

TUESDAY, 22 NOVEMBER 2016

PROCEEDINGS OF THE NATIONAL ASSEMBLY

The House met at 14:01.

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

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS - see col 000.

DIVISION OF REVENUE AMENDMENT BILL

(Decision of Question on Second Reading)

The SPEAKER: Hon members, I wish to remind you that on Wednesday, 16 November 2016, the Decision of Question on Second Reading of this Bill was postponed.

There was no debate.

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

Division demanded.

The House divided.

Mr B A RADEBE: Hon Speaker, on a point of order. Hon Madisha came in when voting was in progress

The SPEAKER: Who is that?

Mr B A RADEBE: Hon Madisha!

The SPEAKER: Hon Madisha came in while the voting session was on? But the doors are supposed to be locked. But then his vote cannot be counted.

Mr B A RADEBE: Hon Speaker, I also saw a lady behind hon Mma Khawula coming in when the doors were closed.

The SPEAKER: The lady behind who? Behind hon Khawula?

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, once the bells are rung and have end the ringing the doors are supposed to be locked. You are the presiding officer so the buck stops with you. Can you please get your voting system under control. [Applause.]

Mr M G NDLOZI: Speaker, can we help you? Maybe we can put people with Doods at the door and the doors would be shut properly.

The SPEAKER: Hon Ndlozi, I want to announce the results of the division.

Mr N F SHIVAMBU: On a point of order!

The SPEAKER: I would like to finish off the voting session before I proceed with any point even a point of order.

Mr N F SHIVAMBU: I am raising a point of order on the voting process itself.

The SPEAKER: Hon Shivambu, I want to announce the results.

Mr N F SHIVAMBU: But I want to raise a point of order on the voting itself.

The SPEAKER: Hon Shivambu, please take your seat and allow me to proceed.

Mr N F SHIVAMBU: But the Rules allow me to raise a point of order

The SPEAKER: Take your seat, hon Shivambu, and don't argue with me.

Mr N F SHIVAMBU: But how do you operate. We are raising a point of order which is allowed by the Rules.

The SPEAKER: Hon Shivambu, I want to finish off the voting session.

Mr N F SHIVAMBU: But I am raising a point of order on the process itself.

The SPEAKER: No, hon Shivambu, take your seat. I am not allowing you.

Mr M G NDLOZI: Hon Speaker, you took the ANC Whippery, you also took the DA Whippery, and what is the problem with recognising us?

The SPEAKER: Hon members, I would like...

[Interjections.]

Mr M G NDLOZI: Hon Speaker, but you are out of order.

The SPEAKER: Hon Ndlozi, take your seat.

Mr M G NDLOZI: No, you took the other members to raise points of order and why are you not taking us?

The SPEAKER: Take your seat.

Mr M G NDLOZI: No, I am asking. Can you recognise our Chief Whip? We want to raise a point of order. They raised three points of order, he raised one and one raised a point of order as well. How can you not be argued with? You are a human being and we must argue with you as well. If you are doing something wrong we must help you. Can you recognise us?

The SPEAKER: Hon members, I would like to announce the voting results.

YES - 228: Abrahams, B L; Adams, P E; Adams, F; Bam-Mugwanya, V; Basson, J V; Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, N R; Bhengu, F; Bilankulu, N K; Bogopane-Zulu, H I; Bongo, B T; Booi, M S; Boroto, M G; Brown, L; Buthelezi, N S; Capa, R N; Capa, N; Carrim, Y I; Cele, B H; Cele, M A; Chauke, H P; Chiloane, T D; Chohan, F I; Chueu, M P; Coleman, E M; Cronin, J P; Cwele, S C; Dambuza, N B; Davies, R H; Didiza, A T; Dirks, M A;

Dlakude, D E; Dlamini, B O; Dlamini- Dubazana, Z S;
Dlomo, B J; Dlulane, B N; Dudley, C; Dunjwa, M L;
Ebrahim, E I; Esterhuizen, J A; Filtane, M L W; Frolick,
C T; Fubbs, J L; Gamede, D D; Gcwabaza, N E; Gigaba, K M
N; Gina, N; Godi, N T; Gumede, D M; Gungubele, M;
Hanekom, D A; Hlengwa, M; Holomisa, S P; Jeffery, J H;
Joemat-Pettersson, T M; Johnson, M; Jonas, M H; Kalako, M
U; Kekana, H B; Kekana, P S; Kekana, C D; Kekana, E;
Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, T Z M;
Khoza, M B; Khunou, N P; Kilian, J D; Koornhof, G W;
Kota-Fredricks, Z A; Kubayi, M T; Kwankwa, N L S;
Landers, L T; Lesoma, R M M; Letsatsi-Duba, D B; Loliwe,
F S; Luyenge, Z; Luzipo, S; Maake, J J; Mabasa, X;
Mabija, L; Mabika, M S; Mabilo, S P; Madella, A F;
Madlopha, C Q; Maesela, P; Mafolo, M V; Mafu, N N;
Magadla, N W; Mahambehlala, T; Mahlalela, A F; Mahlangu,
D G; Mahlangu, J L; Mahlobo, M D; Majeke, C N; Majola, F
Z; Makhubela-Mashele, L S; Makhubele, Z S; Makondo, T;
Malgas, H H; Maloyi, P D N; Maluleke, B J; Manana, D P;
Manana, M N S; Manana, M C; Mandela, Z M D; Mantashe, P
T; Manyoni, T M ;Maphanga, W B ; Mapisa-Nqakula, N N;
Mapulane, M P; Masango, M S A; Masehela, E K M; Maseko, L
M; Mashego-Dlamini, K C; Mashile, B L; Masondo, N A;
Masuku, M B; Masutha, T M; Maswanganyi, M J; Mathale, C C;
Matlala, M H; Matsimbi, C; Mavunda, R T; Maxegwana, C H
M; Mbalula, F A; Mchunu, S; Mdakane, M R; Memela, T C;

Mfeketo, N C; Mjobo, L N; Mkhize, H B; Mkongi, B M;
Mmemezi, H M Z; Mmola, M P; Mncwabe, S C; Mncwango, M A;
Mnganga - Gcabashe, L A; Mnguni, P J; Mnguni, D; Mnisi, N
A; Mokoto, N R; Molebatsi, M A; Molewa, B E E; Morutoa, M
R; Mothapo, M R M; Motimele, M S; Motshekga, M A;
Motshekga, M S; Motsoaledi, P A; Mpumlwana, L K B;
Mthembu, J M; Mthembu, N; Mthethwa, E M; Mudau, A M;
Nchabeleng, M E; Ndaba, C N; Ndabeni-Abrahams, S T;
Ndongeni, N; Nel, A C; Newhoudt-Druchen, W S; Ngcobo, B
T; Ngwenya-Mabila, P C; Nkadimeng, M F; Nkwinti, G E;
Nobanda, G N; November, N T; Nqakula, C; Ntombela, M L D;
Nxesi, T W; Nyambi, H V; Oliphant, M N; Oliphant, G G;
Pandor, G N M; Patel, E; Peters, E D; Phaahla, M J;
Phosa, Y N; Pikinini, I A; Pilane-Majake, M C C; Radebe,
B A; Radebe, J T; Ralegoma, S M; Ramaphosa, M C;
Ramatlakane, L; Ramatlhodi, N A; Rantho, D Z; Raphuti, D
D; Semanya, M R; Senokoanyane, D Z; September, C C;
Shabangu, S; Shaik Emam, A M; Shope-Sithole, S C N;
Sibande, M P; Singh, N; Siwela, E K; Skosana, J J;
Skwatsha, M; Smith, V G; Surty, M E; Swart, S N;
Thabethe, E; Thomson, B; Tleane, S A; Tobias, T V;
Tolashe, G N; Tom, X S; Tongwane, T M A; Tseke, G K;
Tseli, R M; Tsenoli, S L; Tshwete, P; Tsoleli, S P;
Tsotetsi, D R; Tuck, A; v R Koornhof, N J J; Van Rooyen,
D D D; Van Schalkwyk, S R; Williams, A J; Xasa, T; Xego,
S T; Yengeni, L E; Zulu, L D; Zwane, M J.

