funeral service by the tributes by her children. We knew her as somebody that put everything into her work, but she was also a wonderful mother. She clearly kept a good balance in her life. It was also moving to hear how proud she was of her origins.]

Finally, on behalf of the IFP and our leader, Prince Mangosuthu Buthelezi, I honour our late colleague. We, again, express our condolences to the DA and to the Smuts family. She will be remembered as a great South African and a great leader.

May our nation rise in a unified message of thanks for the life of the late honourable Dene Smuts. I thank you. [Applause.]

Mr S C MNCWABE: Chairperson, the history of a country is the history of its great men and women. Greatness, however, is not found in being larger than life. It is to be found in the moral integrity of people, in their vision and their conduct.

We are reminded of the words of Robert Kennedy:

Few will have the greatness to bend history itself, but each of us can work to change a small portion of events and, in the total of all those acts, will be written the history of this generation.

Although the NFP did not have the pleasure of working in this House with the late honourable Dene Smuts, we too pay our respects to her. She will be remembered in South Africa as a highly principled champion of liberal values, as well as a contributor to the drafting of our Constitution where she contributed significantly to the writing of the Bill of Rights. Throughout her career in this House, she remained a fierce defender of the ideas, principles and provisions contained in

our Constitution. We wish to honour her today for such dedication and commitment.

The NFP shares in the sorrow of the family and the friends of the late honourable Smuts and extends its sincere condolences to them. We also extend our condolences to our fellow members in the DA on the loss of such a truly great colleague. May she rest in everlasting peace. I thank you. [Applause.]

Mrs C N MAJEKE: Chairperson and hon members, the UDM conveys its heartfelt condolences to the family of Ms Dene Smuts, the DA and friends.

The late Dene Smuts had served the people of South Africa in various positions in the National Assembly, including the Portfolio Committees of Home Affairs, Communications, and Justice and Constitutional Development. She was a brilliant, smart, and extraordinary servant of the people of South Africa. Her passing had shocked and saddened us who had come to know her work.

To the family, take with you the wise words of Orson Scott Card in *Shadow of the Hegemon*: "Death is not a tragedy to the one who dies; to have wasted the life before that death, that is the

tragedy". As a family, you know her better and that, indeed, she played her role and did the best she could to discharge her family responsibilities. We say to you: Keep loving her so that she will always be part of you.

It is when great souls die that, after a period, peace blooms slowly and always. Indeed, it will never be the same, but we all know that she existed, and we know this because of her work. Time heals. We hope that, in time, you will be able to close this chapter and keep her in your minds and amongst you for the good she was. May her soul rest in peace. I thank you.

[Applause.]

Dr C P MULDER: Voorsitter, die VF Plus wil onself graag assosieer met en ons ondersteuning uitspreek vir die mosie wat voor die Huis dien.

Dene Smuts het in 1989 vir die eerste keer na die Parlement gekom as parlamentslid vir die kiesafdeling Groote Schuur hier in die Suid-Skiereiland. Vandat sy hier gekom het by die eerste geleentheid was dit baie gou baie duidelik dat sy 'n lid was, 'n persoon was, wat jy ernstig moes opneem. 'n Mens kan baie maklik in die politiek die fout maak om 'n opponent te onderskat.

Vele mense wat oor Dene Smuts se pad gekom het, het daardie fout begaan en haar onderskat, want haar manier van doen was nooit bombasties nie. Dit was nie aggressief nie. Dit was met intellek; dit was met integriteit wat sy haar standpunte gestel het oor 25 jaar in hierdie Parlement. Daarom is dit gepas dat ons op hierdie wyse vandag hulde bring en eer betoon aan haar nagedagtenis.

My pad het verskeie kere met Dene gekruis in die 25 jaar. Dit was by die grondwetskrywende proses, later by die skryf van die huidige Grondwet, spesifiek by Werkgroep 4 wat gehandel het oor die fundamentele regte en die menseregte-akte wat vandag opgeneem is in die Grondwet, later by Binnelandse Sake, by Justisie en ander plekke. Deurlopend het sy 'n baie sterk standpunt ingeneem. In elke party is daar mense waar jy weet dat daardie lid ernstig opgeneem moet word.

Elkeen wat met Dene Smuts te doen gehad het, het altyd geweet dat jy haar ernstig moet opneem. Luister wat sy sê, luister na haar argument, en eers dan kan jy met haar in debat tree. Ons het 'n kollega verloor. Die DA het 'n lid van hul party en 'n kollega verloor, maar haar gesin, en spesifiek haar kinders, het 'n ma verloor. Ek wil graag namens die VF Plus ons opregte meelewing betuig en sê ons dink aan hulle in 'n moeilike tyd.

Wees egter gerus: Haar nagedagtenis is veilig en staan vas, en die geskiedenis sal dit so bewys. Baie dankie. [Applous.]

(Translations of Afrikaans speech follows.)

[Dr C P MULDER: Chairperson, as the FF Plus we really want to associate ourselves with the motion and voice our support regarding the motion that is tabled before the House.

Dene Smuts came to Parliament for the first time in 1989 as Member of Parliament for the Groote Schuur constituency, here in the South Peninsula. Since she came here, it was immediately clear at the first occasion that she was a member and a person who should be taken serious. One can very easily make a mistake in politics by underestimating an opponent.

Many people who crossed her path, made that mistake and underestimated her, because her way of doing things were not bombastic. It was not aggressive. She put across her ideas with intellect and integrity over a period of 25 years in this Parliament. Therefore it is appropriate that we, today, celebrate and show respect to her memory, in this manner.

My path crossed on numerous occasions with that of Dene's path in that 25 years. It was at the constitutional writing process,

later at the writing of the current Constitution, specifically at Work Group 4, that dealt with the fundamental rights and human rights deed - today included in the Constitution, later at Home affairs, at Justice and at other places. Throughout, she took a firm stance. In every party there are members that you know should be taken seriously.

Everybody who had to deal with Dene Smuts always knew that they had to take her serious. Listen to what she is saying, listen to her argument, and only then you can debate with her. We have lost a colleague. The DA have lost a member of their party and a colleague, but her family, in particular her children, have lost a mother. I really want to express on behalf of the FF Plus our condolences and say that our thoughts are with them in these difficult times. However, rest assured: Her memories are safe and secured, and history will proof that as such. Thank you very much. [Applause.]

Mr S N SWART: Chairperson, it was with a deep sense of shock that we learned of the sudden passing of former DA MP Dene Smuts in April. On behalf of the ACDP, I would like to express our deepest condolences to her children, Markus and Julia, and to her family and friends on her passing.

Dene served in Parliament for 25 years and was known for her incredibly hard work and unwavering commitment to the Constitution and its values. I personally witnessed this, as I served with her for many years on both the Portfolio Committee on Justice and Constitutional Development and the Constitutional Review Committee. I used to refer to her as the senior counsel of the committee. I was the junior counsel because she had this incredible grasp of legal concepts and presented compelling legal arguments. She was indeed an impressive lawmaker.

We also served together on the Ad Hoc Committee on Protection of State Information Bill. Those from across the board who served on that committee will remember her manner of bringing compelling arguments in a very gentle way at certain times and a very firm way at other times and where she persuaded the majority party to accept amendments that significantly improved that piece of legislation. I had the honour of co-authoring a petition with her to the President on that Bill, which resulted in the Bill being sent back to Parliament.

There is an inspiring article written by Brendan Boyle in the *Sunday Times*, "A Ray of Hope from Parliament", and, boy, don't we need a ray of hope from Parliament at this time. He writes

about the constructive role played by opposition MPs in improving that Bill. He concludes by saying:

What emerges from this is likely still to be a bad Bill, but it may just be constitutional. It may not be the death knell of our press, but it may be a monument to the diligence of a few good men and women who were prepared, according to their lights, to apply themselves in a way many MPs don't know is possible - to do the right thing.

Dene Smuts was indeed such a person who did the right thing. We will indeed miss her sharp intellect and institutional knowledge at Parliament and on the justice committee. I sent her a SMS to say that we really miss her, and she said: Don't worry, Steve. You are there. It is alright. So, she was always commending and building up other people.

We will now miss a very dear friend, and our thoughts and prayers are with her family. I want to thank particularly her children. Many of us did not know - I knew that, but many of us did not know - she was a single mother as well. So, I want to thank Julia and Markus for the sacrifices they made in enabling her to succeed in her career. Thank you very much. [Applause.]

Mr J SELFE: House Chair, it is difficult to bid farewell to a friend, a colleague, and to someone with whom I had walked a very long path. It is doubly difficult because I must within the minutes that are allocated to me describe a person and outline her contribution to our democracy that would properly take hours.

Dene Smuts was born and grew up in Bloemfontein where her father was the Judge President of the Orange Free State Division. I have no doubt that in a different era, Dene would have become a lawyer, a judge, and - who knows - the Chief Justice. Instead, she started her career as a journalist. She worked initially for *Die Burger* and later became the editor of the magazine *Fair Lady*. Until that stage, *Fair Lady* had been a conventional women's magazine, but she transformed it to become a medium that championed gender equality and articulated the special challenges that women had, and 30 years on still have, to contend with in a society and economy characterised by patrimony and privilege.

Inevitably, her social conscience had political consequences. Under her editorship, *Fair Lady* pushed the limits of its owners - at that time Nasionale Pers. A 1987 interview with Dennis Worrall who was standing for election against the then Minister

of Constitutional Development proved the tipping point. The bosses at Nasionale Pers stopped the presses and, true to her character, Dene resigned on the spot.

So, journalism's loss was our gain because in 1989 she stood for election for the Democratic Party. I met her for the first time, and a long association of mutual respect was established. During this period, as others had pointed out, she became, unbelievably, the first female Whip in the history of Parliament up until that time.

Dene participated with distinction in both the Codesa process and, after 1994, in the deliberations of the Constitutional Assembly. She was particularly involved in the crafting of the Bill of Rights where her intelligence, knowledge of comparative systems and legal acumen contributed vastly to the shape of our Constitution. However, she also shared her knowledge and insight with us all. I was involved in the drafting of what is now Chapter 11: Security Services, and I frequently drew on her wisdom about the delicate balance between national security and the freedoms entrenched in our Constitution.

Dene's great strength lay in careful and deliberative consideration of legislation. She was first and foremost a

legislator. For her, shoddy legal drafting was inexcusable, and frequently she was instrumental in causing entire Bills to be redrafted in the various committees on which she served, notably on the justice committee. She played an absolutely critical role in the reshaping of the notorious Protection of State Information Bill and sat for hours and hours in the ad hoc committee arguing her corner and achieving most of what she fought for.

She was an old-style politician. She despised the politics of the sound byte and the opinions of superficial commentators. She wanted to make a difference, which she did in a profound and lasting way. Inevitably, as with so many gifted and intelligent people, she was not always easy to get on with. She did not suffer fools gladly and would let them know in no uncertain terms. She always sat at the back of the caucus meetings and, if there was something said with which she disagreed, you could hear a rumble that gathered momentum until whoever had ventured that ill-judged statement had been well and truly put in his or her place. That was her great strength: she was prepared to speak the truth, as she saw it, to whomsoever whatsoever the consequences, literally without fear and favour. Such people are rare and rarer still in politics.

She was taken from us very suddenly, far too early. We were all devastated by her death but not as much as her family, Markus and Julia in particular - and Julia is here in the gallery this afternoon - to whom we extend our very sincerest condolences. A truly great South African has passed away. We will miss her hugely, but we were all enriched for having known her and for having had the privilege to work with her. I thank you.

[Applause.]

Debate concluded.

Motion agreed to, members standing.

The HOUSE CHAIRPERSON (Mr C T Frolick): The presiding officers associate themselves with the motion, and we also convey the condolences of the House to the Smuts family whose representatives are in the public gallery.

DECISION TO IMPLEMENT 90% LOCAL MUSIC ACROSS SABC RADIO

(Member's Statement)

Ms S R VAN SCHALKWYK (ANC): House Chairperson, the ANC welcomes decision to implement 90% local music across SA Broadcasting

Corporation, SABC radios. The ANC welcomes the decision taken by SABC to raise local content on all its radio station to 90%. This quota for local music will go a long way in empowering South African artists because the more local content is used by broadcasters and other users, the more the owners of the content receives financial benefit.

The ANC believes local content broadcast is an important element in the economy and it develops, protects, and promotes our national identity, culture and character. The groundbreaking decision by the public broadcaster follows an important exercise for consultative process with various representatives of the music industry throughout the length and breath of the country.

The complaints from the South African artists that international music is being overplayed and there is a lack of radio air play to local artist will be addressed by this progress of move. We are confident that the people of South Africa will equally welcome the changes to local content offering across the radio stations.

We support the decision to extend such offerings to SABC television and other digital platforms which will also be implemented later this year. We thank SABC for leading the way

in practice and we look forward to the implementation of a new corporate regime that benefits the creative industries and artists in particular.

SOVEREIGN RATINGS DOWNGRADE MORE LIKELY IN SOUTH AFRICA

Member's Statement

Mr D J MAYNIER (DA): Chairperson, a sovereign ratings downgrade will be a disaster for South Africa. One prominent economist believes that a ratings downgrade will trigger recession and a loss of 200 000 more jobs in South Africa, which of course makes it so difficult to understand why President Jacob Zuma and the wreckers who support him would make a ratings downgrade more likely by launching a full-scale political assault on the Minister of Finance, Pravin Gordhan, deliberately generating headline-screeching "Pravin arrest shock". What is worse is the recent assurance from Hawks boss, Berning Ntlemeza, and National Prosecuting boss, Shaun Abrahams, that the finance Minister would not be arrested was cold comfort.

Listen carefully, what Berning Ntlemeza actually said was that the finance Minister had nothing to fear at this stage and what Shaun Abrahams actually said, was that the Minister won't be

charged with espionage. What he actually said was that the investigation was ongoing and if charges were preferred, including charges against the finance Minister, he will make the final decision.

What this means is that President Jacob Zuma and the wreckers, who are supporting him sitting over there will stop at nothing including making a sovereign ratings downgrade more likely in South Africa.

COURT RULING TO ALTER FACE OF SA SCHOOLING

(Member's Statement)

Ms S C N SHOPE-SITHOLE (ANC): The ANC welcomes the Constitutional Court judgment last week which ruled in favour of the Gauteng Education Department regarding the school admissions regulations. This follows the complaint lodged by the Federation of Governing Bodies of South African Schools, FEDSAS, to the validity of amendments made to regulations around pupil admissions in Gauteng, which were promulgated in 2012.

The judgment empowers the government and it proves that all our schools belong to all our children and not only the privileged

few. No parent will be asked a salary slip before their children are admitted in our schools anymore.

The FEDSAS wanted the regulations removed, claiming that they were not reasonable and justifiable in terms of the Gauteng Schools Education Act of 1995. They also said there was conflict in ... [Time expired.]

ILLEGAL FISHING IN SOUTH AFRICAN SHORES BY CHINESE

(Member's Statement)

INKOSI R N CEBEKHULU (IFP): House Chair, yesterday, the SAS Drakensberg had docked at East London harbour along with the three illegal fishing trawlers. Reports have it that two fishing vessels were spotted on Friday and a decision was taken to approach them and end their activities on Sunday, 22 May.

A third vessel was observed during their approach and apprehended as well. Reports and sources have revealed the following: Firstly, investigations into the three illegal trawlers showed shocking revelation. The Chinese trawler, Fu Yuan Yu, registration 7880, having 36 crews was found to hold about 340 tons of squid. The Chinese trawler Fu Yuan Yu

registration 7881, having a crew of 34 was found to hold about 60 tons of squid.

Secondly, Indonesian trawler Run Da 617 having a 26 man crew held about 200 tons of squid and fish. Chinese companies have expanded their fishing operations in Africa from 13 vessels in 1985 to 462 vessels in 2015. [Time expired.]

**REVIEW OF THE POLICY FOR THE RECAPITALISATION AND DEVELOPMENT
PROGRAMME OF THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

(Member's Statement)

Mr M L W FILTANE (UDM): Hon Chair, the Policy for the Recapitalisation and Development Programme of the Department of Rural Development and Land Reform as signed by the Minister on 24 March 2011, requires urgent review.

This policy identified the problem accurately outlined objectives consistent with the challenge to be addressed and the qualifying criteria accordingly. However, it has a major gap because it fails to provide regular monitoring and evaluation tools; so that it is able to continuously assess the impact it has on the intended beneficiaries.

It is as a result of this gap that an unrepentant apartheid error mass murderer has managed to sneak into this programme which is intended to benefit his victims. Apparently, he was not properly screened and as a result he became a partner in this programme.

Louis van Schoor, shooting not less than 100 poor black people in and around Cambridge in East London, because all he could associate them with was burglary than humanity. He went on to murder 39 people. Today, he is benefiting from a programme which is intended to integrate what would have been his victims into the mainstream of our economy. But he is benefiting financially from this programme, because of the weakness of the policy.

We appreciate the investigations you are conducting in Malanskraal in the Eastern Cape, as well as Big Five in Rwanda in the Western Cape. However, we are of different view that such interventions shall ensure that policies that are meant to benefit our people are not hijacked on their way to their intended beneficiaries. Thank you. [Time expired.]

ANC CONGRATULATES PYA FOR SUCCESSES IN RECENT SRC ELECTIONS

(Member's Statement)

Ms G TSEKE (ANC): The ANC congratulates the Progressive Youth Alliance, PYA, under the banner of South African Student Congress, Sasco, for their performance in the SRC elections recently held in various campuses throughout the country.

The results have sent an unequivocal message that students remain unwavering in their support for the Mass Democratic Movement, and continue to have confidence in the PYA and Sasco in particular to deliver on their very vocally expressed aspirations.

While many laudable successes have been achieved by the PYA in numerous universities, the winning back of the Fort Hare University by Sasco, following a short stint of the opposition at the helm, is of particular significance.

The ANC calls upon the PYA not to take these victories for granted but to redouble their efforts to service the student population, remaining grounded in their struggles and leading from the front in all matters affecting the student population. Now is the time to accelerate unity for democracy in education to realise the vision of a nonsexist, nonracial, working class, biased and democratic education system. Amandla!

INVOLVEMENT OF TEACHERS UNION IN SELLING OF POSTS

(Member's Statement)

Mrs C DUDLEY (ACDP): Thank you, Chair. The ACDP has received many complaints of irregularities regarding filling of posts in the basic education sector - and we welcomed the appointment of a Ministerial Task Team led by Professor John Volmink following allegations in the media in 2014 that some members of teacher unions and department officials were involved in illegal activities involving the selling of educator posts.

A total of 81 cases were investigated, 38 of which provided grounds for reasonable suspicion of wrongdoing. Investigations into most of these have however not been concluded so an extension till August 2016 is necessary before relevant action can be taken. There are also allegations and specific recommendations about a number of identified individuals, who it is alleged, participated in one or other form of corruption or selling of posts.

The ACDP cautions with regard to regulations that are being looked at as working with governing body organisations to

address this lack of understanding makes more sense than over-reacting and further reducing the role of governing bodies.

There are also general recommendations regarding the conduct of unions and officials in relation to their lack of adherence to their roles and responsibilities as prescribed in law.

The ACDP acknowledges that there is a need to strengthen accountability in education; however the short-term measures envisaged are a cause for concern. If independent interviewing and appointment panels are put in place by the department to ensure the department takes more control as an employer of appointing the most suitable teachers. The ACDP calls on government to ... [Time expired.]

RESTORATION OF DIGNITY OF LAND CLAIMANTS

(Member's Statement)

Mr G S RADEBE (ANC): Thank you, Chair. The ANC government is committed in restoring the dignity that was taken away from families when the land dispossessions took place during the 1913 Native's Land Act. On Saturday 21 May President Zuma officiated the handover ceremony at the Kruger National Park the Land

Restitution Claim in the Mpumalanga Province. Six communities: three from Limpopo and three from Mpumalanga, whose land was dispossessed through the harsh apartheid laws, were compensated.

The hand over is Phase One of the settlement of land claims by communities from Mpumalanga and Limpopo. Phase one involved the awarding of financial compensation, while Phase two will involve a Beneficiation Scheme aimed at stimulating the much needed economic activities within the affected municipal areas, where the claimant communities reside.

Each family has received compensation of about R84 million for the communities combined. The ANC led government is determined in restoring the dignity that was taken away from the families during apartheid era. We are indeed contributing to the reversal of the apartheid legacy. Siyaqhuba! [We are continuing!] Siyamthanda uKhongolose. [We love the ANC.] Siyawusebenzela umphakathi. [We are working for the community].

**JOBS FOR CASH SCANDAL REPORT TO BE DISCUSSED IN THE NATIONAL
ASSEMBLY**

(Member's Statement)

Ms D VAN DER WALT (DA): House Chair, the DA has consistently called for SADTU leadership to be held accountable for its role in the disgraceful 'Jobs for Cash' corruption scandal.

For months the DA has called for the 'Jobs for Cash' report to be tabled in Parliament and for SADTU leadership to appear before the Committee to account for its role in the selling of teaching posts.

We welcome the letter received today from the Basic Education Portfolio Committee Chairperson, the hon Gina, indicating that the report will finally be discussed in the committee on Friday morning.

The report found Sadtu is clearly in charge of education in South Africa, showing that six out of nine provinces have been captured by Sadtu. [Interjections.]

Ms H H MALGAS: a point of order, Chair.

The HOUSE CHAIRPERSON: Mr C T Frolick: Yes, hon member, what is the point of order?

Ms H H MALGAS: Chairperson, in the statement the hon member is pre-empting the report of Friday that has been given to the committee.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, it is a statement, any member of the executive can respond to it. Complete your statement, hon member.

Ms D VAN DER WALT (DA): Isn't it time Minister, for your party to break its alliance with Sadtu? The longer the ANC is associated with Sadtu, the more it will be associated with the collapse of our education system in our country.

Minister, we hope you will be able to attend this meeting because the children of South Africa desperately need answers. For far too long, Sadtu have been allowed to gamble with our children's futures.

The DA will not rest until Sadtu is held accountable for their corrupt activities. The DA will continue to fight Sadtu's stranglehold on our education system. The DA will always put our nation's children first ... [Time expired.]

OPENING OF AIRPORTS COMPANY OF SOUTH AFRICA-LED SOLA PROJECT

(Member's Statement)

Mr S P MABILO (ANC): Thank you, House Chair. The ANC commends the Department of Transport on the official opening of a yet another solar-powered airport in Kimberley recently. Transport Minister Dipuo Peters on Friday, 13 May 2016, officially opened the Kimberley Airport Solar Plant, a project that is spearheaded by the Airports Company of South Africa, ACSA, at a special ceremony in the city.

The construction of the Kimberley Airport solar plant started in September last year, and it forms part of the ACSA's broader plan to install solar energy plants at all six regional airports over the next three to five years. This is to make the regional airports more self-sufficient.

This initiative is in line with the government's sustainable development imperatives, energy security priorities and environmental conservation obligations. In its first phase, the Kimberley Airport solar plant will generate 141 870 kWh and is forecasted to produce approximately 927 000 kWh per year. During the construction period of the Kimberley Airport solar plant, five permanent and 26 temporary jobs were created.

In addition, practical training and skills transfer to operate and maintain the solar Photovoltaic, PV, plant was conducted which included cleaning modules; replacing malfunctioning electrical ... [Time expired.]

CONGRATULATION TO NELSON MANDELA METRO

(Member's Statement)

Mr I A PIKININI (ANC): Thanks, Chair. The ANC commends Nelson Mandela Municipality under the stewardship executive mayor Danny Jordaan for the good work in remarkably turning over financial management within a period of a year, in a prudent and sustainable way, as well as the improvement in service delivery, which has resulted in the rating agency Moody's improving the municipality's credit rating with an increase of three rating notches to Aa1.za.

The ANC attributes the progress in the Municipality to prudent management of capital grants, creditworthiness, political stability and financial performance, which helped boost investor sentiment. Furthermore, a great tribute has to be credited to the co-operation between the government and the sterling political and administrative leadership of the metro.

With under-borrowed and cash reserves of R2 billion, the Metro is now able to mobilise the resources to grow and diversify the economy while focusing on the golden thread, delivery of basic services such as waste removal, dealing with illegal electricity connections and assistance to the poor programme. Siyaqhuba, [Moving forward]

WATER WASTAGE REPORTS IN METROS

(Member's Statement)

Ms T E BAKER (DA): House Chair, the DA welcomes the release of the country's first official No Drop report by the Minister of Water and Sanitation last week, the state of water leakage, water billing and inefficient water use. The report paints a bleak picture of water wastages around the country with 36% of tap water being lost through broken pipes or unpaid water.

The findings in this report are reflection of the management of the different Metros and provinces, especially under strain conditions such as the current national drought situation. And clearly indicates who is able to make good on their service delivery promises.

In this regard, the House should notes that the report indicates that the City of Cape Town scored the highest overalls score of over 83% and also has the lowest amount of water being unpaid or unaccounted for at just 20%.

We look forward to hearing what intervention measures the Minister will implement to ensure that the proper four Metros in provinces are capacitated and assisted in fulfilling their constitutional service delivery obligations. I call on the House to note that as per this report where the DA governs life is better for the people of South Africa. I thank you. [Applause.]

INVESTMENT IN SCIENCE AND TECHNOLOGY IN OUR COUNTRY

(Member's Statement)

Mr E K SIWELA (ANC): Chairperson, as South Africans, we are truly living in exiting times for science and technology in our country. Indeed, the investment in science and technology is an essential lever to achieve sustains economic growth.

The Department of Science and Technology recently hosted a two day workshop for eight young scientists who were selected to attend the 66th Lindau Nobel Laureate Meeting in Germany in June

this year. The department has state them as part of send-off ahead of next month meeting, where they will meet over 30 Nobel Laureate. These successful participants are outstanding students under the age of 35 in the field of physics, which is the focus of this year's meeting. They were selected after a multistage international selection process. This is a chance for them to learn from the best so that they can improve the calibre of scientists in South Africa.

Interacting with the cream of the world's crop of outstanding scientists will boost their confidence and encourage them to emulate their example and become future leaders in their country.

The ANC welcomes this initiative and urges the students to embrace this opportunity and the value it can bring to the development of their careers. I thank you. [Applause.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, there is two slots that were not utilised.

PROVISION OF MOBILE CLASSROOMS IN LIMPOPO

(Member's Statement)

Ms S P TSOLELI (ANC): The ANC comments government and Department of Education intervention in schools of Vuwani area in Limpopo. This follows the disruption of classrooms, admin blocks and store rooms in some schools during the recent community protest.

The delivery of mobile classrooms to schools in the area came as a relief to the teachers, learners, parents and members of the school governing bodies, SGBs. A total of 76 mobile classrooms were organised and delivered to school as soon as possible to allow smooth learning and teaching processes.

The department has also purchase a total of 350 single and 220 double desks and delivered them to needy schools. Also in process of being supplied soon are the other support materials such as stationary, restoration of school nutrition programmes and text book.

As ANC, we believe that children are our greatest treasure and our future and therefore, we want to make sure that they have access to education. Education is the most powerful weapon that can change the world; hence it is in the top list of the ANC list of priorities.

ANC wishes to thank all the learners, teachers, SGBs members, traditional leaders and community in general by hiding the call of resuming learning and teaching in the area. The Inter-Ministerial Committee continues to engage with all the stakeholders in Vuwani. I thank you. [Applause.]

ARREST OF AMATHOLE DISTRICT MUNICIPALITY MAYOR

(Member's Statement)

Mr K J MILEHAM (DA): Chairperson, the announcement of the arrest of the mayor of Amathole District Municipality, Nomasikizi Khonza yesterday for fraud of amounting to more than R6 million is yet another example of ANC cadres looting the public purse. Konza and her co-accused ANC councillor and mayoral executive committee, Mec, member Nanziwe Kulashe were yesterday arrested by the Hawks for defrauding the municipality by among other things, utilising R2 million of municipal funding to pay for a pageant organised by Kulashe.

It is a sad indictment on the ANC that we are no longer shop fathers as we have become emmute the continued corruption, maladministration and criminal activity conducted by members of the so-called ruling party. But of course, they learned this

from accused number one and his cronies in the Cabinet and in the ANC benches in Parliament, who have no way with that for years.

In fact, the ANC has already thrown its support behind Khonza. But the regional secretary Terris Ntuthu, accusing the Hawks of prosecuting Khonza and vowing that the ANC will support her to the fullest. This is typical. Khonza should be immediately suspended, but instead the ANC are offering her their unconditional support.

On 3 August, South Africans will demonstrate their disgust for such behaviour by voting for a party that epitomises transparent accountable and corruption free government. On 3 August, they will vote in over whelming numbers for the DA. [Applause.]

SOVEREIGN RATINGS DOWNGRADE MORE LIKELY IN SOUTH AFRICA
REVIEW OF THE POLICY FOR THE RECAPITALISATION AND DEVELOPMENT
PROGRAMME OF THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
RESTORATION OF DIGNITY OF LAND CLAIMANTS

(Minister's Response)

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chair, sovereign downgrade would have very serious social and economic consequences for the country, especially the poor and the working people. This therefore, should not be a matter that should be carelessly used for cheap political points scoring. [Interjections.] It is not. And I repeat, it is not a matter of cheap political points scoring, even across party political lines. It is a matter of national interest.

The question is, would the hon members when they articulate this matter be happy if our country would be downgraded?

[Interjections.] The way in which they address this question clearly ...

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

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: ... they will be extremely happy if that happened. I thank the hon Filtane on the matter of the farming in East London. We are taking note of that. It's a serious matter.

Lastly, communities in the Kruger will become shareholders there, hon Chair. And I thank the hon member from the ANC.

[Applause.] This is a unique package. Thank you.

WATER WASTAGE REPORTS IN METROS

(Minister's Response)

The MINISTER OF WATER AND SANITATION: Chair, in response to the issue that has been raised and the recognition of the City of Cape Town being the first amongst all other 237 municipalities, we did that assessment. We have assessed all municipalities.

What I want to share also with this House is that the second municipality that has less water losses in the country is a municipality with more than 104 informal settlements. But against all those odds they have been able to deal with the provision of service because unlike the Western Cape, informal settlements don't have reliable water services in Cape Town. And hence they can have a situation where only the elite, and therefore, the measurement are based on the old established towns and suburbs.

The City of Ekurhuleni with more than 107 informal settlements, more than 11 old townships and continuing to build new settlements is the second best in the country, albeit all the challenges. [Applause.] And over and above that with more than 237 municipalities, only the City of Cape Town and not Midvaal

and any other one. Let not play politics because part of what we are dealing with is the history of apartheid Spatial Development. Thank you very much. [Applause.]

The MINISTER OF SCIENCE AND TECHNOLOGY: Chairperson, I would like to thank the hon member from the ANC who referred to the Linda academy programme. This is part of the sector of the programmes that the government - through the Department of Science and Technology - is seeking to implement in the overall programme of global partnerships, in order to ensure more of our postgraduate students in South Africa have the opportunity for international exposure. We are very excited at the first crop of young people that have been identified to participate in this Department of Science and Technology-sponsored global initiative. They will indeed benefit from it and will support us in our endeavour to improve our research development and innovation capability in South Africa.

We are also very pleased at the growing number of solar powered energy plants that are being put up at the airports and other facilities throughout South Africa. We are hopeful consistently that we will increasingly use South African developed technology in order to support such initiatives. We had very good success with respect to the hydrogen fuel cell initiatives particularly

with the private sector partnerships in the platinum sector. We hope more of technology developed at South African universities and universities of technology along with industry will be utilised in the service and other sectors in South Africa. Thank you very much.

The DEPUTY MINISTER OF HIGHER EDUCATION: Chairperson, indeed we share the sentiments expressed by hon Tseke and we truly congratulate South African Students Congress, SASCO, for winning Student Representative Council, SRC, elections in most of our university campuses. We call on the SRCs to now work towards fighting against the barbaric acts of criminality such as the torching of university buildings and sexual assaults directed at female students and ensure that our institutions of higher learning, universities and colleges are indeed conducive places of teaching and learning. Once again, congratulations to Sasco. [Applause.]

The DEPUTY MINISTER OF BASIC EDUCATION: House Chairperson, there are three statements that I could respond to. With regard to the release of the Sadtu report, the department and the Ministry has clearly indicated its commitment to transparency, accountability and its fight against corruption. To ensure the House that - even before the release of the report - we had given

instructions that where there is criminal activity involved - irrespective of who the member is and from which organisation or union he or she belongs to - they should proceed with the matter.

In fact, the instructions are very clear, that they would proceed undeterred with regard to criminal prosecution and disciplinary hearings. With regard to the recommendations, the Ministry has favoured the public with its response to the various recommendations. Hon Dudley, you should take note that we regard the recommendations - with regard to the interviewing process - as a huge step which requires a very intense reflection and engagement with all political parties.

We certainly support the view that - with regard to the appointment of principals and deputy principals - you require process that involves competency, experience and proficiency of the principal. With regard to teachers in general, governing bodies have been playing an important role and we would not want to remove that particular function from governing bodies. So, the responses of the department to the recommendations are indeed there. The portfolio committee will have an opportunity to reflect on the contents of the report and its recommendations. Indeed after having done so, we are more than

welcome to engage with the Ministry and we have always made ourselves available to the portfolio committee in regard to any request pertaining to any matter with regard to education.

With regard to the Vuwani matter itself, we would like to thank members of the community and stakeholders for seeking to protect the learning environment but at the same time to appeal to traditional leaders with incredible influence to communities to really take the leadership role in ensuring that teaching and learning take place completely so that nobody is deterred by the commitment to ensure that our learners have access to education. We would also like to take this opportunity of thanking the private sector, many partners in the ... Thank you very much.

[Time expired.]

STATEMENT BY THE MINISTER OF ARTS AND CULTURE ON RACISM

The MINISTER OF ARTS AND CULTURE: House Chair, Ministers and Deputy Ministers here present, hon members, distinguished guests, ladies and gentlemen, comrades and friends, the preamble of the Constitution of the Republic partly states, and I quote:

We, the people of South Africa, recognise the injustices of the past, honour those who suffered for justice and freedom in our land.

Amongst those we honour and who suffered for justice and freedom in our land are the following: Vuyisile Mini, Patrick Molaoa, Onkgopotse Tiro, Portia Ndwandwe, Steve Biko, Nokuthula Simelane, Ruth First, David Webster, Dulcie September, Fabian and Florence Riberio, Griffiths and Victoria Mxenge, Neil Agget, Chris Hani, Mathew Goniwe, Sparrow Mkhonto, Fort Calata, Sicelo Mhlawuli, Qaqawuli Godolozi, Champion Galela, Sipho Hashe, Solomon Mahlangu, Hector Peterson, Siphiwo Mthimkhulu, Joe Gqabi, Andrew Zondo, Ashley Kriel, Upington Six and Gugulethu Seven, to cite a few.

These patriots and internationalists died fighting apartheid and racism, some were assassinated others died on combat fighting this pernicious ideology of racism and they paid the ultimate price for freedom. Many of them disappeared without a trace, even today their families, relatives and friends have no information on what happened to them.

We also have a category of those who are still alive, but bearing scars of their struggle against apartheid and racism.

They are walking wounded, amputated even. Our country has a lot of its citizens who have amputated souls, who cannot be noticed through the naked eye. The reason for their amputation is racism. Indeed, our freedom was not free. Taken through the dark shadows of death, Vuyisile Mini never flinched. He stared death in the eye and roared:

Nansi indoda emnyama, Verwoed. Basobha indoda emnyama, Verwoed. [Here comes a black man, Verwoed. Watch out for the black man, Verwoed.]

Fifty-two years after Mini was sent to the gallows, some racists continue not to heed his warning to Verwoed. We are warning the racists in our midst to heed this call. The late president of the ANC, OR Tambo, articulated our vision in the following manner, and I quote:

We seek to create a united democratic and nonracial society. We have a vision of South Africa in which black and white shall live and work together as equals in conditions of peace and prosperity. Using the power you derive from the discovery of the truth about racism in South Africa, you will help us to remake our part of the world into a corner of the globe on which all of which all of humanity can be proud.

Welsing's functional definition of racism goes thus, and I quote:

The local and global power system structured and maintained by persons who classify themselves as white, whether consciously or subconsciously determined; this system consists of patterns of perception, logic, symbol formation, thought, speech, action and emotional response, as conducted simultaneously in all areas of people activity, economics, education, entertainment, labour, law, politics, religion, sex and war. Together, this system and culture of white supremacy produce the phenomenon of racism.

In this epoch we find ourselves in a position where we should be warning racists in our midst as Vuyisile Mini warned. Let us all ensure that racists are not protected, but isolated as social outcasts because that's what they are, and we should not allow them to dictate a pace of our transformation agenda because South Africans in their majority are not racists.

We have racists in our midst and their admitting to a problem is a step towards finding a solution. If they are in your organisation be it political, religious, business, etc, a solution is to get rid of them. If you are worth the salt or in

charge of your environment, otherwise you are colluding with them and makes you are one of them. This entailed suffering inflicted through racism should not be allowed in a society let alone a constitutional democracy one.

Despite the progress we have made, the structural legacy of colonialism, segregation and apartheid remains deeply entrenched as reflected in the colonial, sexist and superexploitative structure of our economy; the spatial patterns of development and underdevelopment; and the social, human resources and infrastructure backlogs. This structural legacy finds particular expression in mass poverty and extreme inequality, which were inherent in colonialism and apartheid. Thus the current incidents related to racism are expressions of the views held by those who benefited from apartheid and who wish to retain the status quo. And we ask ourselves, how much longer do people in South Africa mainly of a paler hue need to see themselves as superior, as brighter, as more entitled to the beauty and wealth of this country. The words they use indicate how dehumanised they are, how their humanity has been lost, such that their attacks on others are attacks on humanity itself.