NOES - 86: America, D; Atkinson, P G; Bagraim, M; Bara, M R; Basson, L J; Bergman, D; Bozzoli, B; Brauteseth, T J; Bucwa, H; Cardo, M J; Chance, R W T; Davis, G R; De Freitas, M S F; Dlamini, M M; Dreyer, A M; Edwards, J; Esau, S; Figg, M J; Groenewald, H B; Grootboom, G A; Hadebe, T Z; Hlophe, H O; Hoosen, M H; Horn, W; Hunsinger, C H H; James, L V; James, W G; Jongbloed, Z; Kalyan, S V; Ketabahle, V; Khawula, M S; King, C; Kohler, D; Kopane, S P; Kruger, H C C; Lorimer, J R B; Lotriet, A; Mackay, G; Mackenzie, C; Majola, T R; Malatsi, M S; Marais, E J; Marais, S J F; Masango, B S; Mashabela, N R; Matiase, N S; Matsepe, C D; Maynier, D J; Mazzone, N W A; Mbabama, T M; Mbatha, M S; Mbhele, Z N; Mcloughlin, A R; Mente, N V; Mhlongo, T W; Mileham, K J; Mokause, M O; Mokoena, L G; Motau, S C; Moteka, P G; Mulaudzi, T E; Ndlozi, M Q; Paulsen, M N; Purdon, R K; Rabotapi, M W; Rawula, T; Redelinghuys, M H; Robertson, K P; Robinson, D; Ross, D C; Selfe, J; Shinn, M R; Shivambu, N F; Sonti, N P; Steenhuisen, J H; Steyn, A; Tarabella Marchesi, N I; Van Dalen, P; Van Damme, P T; Van Der Walt, D; Van Der Westhuizen, A P; Volmink, H C; Vos, J; Waters, M; Wilson, E R; Xalisa, Z R.

Question agreed to.

Bill accordingly read a second time.

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker. I can't speak, you switched off my microphone. Madam Speaker, I would like to address you in terms of Rule 26(4) if I may, read together with Rule 26(3). You are required as a Speaker, by the Rules, to act fairly and impartially and to apply the Rules with due regard to ensuring the participation of members of all parties in a manner consistent with democracy.

You have violated that Rule this morning by not allowing hon member, the Chief Whip of the EFF, to raise his points of order. May I also bring it to your attention, since we are on the matter of Rules, that you may only turn off the microphone after you have informed the member that you are going to do it? You have breached that and you yourself are in breach of the Rules that you are supposed to be upholding. Can you just try and at least maintain some semblance of impartiality.

[Applause.]

The SPEAKER: Hon Steenhuisen, the one thing I will not do is allow hon members to shout at the Chair. I will not allow that! You, hon Steenhuisen, are shouting even right now. Order, hon members! The Secretary will read the Second Order. [Interjections.]

Mr N F SHIVAMBU: On a point of order, Speaker!

[Interjections.] Speaker on a point of order! Baleka, on a point of order! [Interjections.] Baleka Mbethe can you please recognise me, because I am calling you Speaker and you are not recognising me. What is your problem?

PROTECTED DISCLOSURES AMENDMENT BILL

(Consideration of Report)

There was no debate.

The SPEAKER: Hon members, I now recognise the hon Chief Whip of the Majority Party! [Interjections.]

Mr N F SHIVAMBU: Can I rise on a point of order, please?

[Interjections.] Can I rise on a point of order?

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Speaker, there is a point of order here. You've got to recognise the hon member! [Interjections.]

The CHIEF WHIP OF THE MAJORITY PARTY: Chair, I move that the report of the committee be adopted by this House.

[Interjections.]

Mr N F SHIVAMBU: Can I rise on a point of order?

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: You can't just ignore members! You are worse than the National Party.

Mr N F SHIVAMBU: I am rising on a point of order. It is legitimate in terms of the Rules of Parliament.

The SPEAKER: Hon members, when you rise and shout in the House, ... [Interjections.]

Mr M Q NDLOZI: Nobody shouted at you! [Interjections.]

The SPEAKER: ... All you do ... [Interjections.]

Mr N F SHIVAMBU: But, I am raising my hand here!

[Interjections.]

The SPEAKER: ... Is reveal who you are, and what you are!

[Interjections.] If you are an honourable member, you will raise your hand while you are on your seat.

Mr N F SHIVAMBU: I am raising my hand now!

The SPEAKER: The hon Shivambu!

Mr N F SHIVAMBU: Mrs Baleka Mbete, I want to bring to your attention that in terms of Rule 112 on the voting procedure - you must read along when I read - it says:

If the required number of members support the demand for a division, the division bells must be rung and the doors must be barred as soon after the lapse of five minutes as the Presiding Officer may direct, but if further decisions are required to dispose of the question and such divisions follow immediately upon the first division, the division bells must again be rung and the doors must be barred as soon after the lapse of 15 minutes.

In principle, it means that when the bells have been rung, the doors must be closed. If they were not closed - there were more than four people who entered there effortlessly; no one pushed the door to enter there. Our Treasure-General, TG, entered there without having to push anyone; hon Madisha entered there without having to push anyone; and the other member also entered there without having to push anyone.

So, the voting process that you have just engaged in now is not in accordance with the Rules of the National Assembly. I wanted to bring that to attention before the

voting happens because you could have done it again, and do it in an appropriate manner.

So, the manner in which the Division of Revenue Amendment Bill has been passed now is not consistent with the Rules, and is therefore illegal. That is what I am bringing to attention. I am helping you but you are not recognising me. I don't know where that sickness comes from.

The SPEAKER: Thank you, hon Shivambu. I'd like to bring it to you attention that we did get a report about what happened at the door. On the basis of that report, we removed from the count, the hon members who had come in by pushing their way through the door. Therefore, we counted what is in accordance with the Rules and have since announced the result accordingly. Thank you very much.

Motion put that the Report be adopted.

There were objections to the motion being adopted.

Division was demanded.

The House divided.

Question put.

[Bells rung for two minutes.]

Voting:

AYES - 301: Adams, P E; Adams, F; America, D; Atkinson, P G; Bagraim, M; Bam-Mugwanya, V; Bara, M R; Basson, J V; Basson, L J; Bekwa, S D; Bergman, D; Beukman, F; Bhengu, P; Bhengu, N R; Bhengu, F; Bilankulu, N K; Bogopane-Zulu, H I; Bongo, B T; Booi, M S; Boroto, M G; Bozzoli, B; Brauteseth, T J; Brown, L; Bucwa, H; Buthelezi, N S; Capa, R N; Capa, N; Cardo, M J; Carrim, Y I; Cele, B H; Cele, M A; Chance, R W T; Chauke, H P; Chiloane, T D; Chohan, F I; Chueu, M P; Coleman, E M; Cronin, J P; Cwele, S C; Dambuza, N B; Davies, R H; Davis, G R; De Freitas, M S F; Didiza, A T; Dirks, M A; Dlakude, D E; Dlamini, B O; Dlamini-Dubazana, Z S; Dlomo, B J; Dlulane, B N; Dreyer, A M; Dunjwa, M L; Ebrahim, E I; Edwards, J; Esau, S; Esterhuizen, J A; Figg, M J; Filtane, M L W; Frolick, C T; Fubbs, J L; Gamede, D D; Gwabaza, N E; Gigaba, K M N; Gina, N; Godi, N T; Groenewald, H B; Grootboom, G A; Gumede, D M; Gungubele, M; Hadebe, T Z; Hanekom, D A; Hlengwa, M; Holomisa, S P; Hoosen, M H; Horn, W; Hunsinger, C H H; James, L V; James, W G; Jeffery, J H; Joemat-Pettersson, T M; Johnson, M;