In our particular circumstances, the consequences of such warped thinking and seemingly knee-jerk reactions we have seen spewed

from the mouths and actions of some political organisations, some in the private sector, others in places of worship and lately a judge amongst others, could result in a desire for genocide, a wish to bring back the darkest days of apartheid. Those who say and think in terms of hatred for others reflect an allegiance not to the South Africa we are building of the present, but an obedience to the perpetuation of the horrors of the past.

In 1956, Dr Martin Luther King, Jr, remarked, and I quote:

In this period of transition and growing social change, there is a dire need for leaders who are calm and yet positive, leaders who avoid the extremes of hotheadedness and uncle Tomism. The urgency of the hour calls for leaders of wise judgement and sound integrity, leaders not in love with money, but in love with justice, leaders not in love with publicity, but in love with humanity, and growing social change, leaders who can subject their particular egos to the greatness of the cause.

Nation building cannot degenerate into a mere perpetuation of hierarchies of the past, based on pre-given or ethnically

engineered and imposed divisions of people rooted in prejudice, discrimination and exclusion.

As society we should at all material times work towards the following goals amongst others: fostering constitutional values in our society; equal opportunities, inclusion and redress; promoting social cohesion across society through increased interaction across race and class; promoting active citizenry and leadership; and fostering a social compact.

The 1996 Constitution of the Republic, which articulates a broad framework of the national aspiration for a united, nonracial, nonsexist, democratic and prosperous South Africa, is our lodestar in the efforts to build a society envisaged. This includes, but not limited to, a political and socioeconomic system which places the needs of the poor and social issues such as health, education, basic services and social security.

The current phase of the transition should be characterised by decisive actions to effect thorough-going economic transformation and democratic consolidation.

The struggle against colonialism and apartheid struck a telling blow against racism. Since 1994, it became more subtle because

it was outlawed. The continued outburst of racist nature is an intolerance of the progress our people are continuing to make, this is a kind of reminder that black people in general are second class citizens in the land of their birth. Things are changing though. It is getting better. We need greater co-operation. We need to harness our collective power to create a better world. Building a nonracial society is not an easy task. It requires a change in mindsets, a willingness to think, to understand the basic dignity of all people and the commitment to equality and inclusivity.

All those South Africans who expressed racist tendencies were acting on a set of ideas that has been clearly articulated by organised racists at every level of our society. These ideas come from the mouths of some politicians and some of the media houses, who pretend that the black population is in some way responsible for the greater unemployment, poverty and crime it suffers. That reflects the level of racism that pervades our society and exists even in many sectors of our country.

Our programme as government, the overwhelming response from all sectors of society on the call we made earlier in the year, different sectors are reading themselves for sectoral summits. The Intelligentsia is the first one to host such summit and they

have shown their readiness. These summits will result in the crafting of social compact for different sectors that will lead to the national convention we are calling for. We need to applaud South Africans for their response when they heed the call to reject racism and racists. We need to encourage them to be intolerant of these racists as and when they raise their ugly heads from time to time. We need to continue to rally our people against the scourge of racism, to strengthen the pillar of mass mobilisation for social transformation. We call on all peace-loving South Africans both black and white to implement this programme and take a stand which states clearly: Not in our name, racism stops with me. We need to build a broad front against racism which will transcend our national borders. We also call on all compatriots to contribute in shaping the action plan to combat racism, xenophobia and other related intolerances. Humanity is under obligation to suppress and punish this crime. Whilst we cannot regulate people's attitudes, but we have a duty to regulate their behaviour through criminalising racism. If need be, we should amend the Constitution to reach our objective of criminalising this scourge. [Applause.]

Racism is not going to be overcome simply because people speak up about it. Racism, like so many other ills of this society, is

the product of a society built on colonialism and apartheid for the benefit of the tiny section of our population. We are going to uproot racism if we start addressing fundamental questions related to economic justice of all our people. We must embark on a campaign to overcome this scourge. We have it within us to defeat it and we will defeat it as people of South Africa.

The socioeconomic character of the society we are constructing is based on the resolution of the historical injustice and the building of a democracy with social content. I thank you for your co-operation.

Mr S C MOTAU: Hon House Chair, hon members, be it known that the DA will always meet racism, racialism as well as all kinds of unfair discrimination with condemnation and swift action. It has become apparent over the past few years that South Africa is not yet a truly unified nation that we as the DA and all South Africans desire it to be.

Our collective and individual consciousness has been damaged by apartheid. Some in our society were brainwashed to believe that they were superior, while others internalised inferiority, through years of structural oppression. Decades of apartheid have unjustly etched into the minds of South Africans that

difference in skin colour is difference between wealth and poverty or opportunity and the lack thereof.

It does not take much to see the legacy of apartheid in present-day South Africa. Structural inequality is still pervasive, and what a cruel irony it is that those who suffer in abject poverty today are the same who suffered under the apartheid regime. Only now, they have a second, third, fourth and fifth generation of people victimised by a differently oppressive government that seeks to enrich itself at the expense of their livelihoods, proper education for their children and the creation of sustainable jobs.

This, while hundreds and thousands of South Africans continue to join the ranks of the unemployed at the hands of the ANC government that places its own greed and self-interest at the apex of its agenda and not the betterment of the 8,9 million South Africans, most of whom are blacks who struggle every day without employment to put food on the table.

It is this structural inequality that has been allowed to continue to pervade South Africa in the postapartheid dispensation. This is at the hands of the ANC government that has more and more become synonymous with kleptocracy, monied

interest and self-enrichment of the small connected part and not the whole.

This is best distilled in the words of the recently retired Deputy Chief Justice of the Constitutional Court, Dikgang Moseneke, who aptly asserted that and I quote:

... all public power derives from the people. And once given by the people, all power must be deployed exclusively to the benefit of the people and no one else.

This no longer seems to be the case under this ANC government. Rather, the inverse pervades us today and in so doing further entrenches the structural inequality so many black South Africans wish to escape.

To add insult to injury, this government is led by those who were integral in the liberation struggle. How then can we adequately heal from the hurt of structural oppression when our society bears so much resemblance to society under apartheid? It is clear that over the past two decades the ANC government has elected to benefit its top tier at the expense of the people of South Africa.

The lack of a single-minded approach to racism over the years, and more critically over the past few months; is proof that there is a void in leadership in adequately dealing with issues that are close to the hearts of South Africans. Many have taken to social media to voice their concerns, but few know that there are Chapter 9 Institutions, such as the South African Human Rights Commission, where they can report incidents of racism, racialism and unfair discrimination.

To this day, most South Africans are, by virtue of their circumstances, denied access to justice because the ANC in government has expended much energy breaking the law through corrupt activities, instead of educating the people of South Africa about *crimen injuria*, how to report it, who to report it to and thus ensuring that racism, racialism and unfair discrimination are increasingly difficult offenses to get away with in this country. Much less in a democratic dispensation rooted in constitutionalism and human rights.

As we speak, there are some members of the ANC in this very House who relentlessly spout vitriolic racist attacks. Why? This is not moral leadership. The new South Africa was intended to be free and unadulterated by racism, discrimination and the

politics of a clique. Yet, under the ANC government, South Africa is becoming more and more dominated by a clique.

The ANC government has shown an increasing affinity to tear down with their words, the liberation legacy they have built. The ANC has changed and cannot be trusted to provide the services, economy and justice it once vowed to make accessible to all and not just to some. Racism is an evil human failing that must be condemned and eradicated by all of us wherever we find it.

The scourge of racism must be uprooted with unwavering single mindedness, and all of us in this House and in this country have an obligation to do our best to destroy this pestilence. As South Africans, we need to find one another again. We need to recognise what we saw in one another at the dawn of our democracy, and hold steadfast to a unified South Africa that we all desire.

To achieve true nationhood, we must put South Africa first in all our rehabilitation efforts and other collective endeavours. We need an education system that prepares our children to break the shackles of poverty and unemployment and a government committed to creating an enabling environment for all the people of this country. This means building an inclusive and growing

economy that creates jobs and minimises job losses, so that all may prosper together.

We also need to inculcate a sense of unity that will engender a genuine patriotism that transcends our differences in ethnicity, language, religion, other cultural aspects, and in economic and political ideology. The DA is committed to the fight against racism. Racism has no place in our constitutional democracy - founded on the principles of freedom, equality and dignity, and no place whatsoever, in the DA.

The DA is already the most diverse party in South Africa's history, but we still have some way to go. Only under a DA government can we see a fair South Africa. To succeed at this nation-building enterprise, South Africans need to forge and nurture what I describe as the 'spirit of nation'. This matter is critical and urgent this time. We need to believe, feel and behave as "One Nation with One Future". I thank you. [Applause.]

Mr C T MSIMANG: Hon House Chair, when we forged our democratic Constitution, we all agreed that the doors of the past had to be shut and butt. Divisions based on race had to be relegated to the past. Thus, with each passing year, the democratic government wishes to have moved further and further away from

racism, yet, that has not been the case. We seem instead to have moved in circles but we are experiencing now is not part of a cyclic remembrance; it is a warning from deep within our society that certain wounds have never healed.

The question remains whether the Truth and Reconciliation Commission, TRC, achieved its purpose. The answer depends on what the purpose is perceived to be. Undoubtedly, we engaged in a cathartic process of revelation, confrontation and forgiveness but the work of unifying our people remained once the TRC shut its doors.

We had bound some of the deepest wounds, but they were yet to heal. The present incidents of racism are expressions of our people's frustration, anger, fear and suffering borne out of enduring hardship, poverty joblessness and despair. But, why is this manifesting in racism? Because we didn't cut racism from our social fabric, we simply sewed on a patch and kept going. Now the patch is pulling away.

The worst thing we can do as leaders is aggravate the wound. We must commit again - through our words and actions, to remove racism from South Africa. We cannot use it as a tool of political manipulation. Just as we condemn individuals like

Judge Mabel Jansen and Ms Penny Sparrow, we must condemn racist comments from leaders in this House. We cannot keep silent when the President urges black South Africans to vote for blacks, lest whites take control of the country and keep blacks in poverty. We cannot turn a blind eye when an opposition leader calls white South Africans thieves.

If we truly have the best interests of South Africa at heart, our words should bring unity. Let us douse the flames of hatred and attend to our people's pressing needs. I thank you.

Mr M L SHELEMBE: Hon Chairperson, and members of this honourable House, the National Freedom Party rejects all forms of racism and racial hatred.

The history of our beautiful country is a history of racism and the devastating effect that has had on the dignity of our people. Racism was institutionalised under apartheid and the consequences haunt us even today and, unless we do something about it, will continue to haunt us for generations to come.

In 1994, the late President Mandela and Archbishop Tutu actively promoted the ideal of a rainbow nation. For a short while, it seemed as if racial harmony was within our grasp but, lately, we

have seen that this is not the case. The likes of Jenny Sparrow, Kenny Nkosi, Matthew Theunissen and Mcebo Dlamini are stark reminders that racism is alive in South Africa.

Whilst the National Freedom Party accepts the fact that racism is rife in South Africa, we need to understand that there are many white South Africans who have shed the cloth of racism. That fact cannot be denied or ignored.

We encourage all political parties, irrespective of their colour demographics to expose those within their ranks who still perpetuate the remnants of racism.

No matter what, we cannot accept that anyone would use the k-word to refer to black people. Again, the NFP cannot afford to allow any employer to undermine black people by referring to them using demeaning names. If any person is found promoting racism, we suggest that South Africans come together and fight against ... no matter who.

Chairperson, South Africa still has a long way to go before racism will cease to be part of our national discourse, and the National Freedom Party says, let us allow racism to die a natural death. Let us unite as South Africans and find common

ground rather than focus on that which divides us. Let us embrace a common destiny with dignity and refuse to stoop to the level of racists, black or white. Let us all be South Africans with one loyalty to our country and our future and, whilst remembering the painful past, look to the future with hope. I thank you.

Mr M L W FILTANE: Hon Chairperson, it is clear that racism remains a key challenge to our constitutional democracy. Inequalities created and institutionalised by colonialism and apartheid are still prevalent 22 years into the new order. We cannot overemphasise the fact that we cannot undo the legacy of a unique system such as apartheid overnight.

It is therefore our collective responsibility to continuously strive towards reconciliation, transformation and nation-building.

South Africa, as a political construct, has to be consistently moulded through social engineering. As a nation we have to confront and truly engage with issues of social justice, including the demon of racism that finds fertile ground in a society faced by scandalous socioeconomic differences.

Racism must be addressed through the regeneration of our moral fabric, and antiracism efforts should be anchored in the morality, science and politics of our society.

The current manifestation of racism can best be traced from the history of white supremacy whose backbone is economic. No amount of condemnation from political parties, the Human Rights Commission or other institutions will change this reality. There can be no common nation and harmony side-by-side with disparaging economic inequalities.

We have been living in a cosmetic rainbow nation since the advent of democracy. One sees this mainly during sports tournaments, after which everybody returns to his or her place: Most blacks go to their informal settlements whilst whites go to their exclusive suburbs.

South African people are fighting because they are under the increasing strain of a weak economy and the highest rate of unemployment.

We need to consider policy reforms that are necessary to build a long and lasting reconciliation and purposeful nation-building.

The economic fault lines and ownership patterns that have not been changed are a major contribution to this reality.

Unless government takes seriously the task of economic transformation, we will continue to see this race-baiting from these close-minded and condescending bigots.

Racism need not only be opposed but has to be vigorously fought against and this cannot be successfully done when the entire economic system is still racially skewed in favour of a minority. If we are to defeat racism, we need to ensure that black people get their land back and are given a share in the country's wealth.

In closing, I want to mention an article in today's Sowetan which hurts. A white farmer, for no apparent reason, killed a black person who was walking by. The farmer did this, you know, just for the fun of it, so to speak. There is no record of any form of provocation. That is a blatant form of racism, and it just cannot be tolerated. Thank you.

Dr C P MULDER: Hon Deputy Speaker, the scourge of racism has the potential to tear the fabric of this society apart, and to cause

conflict that nobody would like to see. Because of that, we obviously all reject racism, as we should, indefinitely.

But, you see, the Minister did not help us much this afternoon. With all due respect, Minister, you did not deliver a speech as the Minister of Culture to benefit all who live in South Africa. It was an ANC speech, with all due respect.

You started off with the preamble to the Constitution of South Africa and you quoted the following:

We, the people of South Africa, recognise the injustices of our past, honour those who suffered for justice and freedom in our land ...

... and then you gave a long list of ANC struggle heroes.

And there you stopped. That's the problem. That's exactly the problem!

You are the Minister of Arts and Culture. Why didn't you read the next sentence of the preamble if you are serious about addressing the reality of South Africa?

The next sentence says we "respect those who have worked to build and develop our country". You ignored that sentence.

Should I give you a long list of those who did that?

[Interjections.] No, I don't.

And then, obviously, the next sentence of the preamble states that we "believe that South Africa belongs to all who live in it, united in our diversity". [Interjections.] No, I did listen, Minister. You ignored those things. Why did you do that? Why did you only focus on what is important for the ANC?

Die probleem met rassisme is dit: Rassisme in alle vorms moet verwerp word, maar ek kry die indruk dat daar 'n persepsie bestaan dat net sekere mense in staat is tot rassisme. Ek kan u verseker dat geen ras, geen groep, geen volk, geen nasie, nie een nie, nie wit nie, maar ook nie swart nie, is so edel en so wonderlik dat hulle nie in staat is tot rassisme nie.

(Translation of Afrikaans paragraph follows.)

[The problem with racism is this: Racism in all its forms should be rejected, but I do get the impression that a perception exists that no race, no group, no nation, no one, no white, but also black, is so noble and perfect that he/she cannot be inclined to be racist.]

You will find bad people in all communities. You will find racists in all communities. The scourge of racism should be fought.

Nou, ons luister na al die verskillende voorbeelde wat hier gegee word. Die probleem is, ons kon baie verder gewees het met die uitwissing van rassisme in Suid Afrika ... *(Translation of Afrikaans paragraph follows.)*

[Now, we listen to all the various examples been given her. The problem is, we could have progressed much further with the annihilation of racism in South Africa.]

... but we've lost 22 years because of this government's policies. One of the founding provisions of the Constitution says South Africa should be based on the following values, namely nonracialism.

Maar die probleem is, elke beleidstandpunt van hierdie regering, vir 22 jaar, het 'n rasse-onderbou. U het rassisme ingebou in ons staatstelsel met elke beleidstuk wat u het. Besef u dat 50% ... *(Translation of Afrikaans paragraph follows.)*

[But the problem remains, each point of view regarding the policy of this government, for 22 years now, is fundamentally based on race. You built racism into our government system, with each policy you have. Do you realise that 50% ...]

... half of the population in this country, was born after 1990? If you had started off with a truly nonracial South Africa in 1994, half of the population could have been brought up in a really, truly nonracial South Africa. But you chose not to do that. You chose to implement policies based on race.

The hon member of the UDM just now said we are having a problem with nation-building. Yes, we do! Why? Because the recipe is wrong. We are stumbling from one sporting event to the next and then, suddenly, it's gone. You should look at the reality of South Africa, the diversity, and then use those as the basic building blocks. We should reject racism, but not in the manner in which the Minister proposed this afternoon. That way is wrong. [Time expired.]

Rev K R J MESHOE: Deputy Speaker, racism has existed throughout human history, often providing justification for one group's dominance over another, as it happened during apartheid in this country.

Most people, even if they do not approve of overt racism, will nevertheless have some kind of prejudice against another group of people. These prejudices, especially if unchecked, often lead to hurt, anger and even violence at both personal and societal levels. Racism is hurtful, and its effects are devastating. That is why we must fight it whenever it raises its ugly head.

As we try to address and confront racism, it is important that we should be honest with ourselves, and not be too quick to point fingers without first looking at our own hearts. We should avoid applying double standards if we truly want to effectively address this issue.

Whenever racism is mentioned in our country, most people seem to think it is a white-against-black problem. But when a black person makes racially-charged statements about other races – particularly whites – that is not considered as being racist. For example, calls and threats to kill all whites – as some have made – are racist and should be condemned. If we, as black people, are not dismayed when hateful and disparaging remarks are made against whites, coloureds, Indians, and vice versa, then we are biased and harbour racism in our hearts. If this attitude is not corrected, it will continue to entrench racist stereotypes in us and keep South Africans divided.

We owe it to ourselves and our children to fight racism in all its forms and fight for a just society which encourages equal opportunities for all.

The ACDP calls on Members of Parliament to choose to be peacemakers and ministers of reconciliation who will be able to diffuse volatile situations wherever they see trouble looming. We should not be instigators and stirrers of trouble and racial hatred in our land. We must be peacemakers.

I remain convinced that all race groups in our country need each other to make progress and improve our economy, create jobs, narrow the inequality gap and turn this beautiful country into a model of reconciliation, peace and prosperity, where respect for God, for one another, and for property, becomes the hallmark of our legacy.

I would like to remind members of this house and all South Africans of my recent recommendation to take lessons from the piano. The piano is an instrument that has both white and black keys which are mutually dependent. To fully enjoy the true potential of its soothing, sweet melodies, one must use all the keys – black and white. A new sound should emerge from South Africa – a sound that resonates with harmony and brings unity

and peace, as people from different races stand together and united under God. Thank you.

Mr N T GODI: Deputy Speaker, comrades and hon members, when a majority is subjected to racism by a minority, surely we must take time to think and think seriously. Inasmuch as the APC abhors racism, we are disinclined from the usual reaction of merely castigating the racist, and making endless calls on racists to repent.

The APC calls on the African people, especially, to practice introspection and ask how and why they remain perpetual victims of racism the world over. Africans must cast asunder their ill-conceived inferiority complex, have agency of their own, and act and behave in a way that makes it less likely for anyone to be racist towards them, as individuals and as a people.

Our call to our people is to emancipate themselves from mental slavery. The endless calls on the enemies of African progress to do this or that is a perpetuation of victimhood. Our people must confront racism with more assertiveness so that they don't always have to turn the other cheek.

Fundamentally, however, all talk is meaningless unless we address the gut-wrenching poverty in which the majority of Africans live, and with which racists are comfortable. The poverty of our people - which dehumanises them - has its roots in land dispossession. We need equitable land distribution to empower our people and restore their humanity. That is what will cure the racists of their disease. Statements of disapproval and legislation will not mean much if the victims of racism remain victims in their consciousness. Thank you.

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Deputy Speaker, hon members, this month, May, 20 years ago the Constitutional Assembly, in this very same Chamber, adopted a new Constitution. A Constitution which had as its first founding values human dignity, the achievement of equality and the advancement of human rights and freedoms. The Constitution was a negotiated settlement. It put to an end a centuries' old conflict - a conflict that most people, both here and in the rest of the world, thought was unachievable without a full blown civil war.

As we review our progress over these last 20 years, we can see that we have made much progress in addressing the imbalances of the past and improving the quality of life of all citizens. But,

we still have a long way to go. Hon Mulder, we didn't become a nonracial South Africa or country on 27 or 28 April 1994. To overcome 364 years of conquest, colonialism and apartheid - in which wealth was accumulated by white people at the expense of black people - will take both time and concerted effort from all South Africans, especially those, hon Mulder, who are beneficiaries of the past.

Yet, some in our country seem to forget how far we have come as a nation. They take it for granted - within their hearts and minds still live feelings of racial superiority, built on the mistaken belief - that others are not worthy of the basic respect and human dignity that our Constitution guarantees. We have seen, in particular over the past year, an increasing number of expressions of arrogance and racism by some.

Black people are, generally speaking, still in less fortunate positions than most whites. Many do not have proper housing or basic services; they cannot afford tertiary education; or are not able to secure financial loans. They are angry, and their anger is understandable. This anger is made worse by the fact that white people, who benefited from apartheid, are not using their skills or resources to advance those who were deprived in

the past, and they are not acknowledging that they benefited from the past. [Applause.]

Instead, we find an increasing number of incidents of racist expression by white people, ranging from assaulting a black woman in a largely white residential area because she was assumed to be a prostitute, to urinating on a black man, to the outrageous comments we find on social media.

Earlier this month, Adv Geoff Budlender wrote an article in an online publication, *GroundUp*. He said, and I quote:

Those of us who have been privileged need to show a little humility, and a little empathy. It's not a matter of walking around stricken and paralysed by guilt. It's a matter of facing and acknowledging the fact that whether we asked for it or not, those of our generation who are white have been the beneficiaries of a monstrous system which created inequalities which persist today. Once we have acknowledged it, we can start to deal with it. Inequality creates anger, and denialism fuels the anger.

He is correct in what he says about white privilege. All white people benefited from apartheid, regardless of whether they it

apartheid or not. It would be dishonest to deny it. Most of us - and by that I mean white people - went to good schools, our parents had decent jobs, which paid decent wages. Where there were no jobs, jobs were created for whites - either in the post office or the railways or somewhere else. We had access to the best infrastructure, such as schools and hospitals and our parents usually owned some form of property.

Many white people in our country admit that they benefitted from apartheid. They acknowledge it and therefore they deal with issues of race with greater sensitivity. But, others do not and, in fact, continue to see themselves as the victims. Let's openly say how whites have continued to benefit since the end of apartheid. Who lives predominantly in upper middle class areas, hon Mulder? And, who lives predominantly in shacks? Whose children have parents to pay for their tertiary education, and whose children cannot even secure a loan because their parents have no security to secure the debt? From which population group do almost all school leavers or university graduates get jobs?

These are the issues that we need to talk about with each other, as fellow-South Africans, before we start calling each other names. I found Adv Budlender's article fairly mild. What was shocking, however, was that the publication, *Groundup*, had to

remove the online comments in response to the article as the comments were derogatory, insulting and racist. I'm sure these reflect the views of only a small minority of white people, but I find it astounding that anyone can have such views and then have the gall to publically express them.

The Minister of Arts and Culture has outlined the steps that government is taking with regard to achieving the outcome of nation building and social cohesion. As mentioned, one of the initiatives is the development of National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance 2016-2021, the Nap.

The Nap is a comprehensive policy framework which provides programmes and strategies to combat racism, racial discrimination, xenophobia and related intolerance, and is a step towards complying with the state's obligation to give effect to the constitutional value of equality and non-discrimination.

The Cabinet recently approved the draft Nap, and it is very much a framework for public comment and Department Justice and Constitutional Development is currently embarking on process of public consultation. But is this enough? It seems that, in spite

of the public outrage from both black and white South Africans to the recent racist utterances, these utterances continue. People seem to think they can just say sorry and then carry on as if nothing happened. This is why we need to criminalise racism.

The proposed Prevention and Combating of Hate Crimes and Hate Speech Bill, initially excluded hate speech from the ambit of the Bill because of the sensitivities and complexities involved, particularly in a multi-cultural country such as ours. However, the events we have been witnessing since January this year highlighted the need to include hate speech, as a criminal offence, in the Bill.

The Bill will provide that any person who, by any means whatsoever, in public, intentionally advocates hatred of any other person, or group of persons, based on a number of grounds - in this case, race - in a way that incites others to harm such person or group of persons, whether or not such person or group of persons is harmed, will be guilty of the offence of hate speech. Harm is defined to include damage to property - in other words, economic harm - in addition to physical harm. It also includes 'mental or psychological' harm.

The provision is constrained by section 16(2) of the Constitution which provides that freedom of speech can be limited if the advocacy of hatred is based on race, ethnicity, gender or religion, and if it constitutes incitement to cause harm. Perhaps we should debate whether this limitation - namely the incitement to cause harm - is still appropriate, or whether causing extreme hurt and offence is not enough to trigger the limitation.

In Germany and Rwanda, after the holocaust and the genocide respectively, laws were passed criminalising the denial of the holocaust and the promotion of genocide ideology. Last year, in accordance with German law, a person was convicted and sentenced to 20 months in prison for denying the Holocaust. In 2013 Rwanda passed its law against, "Genocide ideology", and related offences. This Act is far-reaching: One may not deny, justify or downplay the gravity of genocide; and one may not mock, insult or ridicule a genocide survivor.

The argument that this is something unknown in other jurisdictions is therefore wrong. In fact, in the drafting of the Bill we looked at hate crimes laws in other countries, such as Canada, Kenya and Australia. France is currently working on a new Bill that will criminalise the denial of the Armenian

Genocide. The Bill is one of the major building blocks in building a society free of racism, hate speech and prejudice. It will be released soon for public comment, before it is introduced into Parliament.

If I may respond to the DA, and in particular to the hon Motau: On 4 January the hon Leader of the DA, Mmusi Maimane, who is not here - I think he is campaigning - expressed support for criminalising racist statements. He tweeted:

#PennySparrow comments are racist. They are an insult to me and to our party. We have too many of these in SA & we must criminalise these.

But, 3 months later, in April, the Hon Maimane does a complete about-turn, and tells the media that he is now, "Sceptical", about the Bill, and that the ANC is making racism a political issue. It is the 'hollow man' it again: No policy position; just breathing hot and cold; and devoid of substance. But then, it's not surprising, given that the DA never takes a stand against racism where its own members are concerned.

We saw DA councillor, Chris Roberts, being fined a mere R10 000 for calling a colleague in the UDM a, "Bobbejaan". When Ms Kohler-Barnard distributed a racist Facebook post glorifying

apartheid Prime Minister PW Botha and calling for the return of apartheid rule, who defended the decision to lift her suspension?

When the Mr Mike Waters posted a racist picture depicting Black voters as dogs, the DA defended him by saying he was not the originator of the picture. No disciplinary process was instituted, and the hon Waters continues to be not only a member of the DA, but a Deputy Chief Whip of the Opposition! When DA councillor in the Nelson Mandela Bay Metropolitan Municipality, Knight Mali, complained about racism in the DA, they suspended him!

And, when DA councillor, Winston Campbell, resigned from the party, - and forgive me Deputy Speaker for the unparliamentary language, but I'm quoting directly from an IOL media report - he said:

I was called a 'bruin man' and 'hotnot' when I stood as a candidate for the DA's North Gauteng leadership. What hurt most is that nobody had the guts to defend me or condemn these racist attacks.

It's time to root racism out, decisively, for once and for all.
If the DA and other parties don't want to, the ANC will.

As Ahmed Kathrada correctly says:

I am afraid, that if we do not commit to tackling racism now, South Africans will continue reading headlines of individuals who very blatantly use the 'k-word', call black people monkeys or baboons and dehumanise and attack others based on race.

I fear that racial tension will continue bubbling under the surface of our society, and those sweeping false generalisations, such as 'all whites are racist,' will start emerging. We cannot allow South Africa to retrogress towards the divisions and attitudes of the past.

Phantsi ngobandlululo; phantsi! [Down with racism; down!]

I thank you. [Applause.]

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

There was no debate.

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

Motion agreed to.

Report accordingly adopted.

HIGHER EDUCATION AMENDMENT BILL

Second reading debate

The DEPUTY MINISTER OF HIGHER EDUCATION AND TRAINING: Hon Deputy Speaker, Chairperson, hon members of the Portfolio Committee on Higher Education and Training, members of Parliament, Ministers and Deputy Ministers, hon guests, compatriots it was in 2009 when the President decided to split the Department of Education in to the Department of Basic Education and the Department of Higher Education and Training. The latter was legally established on 1 April 2010 and that meant that there is even a greater need for new policies to give direction and purpose to the new establishment. Indeed the White Paper on Post-School Education and Training was launched early in 2014 and this obviously necessitated the review of the Higher Education Act 101 of 1997.

The Bill before the House provides new definitions. It rectifies any inconsistencies, contradictions and or gaps in the Act. It also addresses issues pertaining to transformation goals institutional autonomy, public accountability and co-operative governance arising from previous amendments to the principal Act. It is true that the higher education system of South Africa is still uneven owing largely to the legacy of the apartheid system. One of the consequences is that the one size fits all legislation is not practical for governing and guiding the system. Thus the amendment to the Act resulting to this Bill provides for a range of measures that can be taken by the Minister of Higher Education and training in steering the system and facilitating its speedy transformation while supporting the development of the historical under developed institutions of higher learning to acceptable standards. Let me mention the fact that these amendments do not temper with the institutional autonomy and therefore, the integrity of our higher education institutions and the system as a whole will remain in tact. Councils remain the highest governance structures of universities in South Africa and this will not change. All we seek to do is to strengthen accountability and ensure that where there are signals of faltering management and governance; early warning systems will be put in place. The amendments to the Act resulting to this Bill create mechanisms for expansion and

differentiation of higher education through institutional types. Expanding access, improving quality and increasing diversity are also some of the objectives of the White Paper for Post-School Education and Training and in order to meet these objectives the Higher Education Act had to be amended. The Bill introduces three institutional types, a university, university college and higher education college. These types are defined in terms of the scope and range of the activities and universities will remain engaged in undergraduate and post graduate studies, knowledge production and community engagement. Higher education colleges focus on undergraduate and skills development programmes whilst university colleges are introduced as a mechanism to enable the developmental growth of new universities under the supervision of another identified university.

More significantly these amendments to the Act will influence the acceleration of transformation of the higher education system because there is little doubt that society is becoming more and more impatient with the slow pace of transformation in the sector.

Let me take this opportunity to thank the task team which is comprised of officials from the Department of Higher Education and Training, the University of South Africa, the university

Councils of chair's forum and the council on higher education for their hard and sterling work. We thank all the organisations that were consulted and those that voluntarily made contributions to the review of the Act.

Lastly, let me seize this moment to express our gratitude to the former Chairperson of the portfolio committee hon Yvonne Phosa for the diligence and focus with which she propelled the process for consideration of the Bill by the portfolio committee in to legislation. Many thanks to the current chairperson hon Connie September and members of the portfolio committee for their valuable contributions and sterling work in ensuring that we arrive to this almost final stage of the review of the Higher Education Act. I now recommend that the House adopt this Bill. Thank you very much. [Applause.]

Ms C C SEPTEMBER: Deputy Speaker I add my voice also in thanking hon Phosa for assisting in the packaging of the Bill and has also brought us this far. The Amendment Bill of course was written and submissions were received in January this year where public hearings were held in February and many submissions and stake holders took the opportunity to come to the public hearings. Some of the issues that were dealt with that time were the transformation goals; oversight mechanisms; ministerial

directives; the appointment of an independent assessor and increased administrative burden on public higher education institutions. These were some of the sections of the Amendment Bill that received the most of the attention. Some of them were objected to and some of them were equally supported. Subsequent to the public hearings, the department comprehensively responded to the issues that the stakeholders raised including positive comments and where there were disagreements.

In summary, more or less the issues that were deliberated and extensively looked at all clauses of the Bill taking into consideration the inputs from the stakeholders and of course other members of the committee indeed committed themselves and made many changes to the Bill. Of the 46 clauses in the Bill only five clauses were objected to by both the DA and the EFF. The DA have given the clauses that they objected to and the EFF objected without giving reasons to what they are objecting to.

The rationale for the Amendment Bill is that the Act was necessitated by developments in the higher education sector, the two most significant being that of the Higher Education Amendment Laws of 2012 and as the Deputy Minister has said the White Paper on Post-School Education and Training, which was approved by Cabinet in 2013.

In addition there was no determination of transformation policy, no oversight mechanisms for the higher education sector nor unified framework for recognition importantly for prior learning in the Higher Education Amendment Laws of 2012. The Amendment Bill provides for the registration of private education institutions and for many of the things that the Deputy Minister has pointed out much earlier on.

In preparing to govern, the ANC's own 1994 policy document stated that the right to academic freedom is protected in the chapter on human rights in the interim Constitution.

Academic freedom, which entails the right of freedom of speech in the academic sphere, must be distinguished from the autonomy of Higher Education sectors and institutions. Autonomy relates to the policies which govern the overall running of the institutions, their general direction in relation to development strategies, and hence issues such as specialisation and differentiation. Higher educational institutions must have a high degree of autonomy in determining their affairs balanced with the need for the monitoring, evaluation and public accountability of the Higher Education system, especially in relation to the redress of inequalities, quality of provision, and the efficient utilisation of resources.

Previous amendments to the Higher Education Act of 2012 sought to curtail corruption by university council members; managers and students when doing business with universities. One of the strategic instruments for social transformation is education. Accordingly, it is an apex priority for the ANC, as it is for the government's National Development Plan, NDP, especially as it is linked to Outcome 5.

In order to redress imbalances of the past and advance the National Democratic Revolution, transformation of higher education is paramount. The developments and changes in the higher education sector have made it necessary to amend the Higher Education Act. The Amendment Bill seeks to speak to these concerns, guided by what government policy seeks to achieve in the Higher Education and Training sector. The ANC support the Bill. I thank you very much.

Prof B BOZZOLI: Hon Chair, Why do we have universities? In the absence of Minister Nzimande, to tell us the answer to this question, let me try and answer it. Universities are there to provide higher education to our undereducated population and to provide highly skilled people for our sophisticated economy.

However, universities are much more than that. They are sites of creativity, pioneering scholarship and independent ideas. They cannot be these things unless they have the freedom to pursue thought without hindrance. The drafters of our Constitution knew this. They knew that unless we kept our universities independent, they would no longer be able to produce great judges, physicist, mathematicians, novelists, historians, biologists, environmentalists or economists.

Academic freedom and university autonomy are inextricably linked and cannot be separated. Universities are much more than glorified high schools or high-level technical colleges. The people who lead and shape our world and take it beyond its limitations are nurtured in universities. To operate in the realm of creativity and original thought, universities need freedom and independence.

The 1997 Higher Education Act, drafted in a period when the memory of the apartheid regime's control over universities was still fresh, reflected the constitutional imperative for academic freedom and university independence.

Sadly, successive Ministers have found it difficult to sustain this vision. New powers have been given to the Minister

overtime, in 1999 to appoint administrators to replace university councils and vice-chancellors, VCs, for two years, in 2000 to veto agreements entered into by universities, in 2002, to amend the institutional statutes of a university and in 2012 to appoint an assessor, with extensive powers over universities.

The latest set of amendments continues along this path of creeping state-control and expanded ministerial prerogative. It moves universities closer to becoming glorified high schools and high-level technical colleges.

Why has this happened? One reason: The ongoing failures of the formerly homeland universities that are Fort Hare, Limpopo, Zululand, Walter Sisulu and others, have all suffered crises of bankruptcy, corruption, student poverty and student militancy.

Successive Ministers believed they could solve this through expanding their powers. However, this has not worked. Some universities have been placed under administration several times. Often the period of administration has been followed by one of further corruption. And the financial standing of these universities is always precarious.

At the moment, to take over a university, the Minister is required to provide proof, through audit reports for example, that it has problems severe enough to warrant suspending its independence.

In the new Bill, with the failure of existing methods to fix the dysfunctional universities, the Minister seeks to expand his powers. The new Bill has a clause which means that he will now only need to have reason to believe, rather than concrete proof, that intervention is necessary.

It will become easier to suspend university independence and more difficult to challenge such a decision in court; easier to move universities towards becoming glorified high schools and high-level technical colleges.

The phrase reason to believe was in fact used under colonialism and apartheid to make it difficult to review the decision made by government and we oppose this clause.