Jongbloed, Z; Kalako, M U; Kalyan, S V; Kekana, H B;
Kekana, P S; Kekana, C D; Kekana, E;
Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, T Z M;
Khoza, M B; Khunou, N P; Kilian, J D; King, C; Kohler, D;
Koornhof, G W; Kopane, S P; Kota-Fredricks, Z A; Kruger,
H C C; Krumbock, G R; Kubayi, M T; Kwankwa, N L S;
Landers, L T; Lesoma, R M M; Loliwe, F S; Lotriet, A;
Luyenge, Z; Luzipo, S; Maake, J J; Mabasa, X; Mabija, L;
Mabika, M S; Mabilo, S P; Mabudafhasi, T R; Mackay, G;
Mackenzie, C; Madella, A F; Madisha, W M; Madlopha, C Q;
Maesela, P; Mafolo, M V; Mafu, N N; Magadla, N W;
Mahambehlala, T; Mahlalela, A F; Mahlangu, D G; Mahlangu,
J L; Mahlobo, M D; Majeke, C N; Majola, T R; Majola, F Z;
Makhubela-Mashele, L S; Makhubele, Z S; Makondo, T;
Makwetla, S P; Malatsi, M S; Malgas, H H; Maloyi, P D N;
Maluleke, B J; Manamela, K B; Manana, M C; Manana, M N S;
Manana, D P; Mandela, Z M D; Mantashe, P T; Manyoni, T M;
Maphanga, W B ; Mapisa-Nqakula, N N; Mapulane, M P;
Marais, E J; Marais, S J F; Masango, M S A; Masango, B S;
Masehela, E K M; Maseko, L M; Mashego-Dlamini, K C;
Mashile, B L; Masondo, N A; Masuku, M B; Masutha, T M;
Maswanganyi, M J; Mathale, C C; Matlala, M H; Matsimbi,
C; Mavunda, R T; Maxegwana, C H M; Maynier, D J; Mazzone,
N W A; Mbalula, F A; Mbhele, Z N; Mchunu, S; Mcloughlin,
A R; Mdakane, M R; Memela, T C; Mfeketo, N C; Mhlongo, T
W; Mileham, K J; Mjobo, L N; Mkhize, H B; Mkongi, B M;

Mmemezi, H M Z; Mmola, M P; Mncwabe, S C; Mncwango, M A;
Mnganga - Gcabashe, L A; Mnguni, P J; Mnguni, D; Mnisi, N
A; Mokgalapa, S; Mokoto, N R; Molebatsi, M A; Molewa, B E
E; Morutoa, M R; Motau, S C; Mothapo, M R M; Motimele, M
S; Motshekga, M S; Motshekga, M A; Motsoaledi, P A;
Mpumlwana, L K B; Msimang, C T; Mthembu, J M; Mthembu, N;
Mthethwa, E M; Mudau, A M; Muthambi, A F; Nchabeleng, M
E; Ndaba, C N; Ndabeni-Abrahams, S T; Ndongeni, N; Nel, A
C; Newhoudt-Druchen, W S; Ngcobo, B T; Ngwenya-Mabila, P
C; Nkadimeng, M F; Nkwinti, G E; Nobanda, G N; November,
N T; Nqakula, C; Ntombela, M L D; Nxesi, T W; Nyambi, H
V; Oliphant, M N; Oliphant, G G; Pandor, G N M; Patel, E;
Peters, E D; Phaahla, M J; Phosa, Y N; Pikinini, I A;
Pilane-Majake, M C C; Purdon, R K; Rabotapi, M W; Radebe,
B A; Radebe, J T; Ralegoma, S M; Ramaphosa, M C;
Ramatlakane, L; Ramatlhodi, N A; Rantho, D Z; Raphuti, D
D; Redelinghuys, M H; Robertson, K P; Robinson, D; Ross,
D C; Selfe, J; Semenya, M R; Senokoanyane, D Z;
September, C C; Shabangu, S; Shaik Emam, A M; Shinn, M R;
Shope-Sithole, S C N; Sibande, M P; Singh, N; Sisulu, L
N; Sithole, K P; Siwela, E K; Skosana, J J; Skwatsha, M;
Smith, V G; Soty, M M; Steenhuisen, J H; Steyn, A;
Surty, M E; Swart, S N; Tarabella Marchesi, N I;
Terblanche, J F; Thabethe, E; Thomson, B; Tleane, S A;
Tobias, T V; Tolashe, G N; Tom, X S; Tongwane, T M A;
Tseke, G K; Tseli, R M; Tsenoli, S L; Tshwete, P;

Tsoleli, S P; Tsotetsi, D R; Tuck, A; v R Koornhof, N J
J; Van Dalen, P; Van Damme, P T; Van Der Walt, D; Van Der
Westhuizen, A P; Van Rooyen, D D D; Van Schalkwyk, S R;
Volmink, H C; Vos, J; Waters, M; Williams, A J; Wilson, E
R; Xasa, T; Xego, S T; Yengeni, L E; Zulu, L D; Zwane, M
J.

NOES - 24: Dlamini, M M; Hlophe, H O; Ketabahle, V;
Khawula, M S; Lorimer, J R B; Mashabela, N R; Mathys, L
A; Matiase, N S; Matsepe, C D; Mbabama, T M; Mbatha, M S;
Mente, N V; Mokause, M O; Mokoena, L G; Moteka, P G;
Mulaudzi, T E; Mulder, C P; Ndlozi, M Q; Paulsen, M N;
Rawula, T; Shivambu, N F; Sonti, N P; Van Dyk, V; Xalisa,
Z R.

ABSTAIN - 1: Jafta, S M

Motion agreed to.

Report accordingly adopted.

Mr N SINGH: Hon Speaker!

The SPEAKER: Inkosi Cebekhulu is not in the House; he is
unwell but the member pressed his button incorrectly. So,

if you could delete Inkosi Cebekhulu from having voted on the last order. Thanks you.

The SPEAKER: Okay! Please delete Inkosi Cebekhulu.

Therefore that would change the 'yes' to 341 votes if Inkosi Cebekhulu would have voted 'yes'. Hon Steenhuisen!

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, I would like to address you in terms of Rule 92(5), if I may. I took two points of order: the one relating to the breach of the breaking of the seal of the door; but the second related to Rule 80(1) and (2) which deals with your control of the microphones in the House.

You switched off the hon Ndlozi and my microphone was off, so I couldn't actually take a proper point of order just now. May I ask you to please make a Ruling in terms of Rule 80(2) in that you can only switch off microphones if there is gross disorderly conduct - you can't just switch off at your whim; and that before proceeding, the Presiding Officer must inform the member and the House of the intention to do so. You did neither!

I would submit that the behaviour of hon Ndlozi did not breach sec 81, and I would like you to make a ruling on the matter.

The SPEAKER: Thank you, hon Steenhuisen. I will deal with that matter. Hon members, we are now dealing with the ...
[Interjections.] Hon Ndlozi!

Mr M Q NDLOZI: Hon Speaker, I want us to deal with this question of rising, because we are not in a school class here. We can't raise our hands and sometimes you won't see all of us. So, what do the Rules say when you have a point of order? Do they say that I must raise my hand or I must rise?

Rule 92:

A member may rise to raise a point of order at any time during the proceedings of the House in terms of the procedure prescribed in Rule 66 by stating that he/she is rising on a point of order.

That is all I have to do. I have to state that I have a point of order; not raise my hand!

The SPEAKER: Thank you, hon Ndlozi. [Interjections.]

Mr M Q NDLOZI: Can you stop that thing because you are going to frustrate and collapse this House.

[Interjections.] Otherwise, I am bringing Doom tomorrow.

[Laughter.]

The SPEAKER: You have finished making your point and I will indeed also state my issue on that point. The Secretary will now read the Third Order of the Day.

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, on a point of order.

The SPEAKER: What's the point of order?

The CHIEF WHIP OF THE OPPOSITION: The point of order is in terms of Rule 92(5). You are required to make a ruling on indicate to me that you going to come back to me with a considered ruling. [Interjections.] On a simple matter like this you require a considered ruling.

[Interjections.]

The SPEAKER:: Yes, hon Steenhuisen!

The CHIEF WHIP OF THE OPPOSITION: Well, I look forward to your response.

(Second Reading debate)

Dr M MOTSEKGA: Hon Speaker, the Bill was referred to the committee and the committee publicised it and held public hearings. When it came before the committee for deliberation, all parties agreed with the exception of the EFF, which reserved its position because their member was not participating in the deliberations. There is only one clause where the ACDP and DA disagreed and that was whether or not we should criminalise false information.

That disagreement revealed a jurisprudential difference because they emphasise individual rights without accepting that individual rights must be balanced with duties and responsibilities.

So, our position, which prevailed, is that whistle-blowers must have the right to give information, but we live in a society where the morals are very low, where some individuals may want to settle personal scores against others. Therefore, our view was that those who give false information, which may damage individuals, their families and friends, should be prosecuted. That is the balance that we sought to create between rights and duties.

We believe that in our legal system, we must entrench the position that there are no absolute rights. All rights must be accompanied by duties and responsibilities and we are pleased that this position has prevailed. That is why this House overwhelmingly supported this Bill. I thank you.

Mr W HORN: Speaker, corruption can be described as a snake - poisonous, sly and deceptive. When Chief Justice Mogoeng, in the now famous Nkandla judgement, talked about "the mighty sword that stands ready to chop off the ugly head of impunity" I am sure most of us, through the eyes of the mind, saw this ugly head at the end of a slithering snake.

The Swazi people wisely say, "Never beat a snake when you haven't seen its head." For us in South Africa to be able to see the ugly head of corruption and fight it successfully, the protection of whistle-blowers is of crucial importance.

Since 2000, we have had the necessary law to protect whistle-blowers in South Africa. This framework has been lauded both locally and internationally, but unfortunately, we have seen a consistent decline in the

number of internal tip-offs because of weaknesses in this system.

These weaknesses are addressed in this Amendment Bill. Strengthening the provisions prevents those making accurate disclosures from being mistreated at their place of employment, and protection is also extended beyond the formal employment situation. These are all good initiatives.

However, while not proposed by the South African Law Reform Commission, and despite overwhelmingly not being supported during the public hearings, this Bill states that henceforth, if someone makes an intentional disclosure of information known to be false, or which reasonably should have been known to be false, this false whistle-blower will be guilty of a crime.

The ANC will argue today that this criminalisation clause is necessary to deter the immoral people of South Africa from making false disclosures, as it could cause major reputational damage to victims.

However, false disclosures are not, and have never been, protected by our law, which means that false whistle-

blowers could be subjected to disciplinary action, even dismissal and civil claims.

According to the ANC, this is not enough. False whistle-blowing, they argue, as we have heard, is so serious that those found guilty must even be sent to jail, despite the fact that, at no stage during public hearings, were we informed of huge-scale abuse of whistle-blowing.

In fact, we were only informed of the hardships faced by whistle-blowers in our country. Xola Banisi who worked at Bloem Water, a parastatal operating in the Free State handed the Hawks a dossier detailing the corruption he uncovered in respect of two tenders. In response, he was sidelined and then transferred. He reported receiving death threats to the police, but still no action was taken. In September 2014, he was murdered by being shot three times. Until today, no one has been arrested for his murder.

Sadly, this is but one of many similar stories detailed in a booklet of the Open Democracy Advice Centre, Odac, on this issue.

The ANC will later in this debate point out that we will not be the first country to criminalise the disclosure of

false information. They will name countries like Kenya, Canada and Australia, as those who already have criminalised.

What they, of course, will not tell us, is that in these countries, criminalisation is limited to very specific and narrow circumstances where false information is disclosed recklessly or in some cases, maliciously, while knowing the information to be false.

So, we will be the first country to criminalise the disclosure of information, which was mistakenly, but honestly, believed to be true. Does that sound moral?

We will be placing a duty on prospective whistle-blowers to first investigate and verify whether the information they have and which they believe could point to wrongdoing, is in fact true, before blowing the whistle. Failure to verify properly will be seen as unreasonable, negligent and therefore criminal.

This is a test for blameworthiness, much more onerous and open to skewed interpretation than in the rest of the world.

The ANC will try and deflect attention from this fatal flaw in this Bill by arguing that the criminalisation clause requires intentional disclosure. But, a proper interpretation of this clause shows that what is required is merely the intention to make a disclosure. The requirement of intent does not apply to the accuracy or lack of information disclosed.

If we further bear in mind the evidence of Odac, who has since 2000, operated a whistle-blowers helpline in our country, it must become clear that this Bill will have a chilling effect on whistle-blowing. They say the majority of those calling in for advice do not even know whether the information they contemplate disclosing is true or necessarily constitute wrongdoing. That is exactly the reason why they want to disclose it. They want it to be investigated by others.

So then colleagues, why would the ANC not be swayed on this issue? Is it maybe because your President is on record as believing that corruption is a western concept and that even if it is a crime, it is a victimless crime and therefore not serious? Is it maybe because you all agree with the hon Pilane-Majake who in the committee meeting exclaimed that there are just so many made-up

stories about corruption in South Africa today and really bad for nation-building?

To blow the whistle on this made-up thing called corruption is really disloyal to the struggle, the ruling party and Africa. Why must we not conclude that this is the stance of President Zuma's ANC on this is?

Let's also consider the following findings of the Institute for Policy Research in Namibia. In July this year, it said and I quote:

Whistle-blower protection laws can be little more than an attempt at window-dressing, creating the illusion of protection, but which is actually only a form of gesture politics, attempting to mask a lack of real commitment to fighting corruption.

To which was ominously added and I quote:

By overemphasising punishments for reporting false information, governments sometimes attempt to warn off potential whistle-blowers, by creating fears that the law could be used to victimise those it is supposed to protect.

This reminds me of another African proverb that says and I quote: "Sebetsa seo osenang sona ka letsohang lehao seka se bolaye noha." which means, a weapon which you don't have in your hand won't kill a snake.

This Bill will in ANC terms radically transform our whistle-blowing protection framework from a sword with rusty steel blades into a plastic sword. It will deter not only false whistle-blowing but all whistle-blowing.

Die kriminalisering van fluitjieblasers wat foutiewelik glo dat die inligting wat hulle bekend maak korrek is, gaan verreikende negatiewe gevolge vir die stryd teen korrupsie in ons land hê. Die risiko om vervolgd, skuldig bevind en selfs tronk toe gestuur te word, omdat jy die regte ding wou doen en inligting bekend gemaak het, wat jy verkeerdelik, maar *bona fide* geglo het waar is, gaan waarskynlik veroorsaak dat ons fluitjieblaas-wetgewing voortaan mense eerder gaan afskrik as aanmoedig om korrupsie te help bloot lê. Bo en behalwe dit is daar ook die risiko van viktimisering, intimidasie, benadeling en selfs fisiese leed by jou werkplek,

En hoewel dit jammer is om te moet sê, lyk dit vir ons asof dit presies is wat die ANC wil hê. Ek dank u.