The Bill also aims to give the Minister new powers to issue directives to the council for up to five years after the administrator leaves. This extends the period of suspension of

university autonomy from two years to seven. We oppose this clause.

The Bill also proposes that two new institutional forms be created - a higher education college and a university college. It is unclear what these are and why they are being put forward. The vagueness of these provisions means that we oppose this clause.

The Bill will also allow the Minister to identify institutions which and I quote, "Shall be obliged to offer" courses at technical college level. Obligated. He could theoretically, compel say the University of Cape Town, UCT, to include electrician training in its curriculum. This is an attack on the powers of a university to decide what should be taught and makes universities even more likely to become glorified high schools and high-level technical colleges. We oppose this clause.

The long-term damage this Bill will do will be difficult to measure on its own. But add it to the 17 years of creeping control by the state, and the possibility exists that we will soon no longer have an independent university sector at all. Instead universities will also become captured institutions, glorified high schools and high-level technical colleges. We oppose this Bill. Thank you. [Applause.]

Mrs J D KILIAN: Hon Deputy Speaker, hon members of Cabinet, Ministers, colleagues and guests in the Gallery, with the limited time at my disposal, I will focus on the Minister's role vis à vis policy determination and will also refer to the new institutional types that are introduced by the Amendment Bill.

Deputy Speaker, it is firstly important to note that the Bill before introduction was widely consulted and after it was tabled in the National Assembly, the portfolio committee arranged a second round of consultation with stakeholders in the sector and conducted public hearings.

Clause 3 of the Amendment Bill seeks to clarify the Minister's role in relation to policy development. Section 3 of the principal Act, gave the Minister carte blanche to develop policy on higher education after consulting the Council on Higher Education. Section 3 also made it compulsory that he should publish all such new policies in the *Government Gazette* and table it in Parliament. The consultation with the Council on Higher Education as well as the publication and tabling of new policies remain in tact.

Contrary to the pronouncements made by hon Bozzoli of the DA, the Amendment Bill therefore does not extend the Minister's

powers in relation to policy development - these powers have all along been there in the 1997 Principal Act. The Amendment Bill only sought to clarify that the policy on transformation of the higher education system and higher education institutions will be monitored through oversight mechanisms to ensure that institutions meet the targets set for the transformation of individual institutions as well the entire higher education sector as a whole.

Deputy Speaker, let me deal with the argument that the Minister's powers to determine policy on transformation goals will infringe institutional autonomy. Firstly, Deputy Speaker, governments all over the world seek to achieve the right balance between ensuring public accountability on the one hand and institutional autonomy on the other. The sociopolitical contexts within which institutions of higher learning operate in their countries obviously determine what that right balance is.

South Africa is no exception. University's subsidies are a direct charge against the national fiscus and institutions should account for public money. Universities also have to account by way of biannual reporting frameworks with guidance from the Auditor-General of South Africa and they have to obviously account to the university councils. It is therefore

wrong to assume that the Minister's power to shape the transformation agenda of universities amounts to a weakening of the institutional autonomy paradigm. That argument is a red herring.

The Minister all along had that power to determine policy in relation to the transformation of institutions and the sector as a whole. The portfolio committee nonetheless improved the Amendment Bill by ensuring that subsection 3 of the principal Act is amended to ensure that the Council on Higher Education will be consulted and that the Minister will publish such new policies.

That brings me to concerns with regards to new types of higher education institutions. Deputy Speaker, the DA specifically took issue with two definitions as the hon Bozzoli said. The Council on Higher Education on the other hand expressed support for the introduction of the new higher education landscape. It welcomed mechanisms for the registration of private universities or university colleges which would diversify the higher education system offerings further and which would dispel concerns about the qualifications of private institutions.

The introduction of university colleges is nothing new. We should all remember that Tuks derived its name from the Transvaal University College. Kollege in Afrikaans that is what Tuks means. So that is not a new phenomenon in our country.

Deputy Speaker, let me briefly deal with the Minister's role in developing policy on recognition of prior learning: Whereas the National Qualifications Framework Act specifies the role of the SA Qualifications Authority, Saqa, to exercise quality control and to register qualifications, the Minister has the duty to ensure that there is an overarching policy for the recognition of prior learning across the system.

Concerns raised by the DA and some universities that the Minister will infringe on rules and policies of institutions in relation to recognition of prior learning is therefore totally misplaced. The ANC supports this Amendment Bill. Thank you.

[Applause.]

Prof C T MSIMANG: This Bill seeks to amend the Higher Education Act of 1997 and other statutes on higher education since the new democratic dispensation in our country. Although there is a broad range of subjects to be amended and introduced, the main focus is on transformation and oversight. The latter will form

the focus of this presentation.

While transformation in the education sector is a non-negotiable phenomenon, the IFP is concerned that bestowing too much power to the Minister such as to mandate him/her to determine the scope and range of operations of our institutions of higher learning as well as to determine transformation goals in the higher education system is calculated to undermine the institutional autonomy of our universities.

Institutional autonomy has been a defining feature of universities over the ages. Accordingly, the right to determine what is in the best interests of higher education should not be abrogated from university councils.

We are aware that there are checks and balances to safeguard the authority of university councils, such as the provision that the Minister will act in concurrence with the university administrations.

It may also be argued that relevant stakeholders in the higher education sector were consulted and allowed to table their views on the matter. The IFP, however, still feels that this might be a thinly veiled and covert effort to supersede institutional

autonomy.

Of course, the IFP is not blind to some lack of transformation and the slow development of suitable language policies by some of our universities. We are also concerned about violent and confrontational conflicts at our institutions in recent times. In such instances an intervention by a neutral mediator becomes necessary.

The IFP supports the Bill. Thank you.

Prof N M KHUBISA: Deputy Speaker, hon members. As we debate the Bill, I think we need to remind ourselves about what universities stand for in terms of their existence. Three things that the universities stand for: firstly, teaching; secondly, research; and thirdly, community service. I think these are the primary functions of universities. Thus they point to the importance of academic freedom and institutional autonomy which we believe, as the NFP, are of paramount importance.

We therefore feel that there should be some checks and balances; on the one hand, academic freedom is important and institutional autonomy is important; but there are instances where, perhaps,

there could be an intervention by the Minister. Of course, not undermining institutional autonomy.

From the Bill itself, we welcome the provisions in the Bill which are relevant for regulating the role of the Minister in financial matters as there have been many issues of corruption and financial mismanagement at many of our institutions of higher learning. For instance, when we look at what happened at the University of North West, where finances were diverted. Finances which could have been used for scholarship and bursaries of students.

We also believe that there should be some form of regulation and intervention where there are racial tensions, covert and overt at our institutions of higher learning because racism, racial intolerance and racial hatred in any form must be dealt with swiftly and decisively.

Last time we met with the faculty and the management of the University of Stellenbosch; and they did point to the fact that there are still racial undertows at the university. Therefore, we think those must be dealt with and uprooted from our institutions. But as the NFP, we also abort the destruction of

property at universities, the raping of students and other issues.

But of course, as we debate about transformation at universities, we believe that the kind of transformation required at universities is not something that can be enforced from above or outside of the institutions themselves. True transformation, Deputy Speaker, comes from inside. We believe that students, faculties, senate and counsels should be able to negotiate the kind of transformation, of course with the intervention of the department, but more powers must be given to these partners within the universities to negotiate the transformation within.

But it should not take away the debate from the fact that our students need finance, scholarships in order to pursue their studies ... [Interjection.] ... and we believe, therefore as the NFP that issues of articulation and recognition of higher learning are also important. The NFP supports the Bill.

Ms S MCHUNU: The ANC supports the adoption of the Higher Education Amendment Bill.

Hon Chairperson, I strongly believe that a vote against this

Bill is a vote against stability in governance, administration and the preservation of a quality academic enterprise of the institutions of higher learning.

The Higher Education Act regulating the system became law in 1997, since then many lessons have been learnt. We believe that the amendments allow for a more flexible and progressive approach of dealing with the public accountability of higher education institutions by providing options to issue directives.

The committee considered 46 clauses and the DA objected to five, relating to the Minister's powers to issue Ministerial Directives. I must say, this is a good Bill aiming at working constructively with universities in order to strengthen them.

Hon members, soon after the committee adopted the Bill on the 11th of May, the DA, through their Shadow Minister, Hon Bozolli, published an article on the BDLive titled: "The controversial Higher Education Amendment Bill is one step closer to becoming law." They reiterated their position on the objections to the Bill. Fellow South Africans, see the hypocrisy of the DA, they talk change out there yet they object to this Bill which is about real change in the higher education sector.

Their argument is that the Bill gives too much power to the Minister and in so doing threatens the university autonomy and academic freedom. In addition, they allege that the Bill won't make any significant contribution towards solving the chronic problems in the university sector, and we as the ANC disagree. They even criticized Council on Higher Education, an independent statutory body for throwing its weight behind the Bill. Seriously?

On the 20th of May, another article titled: "Where is Blade during Fort Hare police lock down?" was published on Times Live by you the DA. Ironically, in this article the DA wants the Minister to make an executive statement to address the recent spate of violent protest and explain what steps he will be taking to prevent further incidents from recurring.

After reading the article one had in mind these questions: Why is the Minister summoned by the same party, which objected to empowering him through legislation to be able to intervene at Fort Hare University where the same party alleges financial mismanagement by the university? Was the Minister not going to encroach on the autonomy of Fort Hare University? Or is it because Fort Hare is a historically black institution while hands off from our historically white institutions? This is not

how you win back the SRC of the institution. Once again, this is hypocrisy of the highest degree. It is cheap politicking by the DA.

Members, in the last seven years, four universities have been placed under administration as a result of maladministration, corruption and financial mismanagement; conflict of interests in the procurement processes by both council and individual members of the executive.

Hon Chairperson, when such signs of institutional distress surface, the Minister has no legal leg to stand on, in order to intervene or issue a directive early to salvage the institution before it plunges deeper into crisis.

For instance, the Minister tried to intervene at Central University of Technology but he was blocked by the council. Supporting the Bill will ensure that the Minister will be able to issue directives to councils to address matters raised and if well implemented there will be no need for independent assessors and administrators.

We also support the Ministerial Directive during post-administration period ... [Interjection.]

SiwuKhongolose siyazeseka zonke izinhlinzeko eziqukethwe kuloMthethosivivinywa futhi siyakholelwa ukuthi uzothuthukisa, uphinde ulethe izinguquko ekukade sizilangazelela ezikhungweni zemfundo ephakeme. *(Translation of isiZulu paragraph follows.)*

[As the ANC we support all the provisions that are contained in this Bill and we believe that it will bring improvement and also bring changes that we have been waiting for at the universities.]

Ngiyabonga!!!! [Thank you!!!!]

Ms A STEYN: On a point of order, Chair: I can't understand why you say her time is up and allow her to just keep on speaking. [Interjections.]

The DEPUTY SPEAKER: I haven't ... No, no, no, hon members. You want me to scream again? Is that what you want me to do? I can't lift them from the podium. I told her thrice that her time had expired. [Interjections.] Anyway, that's your opinion and I disagree with you. Proceed hon member. [Interjections.]

Adv A D ALBERTS: Chairperson, there is a scene in the work, *War of the Worlds* where the narrator ponders on the nature of the

Martians' attitude towards earthlings and relates that they regarded this earth with envious eyes and slowly and surely they drew their plans against us. This is a very apt description of the ANC's political positioning wherein they are in the name of the national democratic revolution, NDR, slowly but surely applying their plans for a total domination and control of all levers of power in this country and relegating minorities to a demographic that is to be assimilated and ultimately destroyed. The code word for this process is called transformation.

Hoër Onderwys is natuurlik een van die magsbasisse wat uiteindelik deur die ANC beheer moet word. Ons sien reeds hoe daar op die vlak van Basiese Onderwys 'n stelsel bestaan wat swak geskoolde leerders skep. Nou is Hoër Onderwys die volgende teiken. *(Translation of Afrikaans paragraph follows.)*

[Higher Education is obviously a power base which must eventually be controlled by the ANC. Already we observe how at the level of Basic Education a system exists which produces poor school learners. Higher Education now becomes the next target.]

Now, true to the principles of the NDR, this Bill before us now seeks to further erode the autonomy of higher education

institutions by giving the Minister more powers to set transformation goals and oversight mechanisms for such goals.

As transformation is an ANC code word for the centralisation of power, the destruction of the diversity of the peoples of this country and ultimately the creation of a communist state, we fully comprehend that this Bill is one of the many instruments whereby university autonomy will disappear, democracy inevitably completely eroded, and minorities ultimately sidelined and in the end destroyed. You have watched us and studied us for a long time, and have made your plans.

Maar, anders as wat die Minister dink, verstaan ons egter waarmee hy en die ANC besig is. Bo en behalwe vir die wetgewende aanvalle wat hy loods om ons wêreldklas universiteite in bos-universiteite te omskep, weet ons ook wat julle planne met minderhede is. Die Khoi, San, bruin gemeenskap, Indiërs, Jode en Afrikaners het geen plek of toekoms in julle planne nie. Dié mense, hul kulture en tale is bloot 'n irritasie wat stelselmatig uit die Suid-Afrikaanse samelewing uitgewerk moet word. *(Translation of Afrikaans paragraph follows.)*

[But, contrary to what the Minister thinks, we indeed understand what he and the ANC are busy doing. In addition to the

legislative attacks he launches to change our world class universities into bush universities, we also understand what plans you have concerning minorities. The Khoi, San, coloured community, Indians, Jews and Afrikaners have no place or future in your plans. These people, their culture and languages are simply an irritation which gradually must be removed from the South African society.]

Having said this, the Minister did not reckon two facts into his plans of master control:

Firstly, the EFF will steal his platform and accelerate the destruction of the higher education system, and push to destroy the rights of minorities; and

Secondly, minorities are not going to take this lying down. As we speak, the minorities of this country are organising into a single front that will inevitably push back these devious plans.

In the *War of the Worlds* the Martians ultimately succumbed due to a virus. The Martians did not keep track with the realities of nature which became their undoing. Likewise, the plans that the ANC and the EFF have for this country and minorities in particular are not aligned to the political nature and the true

wishes of the majority of the people of this country.

Inevitably, those plans will come to naught. Thank you.

Mr E K SIWELA: Hon Deputy Speaker, hon members and guests in the gallery, good afternoon. Let me perhaps start off from where hon Mchunu left off. The DA did not just publish their article but they jumped like popcorns – as once said by the Deputy Minister in referring to them – to the media to seek their sympathy. In opposing this Bill, the DA is refusing the change that they talk about or purport out there in the media. This is hypocrisy, as said earlier.

In essence, the Bill seeks to align and rectify any inconsistencies, contradictions or gaps in the administrative law provisions of the higher education sector to ensure that the prescripts of the Constitution are adhered to. This has become necessary following changes that have been outlined, in particular in the White Paper for Postschool Education and Training; a lesson learnt from experiences in the public higher education sector.

This amendment Bill is debated in the context of an ANC vision of higher education as being an instrument for human resource

development contributing to the knowledge economy to improve political, scientific and intellectual growth in South Africa.

The ANC's strategy and tactics document as adopted at the 52nd national conference in 2007 articulates the task of social transformation as one that, "seek to empower people to lift themselves out of poverty while creating adequate social nets to protect the most vulnerable in our society." Education is one of the most important tools to advance this task.

The amendment Bill is underpinned by the principles of inclusivity, redress, transformation, empowerment and fairness. The amendment Bill seeks to enable the withdrawal and revocation of degrees, diplomas, certificates and other qualifications. This is clause 36, which is intended for qualifications conferred by error on the part of public higher education institutions and/or if a dishonest or fraudulent act in relation to receiving a qualification. It provides for a time period ... the board is responsible to manage the process and the process to be followed.

Xiyenge xa 37 xa Nawumbisi xi pfumelela Holobye wa Dyondzo ya le Henhla na Vuleteri ku hlawula swiyenge swa dyondzo ya le henhla leswi bohekaka ku nyika minongonoko ya swa dyondzo kumbe swa

mitirho ya mavoko na ya madyondzisele ya mitirho hi ku landza mbuyelo wa 5 wa NDP Vision 2030.

Lexi i xivono xa mfumo xo humesa vatirhi lava nga ni vuswikoti eka tiko leri. Xivono lexi xi fambisana na xilaveko xa nhluvukiso wa swa sayense, tekhnoloji na vutumbuluxi ku hoxa xandla eka ikhonomi na le ka nhluvukiso wa swa ikhonomi.

Ikhonomi na ku kula ka yona yi lava xithekhiniki na vatirhi lava nga ni vuswikoti bya xiyimo xa le henhla eka tidyondzo to hambanahambana. Holobye u ta va na matimba yo yisa xivono lexi emahlweni. Tiyunivhesiti ta Afrika-Dzonga na vandla ra DA va kanetana na matimba ya Nawumbisi lowu wo antswisa lowu nyikaka Holobye matimba hikuva a va twanani na ku cinca. Va lava swilo swi tshama hi ndlela leyi swi nga xiswona hikuva swoleswo swi vuyerisa vona ntsena.

Ndzawulo ya Dyondzo ya le Henhla na Vuleteri yi nyikile swivangelo hi ku ya hi xivono xa pholisi ya xiyenge xa Dyondzo ya le Henhla na Vuleteri leswaku hikwalaho ka yini mhaka leyi ... [Narhi wu herile.] Vandla ra ANC ri seketela Nawumbisi lowu.

(Translation of Xitsonga paragraphs follows.)

[Mr E K SIWELA: Section 37 of the Bill permits the Minister of Higher Education and Training to choose sections of higher education institutions which are compelled to provide educational programmes or vocational training as well as skills development in terms of outcome 5 of Vision 2030 of the NPD. This is the government's vision to produce skilled labour force in this country. This vision is in line with the need for scientific development, technology as well as creativity in order to contribute to the economy and economic development.

The economy and its advancement needs technology and a skilled labour force which possesses high level knowledge in various fields. The Minister will have a mandate to advance this vision. Universities in South Africa and the DA oppose the powers of the amendment Bill which empowers the Minister because they are resistant to change. They want to keep the status quo because that benefits them only.

The Department of Higher Education and Training did give reasons in terms of the vision of the section on Higher Education and Training as to why do this issue ... [Time expired.] The ANC supports this Bill.]

(Consideration of Bill and of Report thereon)

Mr Y CASSIM: Hon Deputy Speaker, I think this is typical, that once again the Minister is missing in action. I don't know if he is still in hiding from students. But they give us this, Deputy Minister, Manana, that students are saying he is only good for wearing smart suits and being in a bay. So that should sum up how important this debate is to the ANC.

But let me go into some of the matters in my short time that I have here today. Clearly, the ANC members that have come to speak have completely and mischievously missed the point. Hon Kilian for example, talks about the DA opposing the Bill based on the Minister's powers regarding policy determination. We have absolutely no objection to the Minister's ability to inform and to determine transformation policy. You know this, but you made it about that, perhaps you became confused transforming from one party to the next.