[Applous.] (*Translation of Afrikaans paragraphs follows.*)

[The criminalisation of whistle-blowers who erroneously believe that the information that they make known is correct, will have far-reaching negative consequences for the fight against corruption in our country. The risk of being prosecuted, found guilty and even sent to prison because you wanted to do the right thing and made information known, which you erroneously but *bona fide* believed to be true, will probably cause our whistle-blower legislation in future to deter people rather than to encourage them to help expose corruption. Above and beyond that there is also the risk of victimisation, intimidation, disadvantage and even physical harm at your workplace.

And although it is a pity to have to say this, it seems to us as it this is what the ANC wants. I thank you.

[Applause.]

Mr N S MATIASE: Madam Speaker, the EFF believes that the Bill is essentially an opportunity for Parliament to remedy the defects that we see in the existing legislation and which have a negative impact on whistleblowers. The EFF welcomes the intent of the Protected Disclosures Amendment Bill to protect whistleblowers from abuse and exploitation at workplaces. Regrettably, this is a lost opportunity to correct those

defects because as for the ruling ANC, the intention was never to correct things but to insert proposed changes in the Bill to protect, not the public and the whistleblowers, but its corrupt leadership and the so-called, deployed cadres.

The Bill is another attempt by the ANC-led government to bring back through the backdoor its failed bid to introduce the Protection of State Information Bill, otherwise called the Secrecy Bill. Promoting a culture of operating under the stealth of darkness and secrecy and of lack of transparency and punishing whistleblowers, which is what works for the ANC.

The Protected Disclosures Amendment Bill is a protection of state information by a different name – it is a Secrecy Bill by other means. On face value, it looks genuine but it is not so. It is presented to pull the proverbial wool over the eyes of unsuspecting citizens whilst building a thick layer of secrecy to protect the incumbent government's corruption from being exposed.

The Bill does not promote the most needed institutional culture of reporting wrongdoings in both the private and public sectors where in which whistleblowers play a vital role as actors in the fight against corruption, combating

state capture, fraud and exposing wrongdoers in our collective efforts to safeguard and deepen our democracy. This lack of protection for such matters will prevent many employees from airing out their suspicions of corruption, because should those be later proven to be untrue, employees will be left vulnerable. This defeats the whole purpose of the Bill.

It will prevent people in Mr Nxesi's department from exposing the corruption that followed the construction of Mr Zuma's castle of corruption in Nkandla because they know Mr Zuma has access to state funds to get the best lawyers in the land to hide his corruption. This will also prevent people who know the underhanded dealings of Mr Van Rooyen and the Guptas because they know that these chaps are masters of corruption, they don't leave documentary evidence lying around. [Interjections.]

Mr B A RABEBE: Speaker, I am rising on a point of order.

The SPEAKER: Hon Matiase, please take your seat.

Mr B A RABEBE: I am rising on Rule 85: The hon member referred to the President as corrupt, whereas there is no court of law which has found him to be corrupt. So, he is

violating Rule 85; casting an aspersion on the dignity of the ... [Inaudible.]

The SPEAKER: Hon Matiase, as you know, you cannot do that. You are supposed to submit that in a substantive motion, so please withdraw.

Mr N S MATIASE: I have never referred to Mr Zuma as corrupt. It will offer very little protection as well for those in the know about how ... [Interjections.]

The SPEAKER: Hon Matiase, I had asked you to ... Hon Matiase, please withdraw.

Mr N S MATIASE: I withdraw.

The SPEAKER: Okay.

Mr N S MATIASE: ... the Guptas have been milking Eskom through deals made in shebeens with Brian Molefe. The ANC, for its past desperate attempts to undermine the rights of whistleblowers by its insistence to pass the foiled Protection of State Information Bill, can not be trusted and therefore incapable of being a trusted embodiment of the values and principles enshrined in our Constitution. If it is to have our trust, the ruling ANC

must compel Mr Zuma, since he publicly stated that he knows names of people in his government who steal the taxpayers' money, to reveal such names.

Failing which, Mr Zuma, will once again, be breaching his oath of office and effectively declaring himself an accomplice by failing to report such heinous crimes committed against the people of South Africa. Because of these, the EFF rejects this Bill in its current form.

Prof C T MSIMANG: Hon Speaker, The IFP endorses the viewpoint in the National Development Plan, NDP, that the protection of whistleblowers is a key to a strong and resilient anti-corruption system, and also its criticism that the protection accorded to whistleblowers in the Protected Disclosures Act is inadequate. This view reiterated the observation by Parliament soon after the passing of the Act which prompted it to request the SA Law Reform Commission, SALRC, to investigate certain aspects of the Act. On its investigation, the commission focused on the following: firstly, extending the ambit of the Act beyond the traditional employer-employee relationship; secondly, creating a new remedy for an employee who has been victimised by an employer in contravention of the Act; and thirdly, granting an

employee who makes a protected disclosure immunity from criminal and civil liability.

All these have found their way into this Bill which grants the provider of protected disclosure immunity from criminal and civil liability in certain circumstances and criminalises intentional false disclosure. There are concerns however that make it an offence to intentionally disclose false information may discourage whistle blowing. However, it must be borne in mind that a human being is not infallible and is prone to malicious motives making it easy for him or her to render false information to satisfy his or her evil intentions.

After all, a whistleblower is not much different from a referee in sport. It is common cause that many sportsmen and women occasionally fall victim to deviant referees who penalise them well knowing that they are innocent. This deviant human judgment often emanates from bias, jealousy, vindictiveness, or any other malicious motive. The innocent victim of such referees deserves to be protected to maintain the balance. And the errant whistleblower should not enjoy any protection under the law.

In actual fact, there are quite a number of countries which provide in their protected disclosure legislation clauses which make it an offence to knowingly render false information. This should be more desirable in South Africa where our society is prone to taking the law into own hands and where many are inclined towards racial hatred and vengeance. A remedy against the prejudice inflicted by such people is imperative. The IFP supports the Bill. I thank you. [Applause.]

Mr S C MNCWABE: Hon Speaker, hon members, corruption and fraud is a recurring havoc in our economy and has reached endemic proportions within government. Within this context, the NDP identified the protection of whistleblowers as a cornerstone for a strong and resilient anticorruption system. Three important deficiencies were identified in the existing Protected Disclosure Act and the response to these deficiencies are contained in the Bill tabled here for consideration today and the NFP fully supports the remedial amendments.

The Bill, however, also creates an offence in the case of false disclosure. This is a potentially contentious issue particularly since it is in stark contrast to the Law Reform Commission recommendation as far back as 2007 that, where an employee or a worker knowingly makes a

false disclosure, such disclosure should not be criminalised. The reason for such a recommendation is purely logical. A deliberate act of false disclosure is not a protected disclosure; it is a deliberate, malicious and untrue allegation. Accordingly, a person making such a false accusation does not qualify for protection within the ambit of the Act. Only a bonafide protected disclosure qualifies the person making the disclosure for protection in terms of the Act. Whilst we understand the concern about deliberate and false disclosures, the NFP is of the opinion that sufficient remedies exist in civil law to address this issue. A person making a false disclosure might be found guilty of criminal defamation, *crimen injuria* or fraud at common law which all has established sanctions and remedies in law.

In conclusion, despite our concerns about the criminalisation of a deliberate false disclosure, we will however support the recommendations of the committee contained here today. Thank you. [Applause.]

Dr C P MULDER: Hon Speaker, I would like to start off by congratulating the executive for rescuing the legislator today when 50 of your members helped us to succeed to approve the Appropriation Bill after a third try, congratulations. I was wondering if the founders of the

Republic in 1994 foresaw what is happening in South Africa at the moment. There is no doubt that corruption is rife, fraud is everywhere and we all know that. We have just heard the latest figures, the jobless has hit a 13 year high of 27,1%, and because of that whistleblowers are very much needed in South Africa.