But the actual problem, here is clause 16 that amends section 42, which gives the Minister powers to issue directives if the minister has reasonable grounds to believe and that is the cracks of the matter. If the Minister has reasonable grounds to believe that someone for example is treated unfairly, he can

issue a directive which will be pretence for intervention and administration. This is the same Minister by the way, that had reasonable grounds to believe that he should go into hiding while our universities are burning.

So, colleagues, I have got 24 seconds left. We oppose this Bill because it gives the Minister unfitted powers. It is about state capture for the Minister. It is not about a system, our student, and financing our students. It's about accountability that is why the ANC in committee oppose for the administrative report to be tabled in Parliament. So they can come here and try and twist whatever they would like to twist, but they are only here to do the Minister's begging not the begging of South Africans and that is why we oppose this ... [Time expired.]

Mr C KEKANA: The ANC supports the Bill. First of all, all the Universities that hon Bozzoli mentioned, remember they were black universities developed according to Verwoerd and doctrine of separate development. So, if you hear the word Verwoerd then you must know they were disadvantaged and as a result the Bill empowers the Minister in ministerial directive to help where there is financial crisis in Fort Hare, Turfloop and other previously black universities. Because those are bound to have financial issues due to the disadvantages of the past.

The second point which is very important is that, academic and institutional autonomy is a world wide phenomenon that the ANC adheres to. We respect academic and institutional freedom, because as an international phenomenon, we think it will help the society. But the point is South Africa has a unique case of apartheid and this unique case of apartheid need to be addressed by our Minister. For example, when there are university protests, everybody say where is the government? They don't say we have institutional freedom and autonomy. They actually want the government to assist.

And this Bill gives the Minister, where there is a crisis situation, before the crisis causes damage beyond repair to take remedial action to address that crisis and that is definitely in the public interest. Institutional autonomy is respected even in our Constitution, but you must remember that according to our Constitution, universities are organs of the state, because they are funded by the state. For as long as they serve public interest and don't narrow themselves to political or economic agenda.

And finally, as the ANC who support this Bill, we think the Minister will all the time be called upon to assist and in this Bill, the Minister knows... They are organs of the state in

section 239 of our Constitution. In this Bill the Minister will be enable when there fires at university to go in there and assist wherever the need is. Thank you very much.

The DEPUTY MINISTER OF HIGHER EDUCATION: Deputy Speaker, hon members, I had offered to donates some of my old suites to hon Carrim. Now, I realize he is taking issue because I did not keep to my promise, but I promise to deliver them before the end of the week, definitely. So that you are just as appealing to the students as I am, wonderful.

Thank you to all the members who participated in this important debate. We had glorified high schools and high level technical colleges, Professor Bozolli, can only exist in the fitment of your imagination. There is no such thing as vagueness in so far as he three types of institutions are concerned. Safe to say the modalities will definitely be covered by subsequent policy frameworks. And you know this very well. It was explained in the portfolio committee.

I also wish to repeat that the intention here is not temper with institutional autonomy, but to ensure that there is greater accountability and that sound interventions are made and as when the Minister is called upon to do so. Now, hon Alberts was

simply sharing with us some of their plans as minorities to retaliate to some of the things that are done by the EFF who did not participated much.

But I really wish to thank the ANC, the IFP, and the NFP for supporting this Bill and I wish to assure particularly the IFP and the NFP and the country as a whole that there is nothing untoward about what we are doing here today. All we are doing is to deepen the thrust of change in the poor school education and training sector. Once again, thanks to all the members who have participated and our humble sentiments of thanks again to hon Phosa and members of the portfolio committee for really driving this process to this end. Thank you very much. [Applause.]

Debate concluded.

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

The DEPUTY SPEAKER: Hon members, are there any objections to the Bill been read the second time? [Interjections.] There have been objections. I now put the question again. Those in favour will say aye. [Interjections.] Those against noe. [Interjections.] The ayes obviously have it.

Mr M WATERS: Deputy Speaker, the DA calls for division. Thank you.

Division demanded.

The House divided.

The DEPUTY SPEAKER: I would like to remind members that they may only vote from their allocated seats. When requested to do so, members must simply indicate their vote by pressing the appropriate button below the yes, no or abstain signs. If a member inadvertently presses the wrong button, the member may then after press the correct button. The last button pressed will be recorded as the member's vote when the voting session is closed by the Chair. The question before the House is that, the Higher Education Amendment Bill be read a second time? Are all members in the allocated seats? Voting will now commence. Those in favour of the Bill being read a second time should press the yes button. [Interjections.] Those against should press the no button. [Interjections.] Those wishing to abstain should press the abstain button. Have all members voted? [Interjections.] The voting session is now closed.

AYES - 199: Abrahams, B L; Adams, F; Adams, P E; Bam-Mugwanya, V; Bapela, K O; Basson, J V; Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, F; Bhengu, N R; Bongo, B T; Booi, M S; Brown, L; Buthelezi, N S; Capa, N; Carrim, Y I; Cebekhulu, R N; Chauke, H P; Chiloane, T D; Coleman, E M; Cronin, J P; Cwele, S C; Didiza, A T; Dlakude, D E; Dlamini-Dubazana, Z S; Dlodlo, A; Dlomo, B J; Dlulane, B N; Dunjwa, M L; Ebrahim, E I; Esterhuizen, J A; Faku, Z C; Filtane, M L W; Fubbs, J L; Gamede, D D; Gcwabaza, N E; Gina, N; Goqwana, M B; Gumede, D M; Hanekom, D A; Hlengwa, M; Jeffery, J H; Kalako, M U; Kekana, H B; Kekana, P S; Kekana, C D; Kekana, M D; Kekana, E; Khoarai, L P; Khosa, D H; Khoza, M B; Khoza, T Z M; Khubisa, N M; Khunou, N P; Kilian, J D; Koornhof, G W; Kota-Fredricks, Z A; Kubayi, M T; Kwankwa, N L S; Lesoma, R M M; Loliwe, F S; Luzipo, S; Maake, J J; Mabasa, X; Mabe, B P; Mabe, P P; Mabiya, L; Mabika, M S; Mabilo, S P; Madella, A F; Madlopha, C Q; Maesela, P; Mafolo, M V; Mafu, N N; Magadla, N W; Magadzi, D P; Magwanishe, G; Mahambehllala, T; Mahlalela, A F; Mahlangu, D G; Mahlobo, M D; Maila, M S A; Majeke, C N; Majola, F Z; Makhubela-Mashele, L S; Makhubele, Z S; Makondo, T; Makwetla, S P; Malgas, H H; Maluleke, J M; Maluleke, B J; Manana, D P; Manana, M C; Manana, M N S; Mantashe, P T; Maphatsoe, E R K; Mapisa-Nqakula, N N; Mapulane, M P; Martins, B A D; Masango, M S A; Masehela, E K M; Maseko, L M; Mashego-Dlamini, K C; Mashile, B L; Masondo, N A; Masuku, M B; Mathale,

C C; Mathebe, D H; Matlala, M H; Matshoba, M O; Matsimbi, C;
Mavunda, R T; Maxegwana, C H M; Mbalula, F A; Mchunu, S;
Mdakane, M R; Memela, T C; Mjobo, L N; Mkhize, H B; Mkongi, B M;
Mmemezi, H M Z; Mmola, M P; Mmusi, S G; Mncwabe, S C; Mnganga -
Gcabashe, L A; Mnguni, P J; Mnguni, D; Mnisi, N A; Mogotsi, V P;
Mokoto, N R; Molebatsi, M A; Molewa, B E E; Mothapo, M R M;
Motimele, M S; Mpumlwana, L K B; Msimang, C T; Mthembu, J M;
Mthethwa, E N; Mthethwa, E M; Mudau, A M; Nchabeleng, M E;
Ndaba, C N; Ndabeni-Abrahams, S T; Ndongeni, N; Newhoudt-
Druchen, W S; Ngcobo, B T; Ngwenya-Mabila, P C; Nkadimeng, M F;
Nkwinti, G E; Nobanda, G N; Ntombela, M L D; Nxesi, T W; Nyambi,
H V; Oliphant, M N; Oosthuizen, G C; Pandor, G N M; Phaahla, M
J; Phosa, Y N; Pikinini, I A; Pilane-Majake, M C C; Qikani, A D
N; Radebe, J T; Radebe, B A; Radebe, G S; Ralegoma, S M;
Ramatlhodi, N A; Rantho, D Z; Raphuti, D D; Senokoanyane, D Z;
September, C C; Shelembe, M L; Shope-Sithole, S C N; Sibande, M
P; Sithole, K P; Siwela, E K; Skosana, J J; Skwatsha, M; Smith,
V G; Surty, M E; Thabethe, E; Thomson, B; Tleane, S A; Tobias, T
V; Tom, X S; Tongwane, T M A; Tseke, G K; Tseli, R M; Tshwete,
P; Tsoleli, S P; Tsotetsi, D R; Tuck, A; v R Koornhof, N J J;
Van Der Merwe, L L; Van Schalkwyk, S R; Williams, A J; Xasa, T;
Yengeni, L E; Zulu, L D.

NOES - 5: Bozzoli, B; Cassim, Y; Kalyan, S V; Lorimer, J R B; Waters, M.

The DEPUTY SPEAKER: Hon members, the requirements are 201 and therefore the question of the decision will have to postpone. Sorry? [Interjections.] Oh! Hon members, order. Hold on.

The DEPUTY SPEAKER: E kgotswa e le maoto mane. [Mistakes do happen.] [Applause.]

Question agreed to.

Bill accordingly read a second time.

The DEPUTY SPEAKER: The last item on the Order Paper is a subject for discussion in the name of Rev K R J Meshoe on Restoring the image of the National Assembly in the light of recent developments. [Interjections.]

AN HON MEMBER: Walk out.

AN HON MEMBER: Hon speaker ... [Interjections.] Oho ...
[Inaudible.] [Interjections.]

The DEPUTY SPEAKER: Hon Meshoe! Hon Meshoe, listen to me and go to speak. [Interjections.]

Rev K R J MESHOE: Deputy Speaker, most South Africans who are upset and disappointed by what has been happening in Parliament are hoping that this debate will result in the dignity and decorum of this institution being restored.

The DEPUTY SPEAKER: Order hon members, let us give this debate a chance.

Rev K R J MESHOE: I, as one of the longest serving members of this House will like to apologise to the nation for the deplorable conduct of some of our members here.

The DEPUTY SPEAKER: Hon Meshoe, please hold on. Hon members, [Interjections.] the subject of this debate is about exactly the problem you are causing. [Interjections.] You can not be screaming. [Interjections.]

AN HON MEMBER: Where was he? Where was he? [Interjections.]

The DEPUTY SPEAKER: Members, it is about you, you are making noise. [Interjections.]

AN HON MEMBER: Where was he? [Interjections.]

The DEPUTY SPEAKER: No, no, no, hon members I object, your behaviour is despicable, you can not be making noise and making these claims you are making here man. There ought to be order here. Order! Go on Hon Meshoe.

Rev K R J MESHOE: I therefore want to appeal to all hon members of this esteemed House to be more tolerant of each other's opinions as we seek to restore the image and credibility of this House. We must all take collective responsibility for what has been happening and allow constructive criticisms of ourselves, the President of South Africa, our speakers and all Presiding Officers as we seek solutions to what is a serious deterioration of a vital institution in holding our democracy together. The ACDP and all other members and citizens who truly love this nation do not want this House to continue deteriorating into a nonfunctioning state of paralysis.

Deputy Speaker, the ACDP believes that President Jacob Zuma is the first one that must accept the responsibility for the shocking state of this institution because he has failed to lead by example and to provide sound, ethical leadership by being the first to take responsibility when it was needed the most. The

bottom line is that the President has lost all credibility. Deputy President Cyril Ramaphosa, as leader of government business, failed to instil discipline in Cabinet Ministers who deliberately evade or refuse to answer questions from Members of Parliament, MPs, when some Cabinet members treat members who ask questions with disdain, they provoke them to react improperly. Members of the executive must be reminded that it is the duty of MPs to hold them to account for how they spend taxpayer's money and run their departments.

On the 18th of November 2014, the Deputy President, in his capacity as leader of government business, met with parliamentary leaders of all parties represented in this House to discuss the unacceptable events that were taking place in Parliament. We all made commitments to adhere to the agreements that were made in that meeting. The Deputy President promised to follow up with another meeting with leaders to assess progress and that never happened. I sincerely believe that if agreements that were made were introduced in this House, some of which I will refer to in my closing remarks and the Deputy President had held follow up meetings with party leaders, what is happening would not have happened and this debate would not have taken place. Like all of us, Madam Speaker and her team also carries the blame. On a number of occasions the Speaker and other House

Chairs have made questionable and unfair rulings against opposition MPs. She protected members of the executive from scrutiny resulting, for example, in the Constitutional Court's Nkandla finding that Parliament had breached its constitutional duty of exercising oversight over the executive. Members of the opposition become frustrated when they see the Speaker being biased against them in favour of members of the ruling party.

The ACDP calls therefore on the Speaker to ensure that rules are applied even-handedly and that order is restored in the House. To my fellow members, I want to ask that we respect ourselves and one another. We should respect our word and the agreements we make. Rules of Parliament are made by members themselves and should therefore be respected and abided by. Playing to the gallery by raising spurious points of order and refusing to abide by the rulings from the Chair have led to chaos in the House and that must be strongly discouraged.

What happened in Parliament last week on Tuesday was both disgusting and heartbreaking. It was very sad to see members of Parliament, who should role models, particularly our youth, descend to such low levels of behaviour toward the Parliamentary security personnel that were sent in to escort them out of the House. Televised footage showing EFF members, kicking a female

security officer, who had fallen to the ground during the scuffle that ensued while trying to remove them from the House, was utterly disgraceful and an all-time low for the decorum of this House.

Our nation needs caring leaders who conduct themselves with integrity and know how to treat women and others with decency and respect. Hon members, we owe it to ourselves as MPs and to the people of South Africa, who represent and serve, to do whatever it takes to restore the dignity of the decorum of the House. Robust debate and passionately held views must be expressed within the bounds of common decency and the rules of this House. We must learn to hear each other, to agree to disagree if necessary failing which the rules of Parliament must be applied consistently and resolutely. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Deputy President, Ministers and Deputy Ministers, hon members, today, the National Assembly has agreed to debate the motion by the ACDP on the image of the National Assembly, following the recent developments. I am happy that we are discussing this matter because it is long overdue. Actually, it is a matter that this National Assembly should have debated in the first year of our taking office.

I just want to remind you that in August 2014, we had, in this very House, an unprecedented situation where we, as the National Assembly, could not exercise our oversight responsibility over the executive. The questions to the President were disrupted through the disregard of the Rules of procedure. On 18 June 2015, the questions to the President again collapsed. On 17 May 2016, we again experienced a disruption of the sitting. The destruction of property of Parliament has made society to wonder what kind of representatives we are. Surely, it is not all members, but we all carry the collective shame.

Arguments have been advanced that in such instances where the House had been disrupted or has collapsed, it was because of questions that had not been answered adequately. In trying to reflect on these, I consulted the procedure on answering questions that are posed to the executive. The procedure states that questions must be answered but it does not prescribe how these must be answered.

Deputy Speaker, should I not be satisfied with the answer, do I have the right to disrupt the business of the National Assembly when there are other mechanisms to address the concerns? Does it give one the right to impinge on the rights of others? I would disagree, as many of you would. In exercising our rights, we

should also be mindful of the responsibility we carry in protecting the rights of others. It is in this instance where the presiding officers, in the execution of their duty, have to protect the rights of others, and ensure that the Rules of debate are adhered to. Such Rules have been adopted by members of this very House.

As representatives of our people, we have a right to express our views, ask questions and make presentations. However, such must be done within the Rules and procedures. In the instance where such Rules are deemed insufficient, it is incumbent upon members of this House to propose amendments through the necessary structures, such as the Rules committee.

Since the beginning of the fifth Parliament, we have had to grapple with new realities where there have been calls that such institutions must be transformed. However, the manner of such transformation has not been in accordance with what Parliament ought to be or rather this Assembly should be. The Rules of procedure have been tested to an extent that we had to amend Rules in order to allow us to proceed with the business of the House. Insults have also been thrown across the benches, which unfortunately had led to robbing us from debates and persuasive

arguments, diminishing and reducing the quality of our interventions.

Today, we are asked to reflect on how we must restore the image of the National Assembly. In doing so, we must remember that we serve in this important arm of government on behalf of our people. It is their interests, their aspirations and views that we represent. As a leadership of this society, we also have a duty to continue with the task of transforming our nation and building a united, nonracial, nonsexist society. This requires of us to inspire our communities' confidence that we are worthy of leading through the manner in which we behave and conduct ourselves.

I wish to quote from the speech that President Mandela made in this very Assembly on 18 August, 100 days after taking office:

To present a facade of unity on each and every issue would be artificial, undemocratic and patently pretentious. The more these issues are aired and opened up for public debate, the better for the kind of democracy we seek to build. Handled within the bounds dictated by the interest of coherent and effective governance, such debate will definitely enrich our

body politic. This applies equally to debate within parties about how to manage this novel experience.

It is important for me to remind members that President Nelson Mandela said these words cognizant that, at the time, we actually just adopted the interim Constitution, which gave us a framework for setting up a constituted Assembly that was to debate the final Constitution. It was also at a time when we had a government of national unity. Therefore, how to balance different views was necessary and important, as it is even today. What was important was to ensure that even though we differ in our debates, we do so in a way that honours or principle objective of building a united South Africa.

Twenty years after the adoption of our Constitution, we have come to a point where we need to step back and reflect on the meaning of our constitutional democracy. In my view, this reflection would have been necessary, regardless of the current circumstances in which we have this debate. There still exist an opportunity in which such reflections must occur, as part of building on our experiences of the past twenty years.

It is important that, as we do so today and in the future, we also remember the late President Oliver Reginald Tambo and his

peers who, at the height of repression in our country, were able to look far beyond the present into the future and envision the South Africa that our forbearers have dreamed of.

In the mid-80s, President Tambo set up a task team, which had to explore the guidelines for a free South Africa, led by Ambassador Zola Skweyiya and included amongst others, Kadar Asmal, Zingile Jobodwana, Penuell Maduna, Bridgitte Mabandla, Albie Sachs, Shadrack Pekane and Jack Simons. This team came up with constitutional guidelines for a democratic South Africa, including the Bill of Rights. This very team's guidelines guided us in building our interim and final Constitution. In memory of these individuals, the negotiators and the members of the constituent Assembly who produced the final Constitution, we need to sit back and ask ourselves to what extent, in our action and in what we do, are we still pursuing those objectives that they set for us.

This National Assembly in which we serve as the people's representatives is the pride of our nation. It is the institution in which we as public representatives from various parties carry the mandate of the electorate. Our Constitution in section 42(1)(c)(3) defines our role as the National Assembly in the following manner, and I quote:

The National Assembly is elected to represent the people and to ensure government by the people under the Constitution. It does this by choosing the President, by providing a national forum for public consideration of issues, by passing legislation and by scrutinising and overseeing executive action.

As members of the National Assembly, we exercise this role guided by Rules and procedures. We have, in my view, in the past 20 years, ensured that we create an environment in which people can participate in the making of our laws through presentations in committees. We have called different constituencies to make their inputs on legislation that affect them. We have also raised issues of communities and our respective constituencies through motions, statements and questions to the executive.

In the past twenty years, some of the very legislation that we have passed has been contested. Citizens have utilised their rights to seek remedy from our courts and institutions supporting democracy. In March 2016, the National Assembly has been a respondent on the matter of Nkandla and the court found that we have erred in our processes. I want to emphasise processes because the court does not deal with the Rules but rather with our procedures. Reflecting on the Constitutional Court judgment, it is important to look at what more we need to

do in terms of our processes and procedure. However, it is equally true that such contestations and outcomes of court have been instructive in a way that it has made us wiser as legislatures, as we craft the laws on behalf of our people.

I also want to remind members that the Constitutional Court judgment is not just the only ... [Interjections.] Deputy Speaker, according to my time, I have one minute.

The DEPUTY SPEAKER: Yes, I am not Madam Speaker.

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): I hope you will give me two minutes of my time for that.

After 20 years of the implementation of this supreme law of our land, we have learnt many lessons. As we evolve, we appreciate that, at times in the exercise of our duty, we may err. That requires of us to reflect and to see how we can do better next the time. It does not mean point-scoring.

The significance of the debate on the restoration of the image of the National Assembly also talk to the decorum in this House. As different parties representing different constituencies, we

hold different views on matters. The National Assembly and Parliament as a whole offer us an opportunity to express those and persuade one another of points of views. However, what is critical is how we conduct ourselves. How do we differ in a respectable manner that still sees humanity in each one of us? How do we use the agreed Rules and procedures to conduct our business?

When the preamble of our Constitution talks about unity in diversity, it also appreciates that these differences, no matter what they are, should not divide us but rather binds us towards a collective responsibility of building a united and democratic South Africa. As the ANC, in engaging in this debate and reflecting on these recent developments, it is our view to be guided by our national objective of building a united, nonsexist, nonracial society, which all South Africans will love to live in. I thank you. [Applause.]

Mr J SELFE: Hon Deputy Speaker, it is a pleasure to speak after the hon House Chairperson Didiza, someone with whom, I think, we have a great deal in common.

I say this because, if we are honest with ourselves, this House has become an absolute circus of late. I believe that the

parliamentary channel now has more viewers than *7de Laan*!

[Laughter.] That is because we have become a comic opera – a sort of sordid reality programme that ought to have an age restriction!

We want to make it absolutely clear that we condemn in the strongest terms both the disruptive tactics of the EFF and the hapless response by the presiding officers. We are appalled at the savagery and violence displayed in this Chamber by members of both the EFF and the protection service.

Violence begets violence and it is no surprise that, with what is happening in this House as the example, students torch university buildings and activists torch schools. The protection service is no better, acting like modern-day storm troopers [Interjections.] Images of woman MPs being kicked and manhandled horrified South Africa and the world. [Interjections.]

Yes, Jeremy, you would know.

This has made this Parliament the laughing stock of the civilised world and a source of deep shame for our country.

The antics in this Chamber are, however, the consequence of mismanagement by the presiding officers and the arrogance of the majority party. The ANC has rallied behind a President who was found by the highest court in South Africa to have violated his oath of office. He should have resigned immediately. That would have been the actions of an honourable man.

However, Mr Zuma did not.

In the absence of this, the ANC had the opportunity either to recall the President, or else to vote for the motion introduced by the Leader of the Opposition in terms of section 89 of the Constitution. [Interjections.]

It did neither.

That fatally undermined the credibility of this Parliament, and leads directly to the contempt that many of us feel for Mr Zuma.

But that's not all! Increasingly bereft of ideas and inspiration, the ANC resorts to using its majority to ram through legislation and the appointment of cadres.

[Interjections.]

Gone are the days when this Chamber and its committees were the forums for the open exchange of ideas and the honest debate of alternative solutions. Now the currency of debate is the hurling of insults and the trading of innuendos, the most common of which is to describe people as racists.

And frankly, it is not the EFF that started this dialogue. It's those hon members in Castle Corner over which the Chief Whip of the Majority Party apparently has little or no control.

And then there are the actions of the presiding officers, led by the Speaker. It remains our view that to be the national chairperson of the ruling party is inherently incompatible with being Speaker of this House. In that position, one simply cannot preside impartially. So, increasingly, the Speaker grovels to the President in particular and the Cabinet in general. What then happens is that the Speaker rules as unparliamentary any robust criticism of the President, the Cabinet or the ruling party.

You, Mr Deputy Speaker, are no better. You recently gave a gobsmacking ruling that it was unparliamentary to quote from a court judgment, because it might reflect on a member!

The result is that ordinary South Africans in their homes and in their taverns can, and do engage in far more robust debate and critique of politicians than we can in this House. That is perverse, and cannot be what the Constitution intended.

That is why we, in the opposition, have reluctantly had to resort to the courts. We do not want to involve the courts in our affairs but, given the intransigence of the ruling party and the ineptitude of the presiding officers, and, frankly, their misguided legal and procedural advisers, we have been left with no choice.

And so, it started with the De Lille case: De Lille 1, Parliament 0. Then there was the Mazibuko case: Mazibuko 1, Parliament 0. Then there was the Ambrosini case: Ambrosini 1, Parliament 0. Then there was the white shirts case: DA 1, Parliament 0. Then there was the case about the comment on the Marikana massacre: EFF 1, Parliament 0.

I was in court this morning and I guarantee you that there is another damning judgment coming against Parliament.

[Interjections.]

Unless and until there is free speech in this House, unless and until MPs are able to tell the harsh and unvarnished truth that many others don't want to hear – like the hon Minister of Small Business Development, or whatever she is – Parliament will continue to be dysfunctional and disgraceful. [Laughter.]

And may I commend to hon members and the presiding officers what the judge of the Constitutional Court said in DA vs ANC – the so-called SMS case – which the DA won:

Political life in South Africa has seldom been polite, orderly and restrained. It has always been loud, rowdy and fractious. That is not a bad thing. Within the boundaries the Constitution sets, it is good for democracy, good for social life and good for individuals to permit as much open and vigorous discussion of public affairs as possible.

That is what we need here. That will restore the image of Parliament. That is what is going to happen unless we ... if we don't do that it will not ... [Time expired.]

Mr A J ESTERHUIZEN: Deputy Speaker, I apologise for my voice.

We are destroying our country's stability from within the heart of its democracy by undermining the dignity of this national institution. If Parliament is no longer seen to be functioning, why should our citizens believe in any of the institutions of this democratic government?

When members of this House disrespect the President, the Speaker and the Rules of Parliament, we are disrespecting the people who elected us to represent them. We are tearing apart the institution in which they placed their trust and we dishonour the responsibility they bestowed on us.

Parliaments throughout the world have grappled with this issue of protecting the integrity of their national assemblies, particularly in the midst of social upheaval and economic distress.

Sixty-seven years ago, as India adopted its constitution, its principle architect, Dr B R Ambedkar, said:

If we wish to maintain democracy not merely in form, but also in fact, what must we do? The first thing ... is to hold fast to constitutional methods of achieving our social and economic objectives ... we must abandon the bloody methods of revolution

... Where constitutional methods are open, there can be no justification for using unconstitutional methods. If hereafter, things go wrong, we will have nobody to blame except ourselves.

These words ring true in South Africa.

There are ways to achieve our social and economic objectives without compromising stability, undermining democratic institutions and causing people to lose respect. We dare not speak with the grammar of anarchy, when our message would be just as clearly received through good faith engagement.

Things have indeed gone wrong, and we have no one to blame but ourselves. The Chief Whip of the IFP pointed out during Parliament's Budget Vote debate that none of us sitting here today can be absolved. It is up to us to get our house in order and restore the dignity and decorum of Parliament.

The IFP has always been known for maintaining respect and not sinking to the level of gutter politics. We do this because we understand the repercussions of damaging the image of Parliament in the eyes of the people. We in this House have promised to serve South Africa, not tear it apart. Thank you.

Mr M S MABIKA: Deputy Speaker, our Parliament has become the laughing stock of the world, and its dignity has been severely compromised. Television images of members of this august House being forcefully ejected from the Chamber on several occasions gave the public a very graphic confirmation on just how low the morale in Parliament has actually dropped. Before we can offer solutions as to how we should go about restoring the image of Parliament, we need to pause and first identify the cause or causes of this degeneration.

The NFP believes that there are two separate, but interlinked, issues that have contributed to the collapse of Parliament's dignity. Firstly, the President showed contempt for this august House when he was called to account for Nkandla. He denied any wrongdoing, mocked opposition parties who dared question his integrity and used the ANC majority here to unleash a political attack on the Public Protector and the Constitution.

The second issue is the compromised position of the Speaker of the National Assembly, who wears her two hats with great unease. Ultimately, her loyalty to the ANC, as its national chairperson, and her loyalty to the president of the ANC clouded her impartiality. She lost credibility the very first time she called armed police into the democratic sanctity of the Chamber

and has shamed Parliament in the pronouncement of the Constitutional Court for her complicity in undermining the Constitution.

The solution to restoring the dignity of Parliament is quite clear and simple. Remove the President and the Speaker of the National Assembly from the equation and the root causes of our shame will be removed too. [Interjections.]

We don't need to beat about the bush. President Zuma has disgraced Parliament and the country, aided and abetted by his trusted lieutenant, the Speaker of the National Assembly. Between the two of them, they have brow-beaten the public representatives of the ANC in this Chamber into meek submission and used the tyranny of majority to destroy the dignity and integrity of this august House.

The NFP therefore urges all members of this august House to join us in our call for the President and the Speaker of the National Assembly to resign. Only then, can we start to rebuild confidence and respect for Parliament again. If it is easy to remove the Premier of KwaZulu-Natal, it should be easy to remove the scandalous President from here. [Time expired.]

[Interjections.] [Applause.]

Mr N L S KWANKWA: Deputy Speaker, hon members, indeed, President Zuma is part of the problem we are discussing today, whether people like it, or not. I remember when I was still a manager in the banking industry, we used to talk about and draw a lot of wisdom from the book by Stephen Covey, *The 7 Habits of Highly Effective People*. One of the things that book refers to and quotes is Peter Drucker.

Peter Drucker talks about leadership being about a situation where leaders have to establish, or make sure, rather, that the ladder is leaning against the right wall. Management, on the other hand, would ensure the effectiveness of achieving the strategy.

The debates, when one starts from Budget Vote No 2, including today - about making sure that this Parliament does, indeed, lean against the right wall - mean we must play our part in ensuring that Parliament achieves its strategic objective. This is being the voice of the people and the boardroom of the people of South Africa.

By now, fighting over these issues and fighting among ourselves, our focus is inward, not outward. It means we have to try, all the time, to change our ways of behaving; or to talk about us

and what we do here, rather than talk about how best we can serve the people of South Africa. That is the most unfortunate part.

However, I want to say this. In our one-dominant-party system, it is necessary for meaningful dialogue to occur between the ruling party and the opposition. This is important, because if you allow the I-can-do-without-you attitude towards the opposition to take root, then you are asking for those who sit on the opposition benches to antagonise you. This, needless to say, turns every matter under consideration into a political tug-of-war.

Similarly, it appears that some of us in the opposition refuse to work with those in the ruling party, even on issues of national importance, due to the fear of weakening their public image. They fear that, by working with the ruling party on some issues, they will be allowing themselves to be co-opted. In so doing, we sacrifice social cohesion and nation-building on the altar of political grandstanding and vote maximisation, at all costs.

My colleagues, I want to ask you this question: How different is this behaviour, then, from that of the private sector that we

always accuse of relentlessly pursuing profit maximisation, at all costs? Surely, we can do better than this?

The impartiality of presiding officers is also at the centre of ensuring that we bring back stability and decorum to the House. There is a mistaken notion that impartiality refers to a situation where one is nonaligned. Nothing could be further from the truth. Complete nonalignment does not exist in the real world. The kind of impartiality we need in this House is one where those who have the privilege to preside over the proceedings of this House and also the responsibility to lead it do so in a manner that treats everyone fairly.

Liyangxama eli xesha lenu Sekela Somlomo, andiyazi nokuba niyalitswikila kusini na njengokuba sisiya kulonyulo nje. USihlalo weNdlu uDidiza umzuzu wakhe omnye utsale imizuzu emithathu yonke. Enkosi kakhulu. [Hon Speaker, your time is very quick, I don't know whether you adjust it now that we are going for elections. Hon Chairperson Didiza's one minute took three minutes. Thank you very much.]

Dr C P MULDER: Hon Deputy Speaker, Parliament currently finds itself in the midst of a perfect storm. That is why the image of

the NA needs to be restored. A perfect storm - where does it come from?

The hon Selfe, quite effectively, this afternoon, gave one side of what happened. That happened because of steps taken, one after the other, by the ANC in this Parliament to undermine the image of Parliament. He mentioned all of them: those court cases ...

... die manier waarop te werk gegaan word, een na die ander. Die probleem in die Parlement het nie gekom in die Vyfde Parlement nie. Dit het reeds gekom in die Vierde Parlement. (*Translation of Afrikaans paragraph follows.*)

[... the way in which things are conducted, one after the other. The problem in Parliament did not start with the Fifth Parliament. It already started with the Fourth Parliament.]

The hon Didiza said this afternoon that oversight over the executive did not collapse. It did collapse when the President's question time was undermined. That is not when it collapsed. It had already collapsed in the Fourth Parliament. At the end of the Fourth Parliament, the ANC misused its majority to prevent

the executive to be taken to account in terms of what happened in Nkandla. [Interjections.]

Toe julle die ad hoc-komitee doodgedruk het aan die einde van die Vierde Parlement, daar het julle reeds gefaal om die uitvoerende gesag verantwoordbaar te hou.

Aan een kant het ons die ANC, wat ons in hierdie situasie in bestuur het vanaf die Vierde Parlement. Aan die ander kant sit ons met die EVV. Die EVV het tot stand gekom voor die 2014-verkiesing, en baie duidelik hulle doelwit uitgespel.

(Translation of Afrikaans paragraphs follows.)

[When you squashed the ad hoc committee at the end of the Fourth Parliament, you already failed to hold the executive power responsible.

On the one hand we have the ANC, which governed us into this situation since the Fourth Parliament. On the other hand we have the EFF. The EFF came into being before the election in 2014, and communicated its aim very clearly.]

They said they were coming to Parliament to bring the revolution to Parliament. They are on record as having said that. That's

exactly what they are doing at the moment, but they are in the wrong place.

Parliament. Where does the word come from? It comes from the French word, *parler*, to speak. This is a place where you are supposed to speak. We are supposed to convince people, in terms of argument. It's not supposed to be a place where you shout at people, where you talk down to people, and where you disrupt the proceedings.

Die uitgangspunt van die EVV is om hierdie plek onregeerbaar te maak en die rewolusie hierheen te bring. [The point of departure of the EFF is to make this place ungovernable and to bring the revolution here.]

The question is basic. It is very easy: Should a party or a group of people be allowed to misuse democracy to destroy democracy? That's what the EFF wants to do. They want to disrupt; they want to disrupt the whole dispensation and the constitutional democracy. [Interjections.]

There is no use in suspending them. There is no use in chucking them out of the House. The time has come to take away their salaries. I am convinced that we have to take some money from

their pockets every time that they do what they are doing in the House because they are disrupting Parliament and they do not want to accept their responsibility. [Applause.]

Die probleem, egter, is aan die ander kant. Ons sien mos We wat gebeur het. Die ANC het die Parlement in die steek gelaat toe u meerderheid misbruik het om die President te beskerm. Die Konstitusionele Hof moes toe ingryp en sê ... *(Translation of Afrikaans paragraph follows.)*

[However, the problem lies with the other side. Indeed, we saw what happened. The ANC left Parliament in the lurch when you used your majority to protect the President. The Constitutional Court had to intervene and said ...]

Parliament acted unlawfully. That's what has happened under your majority.

Dis tyd om te besef. [It is time to realise.]

Parliament does not belong to the majority. Parliament is the highest institution on the legislative level. It belongs to all the people in Parliament and all parties should be treated

equally because we all represent the people out there. [Time expired.] [Applause.]

Mrs C DUDLEY: Deputy Speaker, almost two weeks ago during the budget debate on Parliament, we heard the Speaker taking some responsibility for the chaotic situation Parliament seems to have been in since the 2014 election. She acknowledged that lessons have been learned and committed to increased efforts to correct the situation, as the hon Didiza did, today. Sadly, most speakers simply resorted to finger-pointing, and took no responsibility themselves, as some have, today.

What stood out for me was what the Deputy Chief Whip of the Majority Party, the hon Dlakude, said, at the time: "As Members of Parliament, we took an oath to obey, respect and uphold the Constitution." The ACDP, for example, voted against the Constitution because of serious concerns around certain clauses. Our decision was not a blanket rejection of or disrespect for the Constitution, but an expression of how seriously we felt the negative impact of those clauses would be on South Africa.

While we entered Parliament with every intention of challenging those clauses, we have always respected and upheld the Constitution of our country. In taking the oath as Members of

the National Assembly, we understood it imposed an obligation on us, individually and collectively. It also demanded of us conduct - inside and outside of the NA - that showed respect for not only the Constitution, but for the institution of Parliament, the Rules of Parliament and the people of South Africa, including Members of Parliament and office bearers.

That is not to say we got it right immediately. It took some time for us to learn how to express our concerns and passionately-held views in a manner that addressed the issue without resorting to being rude and casting aspersions on other people's characters and intentions. As new members, we pushed the limits and tested the Rules on many occasions.

However, this Fifth Parliament has ushered in unprecedented levels of lack of respect for this democratic institution, lack of respect for each other and lack of respect for the voters. It also allows party politics to disrupt proceedings, undermine the work of Parliament and generally, promote chaos and anarchy.

Since the revised Rules have now been agreed, they will need to be applied consistently and unwaveringly. The ACDP believes that change is not only good, it is essential. It is foolhardy,

however, to change just for the sake of change. We must change only what does not work or add value.

The ACDP also condemns the actions of those involved in promoting political agendas to the detriment of Parliament, both within the NA and the administration. The recently revealed political agenda of Nehawu to destabilise Parliament and get rid of the Secretary to Parliament is a case in point.