And we all know, in terms of this Bill that the problem lies with criminalising whistleblowers under certain circumstances. The hon Motshekga in his speech referred unto that specific clause because that is the contentious part.

Dr C P MULDER: It is absolutely essential that we try to motivate people to come to the fore in terms of corruption and in terms of fraud. And, I think it is wrong if you, in any way, put in a Bill that deals with that a provision that criminalises and says to people, you are welcome to come forward but you run the risk of going to prison for two years. I think it is wrong. I do not think we should do that. Just look at what happened in terms of the state capture situation. The ANC had their own internal investigation and only a few people were prepared to come forward because maybe they were afraid that they may be victimised.

Then the Public Protector took a completely different approach and we all know what came out of that report, something completely different.

Die agb Horn het verwys na die ANC-lid Pilane-Majake se uitsprake rondom die hele kwessie wat sy in die komitee gemaak het. Dit is nogal ontstellend, maar dit is nie 'n druppel so erg soos die uitsprake wat sy daarna gemaak het met betrekking tot die Nasionale Vervolgingsgesag nie. Ons sal daarmee handel wanneer ons kom by die spesiale debat op 29 November, wanneer dit daaroor gaan.

Die feit van die saak is fluitjieblasers, soos dit reeds is, is onder enorme druk om nie na vore te kom nie, want ons sien mos wat gebeur. Die agb lid van die IVP het gesê: *(Translation of Afrikaans paragraphs follows.)*

[The hon Horn referred to the remarks made by the member of the ANC Pilane Majake on the whole issue which she raised within the committee. It is somehow disconcerting, but it is not half as bad as the remarks she made later on regarding the National Prosecution Authority. We will deal with it when we get to it during the special debate on 29 November, where it will be discussed.]

The fact of the matter is that whistle-blowers, as things stand at present, face enormous pressure not to come forward, because we can indeed see what happens. The hon member for the IFP said:]

Maybe a whistleblower is like a referee in sport. No, it is not because the problem quite often lies with the referee itself. A whistleblower is more likely the third umpire, the TV umpire, where he can have a slow-motion replay of what happened and then see exactly what went wrong.

Fluitjieblasers behoort aangemoedig te word, nie gedreig te word met 'n moontlike kriminele vervolging en twee jaar gevangenisstraf nie. In ons reg is daar voldoende ander maatreëls wat dit kan hanteer in terme van dissiplinêre aksies, in terme van lastereise, ens.

Die VF-Plus sal nie hierdie wetgewing ondersteun nie. Baie dankie. (*Translation of Afrikaans paragraphs follows.*)

[Whistle-blowers should be encouraged, not threatened with possible criminal prosecution and a two year jail sentence. In our legal system there are sufficient other measures which can deal with this in terms of

disciplinary steps, in terms of libel cases, and so forth.

The FF Plus won't support this legislation. I thank you.]

Mr B T BONGO: Speaker, hon Ministers and Deputy Ministers, Members of Parliament, members in the gallery and South Africans at large, the ANC-led government reaffirms its commitment to protect whistle-blowers. We have done that by signing or rectifying two international treaties, inter alia, the African Union Convention on Preventing and Combating Corruption, which require member states to adopt measures that ensures that citizens report instances of corruption both in the public and in the private domain without a fear of reprisal.

The second one was a SA Development Community Protocol, which commits member states to create, maintain and strengthen the systems of protecting individuals who in good faith report acts of corruption.

The government Medium Term Strategic Framework 2014 to 2019 requires the Department of Justice to strengthen the protection of whistle-blowers by amending the Protected Disclosures Act 26 of 2000.

This Bill before us is South Africa's key law dedicated towards protecting whistle-blowers in South Africa. It offers a broad protection to employees in the public sector and in the private sector. We are responding to the continued reported victimisation, harassment, discrimination, and adverse threat to whistle-blowers.

The Protected Disclosure Amendment Bill extends its application of a Protected Disclosure Act beyond the traditional employer employee relationship. The Bill now requires employers to put appropriate internal procedures in place to deal with the information received from the whistle-blowers.

Furthermore, the employers must keep employees and workers informed about the outcomes of the investigation.

This Bill also extends the number of agencies to whom the protected disclosure can be made in good faith. This include the Public Service Commission, PSC, which was included because of its significant management of the Anti-Corruption Hotline. We wish to say that the role that is being played by the PSC needs to be strengthened going forward.

It is important, hon Speaker, to draw a strict balance between legitimate protections of whistle-blowers, which may have to be balanced with protecting the business interest of the business people that may hamper the proper running of those businesses.

It's also important to deal with unfounded allegations which are normally reported by people who want to sabotage other people's business.

We need to make sure that in this Bill we protect their confidentiality in as far as possible. We have put serious consequences for false disclosure in this Bill for people who may want to damage the reputation of other people.

In this submission that we are bringing before Parliament, we have a support from the Banking Association South Africa, Basa. They have welcome that we need to protect false disclosure. We have done a thorough consultation with a lot of countries, amongst others, it was India, which has a similar provision which hon members are complaining about. We have also consulted with Namibia. The Namibia Corruption Act make the similar provisions that we have already put or inserted in this Bill.

The Protected Disclosure Amendment Bill is another example of the ANC government's continued commitment to assist those who in good faith expose corruption and other criminal activities.

To the people of this country, we would like to say that, come 2019 vote for the ANC because it's the only organisation which has a track record of changing the lives of the people of South Africa for the better and make the people of South Africa their own liberators. Thank you very much, Speaker. [Applause.]

Mr S N SWART: Speaker, in view of the widespread fraud and corruption and wrongdoing in both the public and private spheres, the ACDP supports increased protection for whistle-blowers. Now, more than ever, it is crucial for only South Africans to stand up against fraud and corruption. Many whistle-blowers, however, have lost their jobs, livelihoods, homes, their families and even their lives.

Why then would the ACDP oppose this Bill that seeks to increase protection? While we welcome the wider definition and the increase in the list of institutions to which accounts can be made, we share the concerns

about the chilling effect that the newly instituted crime will have on potential whistle-blowers.

Now, according to the memorandum, it says that this is to protect reputational damage to the employer, but what about the workers? Surely, we need to protect the workers.

Now, the Open Democracy Advice Centre, ODAC, which is acknowledged internationally has been the leaders on this field strongly advice against to criminalisation. They said this will discourage workers from exposing wrongdoing, and this grassroots advice the committee ignored.

Now remember this criminal sanction will apply where a whistle-blower ought reasonably to have known that the information is false. This is a form of mere negligence that can lead to criminalisation.

Open Democracy Advice Centre, ODAC, also advised us that many potential whistle-blowers are not quite sure whether some wrongdoing has occurred when they phone for advice. They will now have to be advised that they risk not only: firstly, of not being protected under this Act; secondly, facing possibly disciplinary action and being suspended

or fired; thirdly, civil action for defamation; fourthly, criminal action for defamation; and lastly, now, in terms of this Act, a new criminal sanction in terms of this amendment Bill.

We are not saying from our side that those who intentionally spread false information must not be punished. What we are saying is that there is sufficient other civil and criminal remedies already in place. The new crime would service a red flag, and surely, we should not impose it. It is not in the international best practice. The SA Law Reform Commission did not recommend it, and when we drafted this Act in 2000, I was there, we did not put in a criminal sanction. Why are we putting that in now?

Our other whistle-blowing legislation, National Environmental Management Act, Nema, the Companies Act, does not contain such a criminal sanction. Why are we not amending those Acts as well if we now want to deter whistle-blowers?

The inclusion of this crime against the advice of experts who have worked on this, against the SA law Reform Commission's advance, against the other laws on whistle-blowing leads one to the inescapable conclusion that the

majority party does not want to protect workers who blow the whistle, particularly in the public sphere and for that reason, the ACDP was supporting the other issues in this Bill, but will not support this Bill. Thank you very much.

Ms M C C PILANE-MAJAKE: Hon Speaker, Members of Parliament, members of the executive and members of the public present here today, the National Development Plan identifies the protection of whistle-blowers as key to a strong and resilient anticorruption system. The main protection given to whistle-blowers is found in the Protected Disclosures Act 26 of 2000. The National Development Plan, NDP, notes however that the protection provided to whistle-blowers in the Act is insufficient and the legislation has significant weaknesses. The NDP recommended that the Act be reviewed and regulations developed to strengthen support for whistle-blowers.

To this effect, South African Law Reform Commission published the report in 2007 that initiated the process of developing the Bill that is being tabled before Parliament today. When the Act of 2000 was passed, Parliament had requested that certain aspects be further investigated.

The Bill seeks to strengthen the protection of whistle-blowers by extending the ambit of the Acts beyond the traditional employer-employee relationship, granting a person who makes protected disclosure immunity from criminal and civil liability in certain circumstances, and creating an offense in the case of false disclosure which is what is contagious this afternoon. This is the area false disclosure and how we decided to be really deal with it.

The committee believes that a key challenge in preventing and fighting corruption is to expose corrupt activities such as bribery, fraud, theft of public funds and other acts of wrongdoing, which is what the ANC continues to emphasise on a daily basis as we are running this country. The risk of corruption is significantly heightened in the environment where the reporting of wrongdoing is not supported or protected, and that is why we are supporting that we should actually have legislation that protects whistle-blowers as the ANC. As such, the committee welcomes the introduction of the Bill and believes that it will help to fight crime.

The Bill was advertised for public comment in various newspapers and, in all, the committee received eight

submissions. Public hearings were held on 14 September 2016.

There was a concern that making it an offense to intentionally disclose false information may discourage disclosure by whistle-blowers. However, the impact of false disclosure can be very serious for the affected party. For this reason, the committee agrees that there should be consequences for a person who intentionally discloses false information with the intention to cause harm. The committee is of the view that, in this instance, such a person is not a whistle-blower and therefore does not deserve the protection.

We are therefore saying that we need to continue to fight corruption. We need to protect the whistle-blowers. But, at the same time we get worried about information that is incorrect, that is paddled about people and destroys their lives and their families' lives. So, we do not want to have legislation that will have what we call grey areas when we have got to deal with issues of this nature and when people just create stories.

Hon Matiase, you came over and you were making mention of something secret, there would be input on the faces of South Africans. You know it is almost similar to what you

were talking about, false disclosure. When you are talking about something that does not exist and the whole public is listening to you. All this that you are saying is not what you find in this Bill. The Bill is just meant to protect whistle-blowers. As a way of ensuring that we will a South Africa be in the position to successfully fight corruption.

Hon Horn, you are actually saying that this legislation will deter people from reporting corruption. The legislation is going to promote that. That is exactly the intention of the legislation and you are actually saying that this is what the ANC wants. I do not know why do you purposely misunderstand our intention when you are saying that when it comes to false disclosure we cannot be in the position to protect such employees which means that anything that is not genuine in the form of reporting is nothing that can actually be protected by this piece of legislation that we are putting before Parliament today. I thank you. [Applause.]

The DEPUTY MINISTER OF JUSTICE AND CORRECTIONAL SERVICES
RESPONSIBLE FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT:

Madam Speaker, as the hon Pilane-Majake has said that there have been a lot of confused speeches on the Bill, so let me just again reiterate what the Bill is about. It

is about protecting whistle-blowers in the workplace - protecting them from having action taken against them in the workplace. It is not unfortunately about protecting them outside of the workplace and other remedies need to be looked at for whistle-blowers who face threat such as things like witness protection.

What the Bill does is extend the existing Act in terms of the definition of an employee that it is not just a formal employer-employee that goes wider to independent contractors, temporary workers, etc. It also provides some new innovation such as the employer has a duty to report back to the employee on their disclosure.

I am a little bit baffled at hon Matias raising the Protection of State of Information Bill because this Bill specifically protects the whistle-blower from civil and criminal liability. They should not be liable to any civil criminal or disciplinary proceedings by reason of having made the disclosure if such disclosure is prohibited by any other law, oath, and contract practice to agreement requiring him or her to maintain confidentiality or otherwise. So, even if the State Information Bill was an Act, if it was a genuine protected disclosure that person would be protected, even

if they had violated the Protected Disclosure Act as long as it was a protected disclosure in terms of this Act.

That is a major step forward. The main issue seems to be the question of imposing a criminal penalty for false disclosure that causes harm. Mr Swart, you said that it is international's best practice. I think there has been reference to some other countries just to give you a list of others. I mean at Australia, Kenya, Namibia, India, Uganda, amongst others that do provide for some form of criminal sanction for false disclosures. So, I will argue maybe that is international best practice.

Why should be the criminalisation? Because if a false disclosure is made then the institution to which the disclosure is made undertakes an investigation often asks us to spend money getting an outside auditor or embarking on the forensic investigation at huge cost only to find no impropriety. Imagine a person against to whom such a false disclosure is made the damage to the person's reputation. His or her good name being tarnished, being subject to disciplinary action possibly being suspended, being denied appointment to any employment professional officer or otherwise adversely affected in respect of his or her employment, professional officer including employment opportunities and work security.

However, to the hon Horn and to the hon Mulder, I do not know if you have read the latest version of the Bill approved by the committee because the hon Horn stands here and says if a false disclosure is made; such whistle-blower will be guilty of a crime. He says:

We will be the first country that criminalises a whistle-blower for mistakenly but honestly believing that the information was true.

That is not what is in Bill. The committee accepted a proposal amendment from Congress of South African Trade Unions, Cosatu, so the requirements for this criminalisation coming into effect is yes, number one as was there before, knowing the information to be false or resonantly to have known the information is false.

Honestly is not there, but this is the key point that you have missed, hon Horn. That is the second requirement which you also have if you must make the disclosure with the intention to cause harm to the affected party and where the affected party has suffered harm, so there are two new requirements that have been put in. So, a simple honest bona fide a disclosure of false information is not criminalised. You have got actually intent to cause harm and you have got to actually then cause harm, so in other words it is narrowly restricted to malicious disclosure

because we do get people in the workplace who have an axe to grind like about to get dismissed and they then pretend to be a whistle-blower by disclosing false information.

However, hon Horn, so your information is quite frankly not correct because it is not correct that simply for mistakenly but honestly disclosing information. You conveniently omitted to make any mention of this requirement of an intention to cause harm being necessary and actually then causing harm to the enterprise or to the business.

Lastly, the decision to prosecute is limited and has to be taken by the director of public prosecutions - so, who can delegate but it is still their responsibility. It is not something that your ordinary prosecutor in the magistrate's court can decide to institute the prosecution. With respect, I think unfortunately as with so much else going on there has a lot of politicking in the House. This is a good Bill. The only provision that is contagious and so another fact I mentioned we have some other members that mentioned expanded list to whom protected disclosures can be made, we will be intending as it is provided for in the Bill to expand that further

by listing bodies and what type of protected disclosures can be made to them that was not original Act.

We are undertaking to provide an additional list of bodies. But, it is a good Bill. I think that there has been a lot of noise around the criminalisation and a lot of distortion around what that criminalisation actually implies and it is definitely not what the hon Horn has said it is and I would urge him to read the final version of the Bill as approved by the committee. Thank you, Madam Speaker. [Applause.]

Debate concluded.

Question put.