The ACDP calls on management and the administration to remain professional and not to get caught up in the politics. We acknowledge, however, that anarchy, ill discipline, threats to management and the Secretary to Parliament, and a stated intention to render Parliament unworkable and ungovernable cannot be tolerated. Action must be taken where evidence incriminates anyone. I thank you. [Time expired.] [Applause.]

Ms J D KILIAN: Deputy Speaker, as the ANC we welcome the debate on how we should all contribute to ensuring that we restore the image of the National Assembly. This is not a matter where we can point fingers at each other. We believe that the time has come – between the governing party and all opposition parties – that we should identify the critical issues and that we should collectively address these. This is our Parliament; this is the

Parliament representing all South Africans and therefore, there is not only a responsibility on the governing party to restore the order and dignity of this House. We certainly want to call on all parties to become part of the solution and not to resort to finger pointing which will not contribute to any better relationship amongst political parties. [Applause.]

If we look at the history of South Africa and our young democracy ... if we look back 22 years when we established the very First Parliament, we came from absolute very divergent backgrounds. We came from a war; we came from a struggle where people did not want to respect institutions such as Parliament, parliamentary practices, the rules and the structures because it was foreign concepts to South Africans who did not have a right to vote in the past.

We had to build from different parties ... we had to build trust and to develop rules that would apply and that would respect constitutional values. We also agreed that there would be certain rules for the conduct of members and for debate, and that was not to resort to personal attacks on people, and to always respect the Bill of fundamental Rights and the dignity and respect of individual members, etc. All of that became part of our developmental democratic culture in this House as well as

in other provincial legislatures. We really want to call on those members who are maybe from a new generation and who do not understand where we come from, to understand why specific mechanisms were introduced and why we always say its not only the rules; it is the practice and it is the convention of Parliament that we should also respect and uphold.

Unfortunately, the Fifth Parliament – and I hear what the hon Mulder is saying about the Fourth Parliament – but in particular the Fifth Parliament unfortunately made headline news for all the wrong reasons. It became part of the disruptive and disrespectful conduct of some of the members, leading to severely embarrassing scenes on national TV channels in South Africa and even abroad; whilst our members of the executive who visit international congresses, etc have to explain what is happening in our Parliament back in South Africa – the miracle of Africa.

The fact is that political commentators also argued – and hon Selfe has referred to that – that some of the conduct could even have played into some of the disruptive arsonist behaviour that we have seen in communities in the torching of schools and very expensive infrastructure of government. More than a billion rand has been wasted because of such conduct.

We should all be ashamed of what has happened in Parliament. You know its one thing that I certainly do not understand about the DA. We understand that they have a large number of new members who don't understand where we come from. They are young, they are very aggressive in their conduct and they feed into what the new EFF has now become used to ... {Applause.] ... and that is that they simply do not respect the authority of any of the Chairpersons, be it the Speaker, the Deputy Speaker or any of the presiding officers. Rule 49 is a critical rule that states that whenever a presiding officer is rising a member shall take his or her seat.

Now, clearly if we transgress from there it's all good and well to now come and accuse the President or the Speaker of being biased. It is not the reality. We all know that. It is political opportunism and radicalism that's playing itself out in this Parliament ... [Applause.] [Interjections.] ... and it is because they want to catch media headlines. You see, they want to compete. It's a competition for relevance which is playing itself out. If the EFF removes itself the DA simply takes over the role and shouts and converses aloud. Where are the Whips of the DA? Why are they not silencing the members who are conversing aloud? [Interjections.] The hon Deputy Speaker is aware that these members are drowning out speakers here. Why are

they not being requested to stop conversing aloud?

[Interjections.] Now what we are saying is, clearly there are

...

The DEPUTY SPEAKER: Hon members, it is good to treat others the way you want yourself to be treated. It's as simple as all that. I have told you that you scream but when others scream at you, you want me to rule against them. So please be orderly and allow speakers to continue. Go ahead, hon member. [Interjections.]

Ms J D KILIAN: Going forward it is important for us to identify weaknesses. We have worked very hard on revising the rules of Parliament but you see the problem is that you can introduce new rules but if the people who are supposed to play according to the rules don't respect those rules it will not lead anywhere. If you have a rule for a soccer game and you disrespect those rules you will have chaos on the soccer field. The same applies to rugby or any other sport. Those players must expect to be ruled against in terms of the rules and they must respect the rulings of the presiding officers. The presiding officers are the whistle-blowers.

Here we should debate and we should not become personal in our attacks. We should debate the issues that affect the nation. One

of the major problems that we have seen is that our debate in Parliament has become extremely shallow. Where are the real issues affecting our nation? [Interjections.] [Applause.] Where are the issues that we should focus on in terms of money spent? We only focus on selective topics and we speak of Nkandla. Clearly the Constitutional Court identified the weaknesses of the management of the Nkandla report. However, that constitutes 0,019 of the Budget that was passed in this House. Is it correct for this Parliament to only focus on those matters? Clearly there are some national issues; our education system that must deliver the well-trained young people that can take up their positions in the economy of our country. Why are we not devoting more debating time to those issues? Why are we allowing ourselves to be diverted? This is where we need to talk collectively.

We should not only point fingers at each other. Let us talk about the real issues. Bring those matters from portfolio committees and let us debate them here in the House. Portfolio committees have the information at hand. We want a collective debate. I thank you. [Applause.]

Mr M WATERS: Thank you, Deputy Speaker. The hon Kilian says we shouldn't score political points and yet she spends half of her

speech attacking the opposition instead of trying to find any solutions. She gave no solutions whatsoever. She says the DA does not understand where we come from. Now when she says where we come from I don't know which we we are talking about – the National Party, Cope or the ANC because she's been in many, many parties. To link the DA in any way to the EFF by saying that we take over their role when they are not here is just absurd and you know that. It's grasping at straws.

One of the problems that was highlighted at the beginning of this term was the fact that people and members from all parties would respect the rulings of presiding officers if they were free, fair and consistent and without fear or favour, and they are not. That is one of the issues that we have been raising for over two years. If we got that right, opposition members will have a lot more respect for presiding officers.

With regard to debating issues, the ANC has 50% of members' motions so every second week you decide what motion we debate in this House. If you don't want to debate the real issues that are affecting the voters of South Africa, such as the drought, such as unemployment and such as the collapse of our manufacturing industry, then that is your problem. When we discuss jobs and when we discuss the drought, these benches are empty as usual.

If we want to bring real reform to Parliament, we only need to look at two reports that have been commissioned by this very institution. The first report was commissioned back in 1999. Prof Hugh Corder was head of that commission, where he gave several conclusions and proposals on how we could effectively exercise oversight over the executive and how Parliament should truly give expression and support to our obligations to support Chapter 9 institutions like the Public Protector. The recommendations were never implemented.

Then in 2001 we had Parliament's committee into Chapter 9 institutions headed by the late Kader Asmal. Again, it studied the roles of Chapter 9 institutions and how we could integrate their work with ours, and again the recommendations were never implemented.

We need to dust off both of these reports and look at the recommendations, such as, we need to introduce a standing committee on constitutional institutions that will oversee processes and action the findings and reports of Chapter 9 institutions in a meaningful way, and we must debate these reports in the House.

We must use the opportunity – and hon Kilian mentioned it – with regard to the review of the rules and look at ways in which we can strengthen our oversight over the executive. One of the ways, which you have rejected, is having oral questions without notice. Why won't you allow us to stand up and ask a Minister a question? This would not only ensure that Ministers know their jobs and their departments, but it would ensure that questions are topical, fresh and relevant to the electorate, and make them want to watch Parliament.

We must pass an executive accountability Bill that will serve as an accountability mechanism with real consequences for the President and Ministers who feel that they can simply ignore this House and their constitutional obligations. If you want to keep this Parliament the people's Parliament and not the executive's Parliament then don't make the changes to the rules that are going to regulate the ... [Interjections.]

Must I say it in Zulu or Sotho? I'm actually better in Sotho than Zulu. Would that be better? Okay.

... will demote the importance of motions and member statements from being first on the Order Paper to last. By doing so, what you as the ANC are doing is making this Parliament the

executive's Parliament and reducing the voice of the people where we can no longer bring real issues that affect the people and put them paramount and first on the front of the Order Papers. You are doing that deliberately to stifle debate in this Chamber. So hon Kilian, if you want to ensure that we have proper debates and we bring relevant issues to Parliament, then do not change the order of Parliament.

One other issue that needs addressing is our electoral system. We need a system that brings back accountability and where the voters feel that they have a direct link with their Members of Parliament, MPs, and that is by bringing a mixed system where we have constituencies and the list. By having constituencies, voters will have to account as to why they do not attend Parliament and where the 60 ANC MPs are today. Where are your MPs? [Interjections.] Why could you just pass the Higher Education Amendment Bill? [Applause.]

Mr M S BOOI: Hon members of the executive and hon Members of Parliament, I am sure I am talking as one of the oldest Member's of Parliament here. And I would really be reflecting on the experience that hon Meshoe has been trying to take through.

We, as the ANC, are quiet feeling that this debate is quiet important. One thing that we should all learn as Members of Parliament and as leaders of this society is that how do we deal with honesty, and how do we become to live more honest in how we deal with matters of Parliament.

Half of the time, without blaming the Speaker, we put together a forum here through our own structures and through the Rules, that you call the Chief Whips' Forum. And half of the time here as ordinary Members of Parliament, we seems to be getting an experience of that Chips Whips' Forum fighting amongst themselves not being able to resolve that what have they been able to tell each other in the Chip Whips' Forum. [Applause.]

Just last week, there was an agreement that says all Chief Whips have agreed that the President must come to the House and have answering of question, but the first people to stand up were again Chief Whips. Now how do you blame that to the Speaker of Parliament? Does we need to be dishonest because they are suppose to be say to yourself as Members of Parliament that is that forum working or not.

The second part, keep on getting us to be blame for majoritarian. It is what the ANC would never be understood. But

you all live here. We are going to leave on Friday. We are all going to go to voters. We are going to say all whatever you have said about the ANC. We will say it as much as we can to the voters. And the voters vote us in; we come back as the majority. What must we do now? Must we withdraw ourselves as a majority? And then who governs? [Applause] That becomes a problem. A problem now that it being blame on ordinary Members of Parliament who have been mandated by their parties because the system in South Africa is a proportional system and we come because we have mandate. And we are given mandate by our own branches.

Half of the people who seems to be more serious than the President of this country - where are they today? Where are the leaders of all these parties that are making noise here? They are not here. They will only come the day the President is here as if they are the President themselves. We have elected one president in this Parliament. That is Jacob Gedleyihlekisa Zuma. [Applause.]

But half of them are not here. And when they come here, they want to start changing the agenda of Parliament. What must we do as the ANC? Must we be mummies and keep quiet? We have not been elected to come and misleading to other people. We have been

sent by our own branches and sent by our own people to come and fulfill our own mandate. We have a manifesto. You have a manifesto. Everybody has a manifesto. And we are here to make sure that that manifesto is being implemented. And we do try by all means to find the balance in Parliament.

We sit in the Rules Committee. We engage in the Rules Committee. And we try to find out every Member of Parliament to make sure that he makes the contribution in the Rules Committee. And where does the failure comes from? It's when there is dishonesty.

Now we are being asked after few months that change your sequence of Parliament. And when we enter that debate, hon Waters, you were there. We had elaborated an explanation that why we think is important that issues that are affecting Parliament directly that comes sometimes from the executive must be dealt with.

Today, you walk out of the committee. Who must be blamed for that particular development? Must it be the ANC again? Then it is quite clear that we should not come to Parliament because we are the ones to be blame for the work that we are doing. What else could we do that is totally deferent? We move on ...

[Applause.] ... and with ... What Rules? You must win the votes

man. You must come and win us. [Interjections.] We ask you ... We were listening quiet reasonable, we are not making noise. We arte trying to understand that which violations are you saying that the Speaker has violated?

You are being said that the Speaker ... Yes, we are being paid so that all of us can represent our people. You are also getting paid. At the end of the day, we are being asked that which Rules that are being violated here in the institution, none. Nobody comes to us and says the Speaker has violated Rule A, Rule B, Rule C.

The Speaker fairly speaking all perceptions is being said that she is unfair. I am definitely sure even in the ANC, the literal complain, and they want to kill us here as Whips start. We are not the one that is making it possible for the Speaker to listen to them.

Equally as you are frustrated, but one thing that I must say is that the Speaker has been able to stand with the House Chairs and have been able to make it possible for this House to be able to go through and fulfil its work. It's a balance that must all find itself.

There is no way you would act as if these things are new. I was member here when there was a Nigerian issue under the former President Mandela, what did we do? We found each other here because we could see that it's not a correct issue. When there was a biggest debate in the country under President Mbeki about Aids, what did we do? We didn't shout down and kick out everybody. We were quiet clear that that issue affect the ordinary people of our country. And we needed to find each other. And we did that.

So, there is not even reason to confront President Jacob gedleyihlekisa Zuma. It's a challenge by South Africans that we should be able to reflect and take responsibility. There is no way we have been able to say to this Chamber, walk away and take a different route. So in the South African context, in the history of our ...

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

Dr C P MULDER: I would like to know if the hon Booi is prepare to answer a question?

The DEPUTY SPEAKER: Hon Booi, would you accept a question?

Mr M S BOOI: No.

Dr C P MULDER: It's an easy question.

Mr M S BOOI: No, I won't take a question. I don't always disturb you. I always respect you. You know that. I respect all of you.

Dr C P MULDER: That's a very good question, very good question.

Mr M S BOOI: So what I am really saying is that even in the constitutional debate that we are confronted with, we have been saying that and even the judge has been saying that, we should never allow the Constitution to be politicised and quiet clearly with development within South Africa that has happened, and we would have thought through that if we are representatives of the people we will understand the Constitution, you would be able to put those challenges back to the ANC without howling at us because at the end of the day we have a responsibility as the ANC. We are not just Members of Parliament just been sent here to come and listen to other people.

We don't come here; we come on the mandate of our own infrastructure that's call our own branches to come and expose our own policies here. And it will be very difficult to expect

the ANC to listen to the leader of the opposition says ANC vote, vote for what.

We have a National Executive Committee that gives us the directive. And we are not going to move against them. We are not going to take something different. They have the full responsibility. If you call it Luthuli House or what, that's where we are coming from. That's what it is. And it's a proportional system. It's not my system. And we are going to stand firm on it because as employees of the ANC we still stand on it that we have been mandated by that organisation and its branches to come here and fulfil its mandate.

We are not going to be dancing to anybody's tune if ever it comes. It's not even arrogant, is the fulfilment of what is in the Constitution that this is a proportional system, you come on the basis of the voters that we have won outside and is your party that win that vote. It's not winning by individuals.

If you want the constituency based politics, we have been saying that come, win power and put it up, and we will be able to take up that responsibility. Don't want to push us out and say that the ANC must change its own agenda and say it because the DA wants this system, then we must dance with them.

Let the DA win the elections. Yesterday, they all still were doing a correct analysis of the state of things within the DA. We clear all things that they say that since the responsibility of this organisation of the opposition had been taken over by hon Maimane, there has been deterioration of how that organisation is running its own affairs.

They acute a level that in itself that it runs after the EFF and is what was proven today in the Rules Committee. We were face with the same problem on issues that we have agreed for a very long time. Participation in sub committee by the DA, suddenly today, reference shall know that. Where does this notion come from that we must now change the sequence of what happens.

We are very clear as the ANC that half of the time of people that are not coming to the House, the same people who act as if they differ to President of this country, they come on the day that the President of the country is here. And then we are in portfolio committees, we don't see them. They have been promising people that they want to nationalise the economy. We have never heard that.

Nobody is engaging the ANC on any type of policy. Nobody says to us our policies have gone wrong, nobody. That's why are branches

are very confident of us that we are fulfilling that mandate and the executive as I was looking and I was going through with the presentation of the judge. At no stage that the judge says this executive that is running this particular country has gone wrong. He has done a thorough assessment of the executive. He has done a thorough assessment of Parliament and still remains confident that the executive have been able to play its role.

And for us as the ANC, that's the pride that carries us that we have been able to maintain what our people have ask of us to come and do here. We are not going to be bowed and push around as if we don't know what we are doing. Thank you. [Time expired.] [Applause.]

Rev K R J MESHOE: Deputy Speaker, I must first thank all the hon members who participated and gave their inputs in how to improve the decorum of this House. Rather than respond to individual inputs that members have made, I want to refer to the agreements that we made at the meeting between the Deputy President and the political parties leaders in 2014 because I believe they would help us to find one another and also ensure that the decorum of this House is restored.

The agreements that we made include the following: Firstly, we have to work to restore the dignity of integrity and standing of Parliament. It is our collective responsibility.

And secondly, we have agreed that we must reaffirm respect for the Rules, procedures and structures of Parliament.

Thirdly, we need to work together to ensure that Rules and procedures are applied consistently, fairly without fear, favour or prejudice.

And fourthly, to reaffirm the responsibility of the presiding officers to apply the Rules consistently, fairly and without fear, favour or prejudice.

Fifthly, reaffirm the principle of executive accountability and that all members of the executive are to appear before Parliament as required by the Rules.

And sixthly, work together to ensure a climate in Parliament that enables members of the executive to appear before Parliament and properly account.

And seventhly, reject any attempt in whatever form to suppress debate or silence descend. And eighthly, promote a culture of substantive quality debate and reject insulting language and personal attacks on members. Many people out there are saying the language they hear in this Parliament is embarrassing, it is worrying and there is a plead that we need to improve our language so that what we speak can be emulated by young people out there.

There are many things that are being said out there that are causing parents to blame members of Parliament. So, we are appealing to Members of Parliament to truly be examples even with what we say not only with our actions but also with what we say.

And eighthly, the agreement was to promote a culture of substantive quality debate and reject insulting language.

And lastly, establish a committee consisting of the leader of government business and leaders of parties represented in Parliament to lead political processes to address whatever is happening in this Parliament that is not acceptable.

Deputy Speaker, we believe that if these agreements can be implemented then the decorum of this House will be upheld and protected.

So one more time, I want to thank all Members of Parliament who participated. And I hope that our country will one more time be proud of their Parliament as they see Members of Parliament doing their best to ensure that we improve in our dealing with one another, respect one another and also have exemplary conduct. Thank you. [Applause.]

The DEPUTY SPEAKER: Hon members, I hope that the spirit of the subject for debate is agreed to by every one of us. Let's proceed in our conduct in our language to respect that objective.

Debate concluded.

The House adjourned at 18:30.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 20 MAY 2016

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Assent by President in respect of Bills

- (1) **Revenue Laws Amendment Bill [B 4B – 2016]** – Act No 2 of 2016 (assented to and signed by the President on 17 May 2016).

TUESDAY, 24 MAY 2016

COMMITTEE REPORTS

National Assembly and National Council of Provinces

Please see pages 3-7 of the ATCs.

National Assembly

Please see pages 7-175 of the ATCs.