THE SPEAKER: That concludes the debate. Are there any objections to the Protected Disclosures Amendment Bill being read a second time? There is an objection. I now put the question. Those in favour will say aye, and those against say no. I think the ayes have it.

An HON MEMBER: Speaker, the DA calls for a division.

Thank you.

The SPEAKER: A division having been called for, the bells will be rung for three minutes.

Division demanded.

The House divided.

AYES - 222: 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; Bilankulu, N K; Bongo, B T;
Booi, M S; Boroto, M G; Brown, L; Buthelezi, M G;
Buthelezi, N S; Capa, R N; Capa, N; Carrim, Y I; Cele, M
A; Cele, B H; Chauke, H P; Chiloane, T D; Chohan, F I;
Chueu, M P; Coleman, E M; Cwele, S C; Dambuza, N B;
Davies, R H; Didiza, A T; Dirks, M A; Dlakude, D E;
Dlamini, B O; Dlamini-Dubazana, Z S; Dlomo, B J; Dlulane,
B N; Dunjwa, M L; Ebrahim, E I; Esterhuizen, J A;
Filtane, M L W; Frolick, C T; Fubbs, J L; Gamede, D D;
Gcwabaza, N E; Gigaba, K M N; Gina, N; Gumede, D M;
Gungubele, M; Hanekom, D A; Hlengwa, M; Holomisa, S P;
Jeffery, J H; Joemat-Pettersson, T M; Johnson, M; Kalako,
M U; Kekana, H B; Kekana, P S; Kekana, E; Kekana, C D;
Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, T Z M;
Khoza, M B; Kilian, J D; Kota-Fredricks, Z A; Kubayi, M
T; Kwankwa, N L S; Landers, L T; Lesoma, R M M; Letsatsi-
Duba, D B; Loliwe, F S; Luyenge, Z; Luzipo, S; Maake, J

J; Mabasa, X; Mabija, L; Mabika, M S; Mabilo, S P;
Mabudafhasi, T R; Madella, A F; Madisha, W M; Madlopha, C
Q; Maesela, P; Mafolo, M V; Mafu, N N; Magadla, N W;
Mahambehlala, T; Mahlalela, A F; Mahlangu, D G; Mahlangu,
J L; Mahlobo, M D; Majeke, C N; Majola, F Z; Makhubela-
Mashele, L S; Makhubele, Z S; Makondo, T; Makwetla, S P;
Malgas, H H; Maloyi, P D N; Maluleke, B J; Manamela, K B;
Manana, M N S; Manana, D P; Mandela, Z M D; Mantashe, P
T; Manyoni, T M ; Maphanga, W B ; Mapisa-Nqakula, N N;
Mapulane, M P; Masango, M S A; Masehela, E K M; Maseko, L
M; Mashego-Dlamini, K C; Mashile, B L; Masondo, N A;
Masuku, M B; Masutha, T M; Maswanganyi, M J; Mathale, C
C; 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; Mncwabe, S C; Mncwango, M A;
Mnganga - Gcabashe, L A; Mnguni, D; Mnisi, N A; Mokoto, N
R; Molebatsi, M A; Molewa, B E E; Morutoa, M R; Mothapo,
M R M; Motimele, M S; Motshekga, M A; Motshekga, M S;
Motsoaledi, P A; Mpumlwana, L K B; Msimang, C T; Mthembu,
J M; Mthembu, N; Mthethwa, E N; Mthethwa, E M; Mudau, A
M; Muthambi, A F; Nchabeleng, M E; Ndaba, C N; Ndabeni-
Abrahams, S T; Ndongeni, N; Nel, A C; Newhoudt-Druchen, W
S; Ngcobo, B T; Ngwenya-Mabila, P C; Nkadimeng, M F;
Nkwinti, G E; Nobanda, G N; November, N T; Nqakula, C;
Ntombela, M L D; Nxesi, T W; Nyambi, H V; Oliphant, M N;

Oliphant, G G; Patel, E; Peters, E D; Phaahla, M J;
Pilane-Majake, M C C; Radebe, B A; Radebe, J T; Ralegoma,
S M; Ramatlakane, L; Ramatlhodi, N A; Rantho, D Z;
Raphuti, D D; Semenya, M R; Senokoanyane, D Z; September,
C C; Shabangu, S; Shaik Emam, A M; Shope-Sithole, S C N;
Sibande, M P; Singh, N; Sisulu, L N; Sithole, K P;
Siwela, E K; Skosana, J J; Skwatsha, M; Smith, V G;
Sotyu, M M; Surty, M E; Thabethe, E; Thomson, B; Tleane,
S A; Tobias, T V; Tolashe, G N; Tom, X S; Tongwane, T M
A; Tseke, G K; Tseli, R M; Tsenoli, S L; Tsoleli, S P;
Tsetetsi, D R; Tuck, A; v R Koornhof, N J J; Van Rooyen,
D D D; Van Schalkwyk, S R; Williams, A J; Xasa, T; Xego,
S T; Zwane, M J.

NOES - 92: America, D; Atkinson, P G; Bagraim, M; Bara, M
R; Basson, L J; Bergman, D; Bozzoli, B; Brauteseth, T J;
Bucwa, H; Cardo, M J; Chance, R W T; Davis, G R; De
Freitas, M S F; Dlamini, M M; Dreyer, A M; Edwards, J;
Esau, S; Figg, M J; Groenewald, P J; Groenewald, H B;
Grootboom, G A; Hlophe, H O; Hoosen, M H; Horn, W;
Hunsinger, C H H; James, L V; James, W G; Jongbloed, Z;
Kalyan, S V; Ketabahle, V; Khawula, M S; King, C; Kohler,
D; Kopane, S P; Kruger, H C C; Krumbock, G R; Lees, R A;
Lorimer, J R B; Lotriet, A; Mackay, G; Mackenzie, C;
Macpherson, D W; Majola, T R; Malatsi, M S; Marais, S J
F; Marais, E J; Masango, B S ; Mashabela, N R; Mathys, L

A; Matiase, N S; Matsepe, C D; Mazzone, N W A; Mbabama, T
M; Mbatha, M S; Mbhele, Z N; Mcloughlin, A R; Mente, N V;
Mhlongo, T W; Mileham, K J; Mokause, M O; Mokgalapa, S;
Mokoena, L G; Motau, S C; Moteka, P G; Mulder, C P;
Ndlozi, M Q; Paulsen, M N; Purdon, R K; Rabotapi, M W;
Rawula, T; Redelinghuys, M H; Robertson, K P; Robinson,
D; Ross, D C; Shinn, M R; Shivambu, N F; Sonti, N P;
Steenhuisen, J H; Steyn, A; Swart, S N; Tarabella
Marchesi, N I; Terblanche, J F; Van Dalen, P; Van Damme,
P T; Van Der Walt, D; Van Der Westhuizen, A P; Van Dyk,
V; Volmink, H C; Vos, J; Waters, M; Wilson, E R; Xalisa,
Z R.

Question agreed to.

Protected Disclosures Amendment Bill read a second time.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE
ON OVERSIGHT VISIT TO POLICE STATIONS IN AND AROUND PORT
ELIZABETH**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE
ON OVERSIGHT VISIT TO MANENBERG POLICE STATION**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON POLICE
ON RESEARCH SEMINAR ON RISK FACTORS FOR POLICE**

There was no debate.

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

Declarations of vote:

Mr Z N MBHELE: Hon Speaker, the Portfolio Committee on Police's oversights visits to Manenberg Police Station, to police stations in and around Port Elizabeth and the research seminar on risk factors for police were very useful exercises in terms of the committee's oversight mandates as well as broadening and deepening the knowledge and understanding of the committee members of the various issues. I must say that I always appreciate the substantive and rigorous manner in which the committee conducts its business under our very able chairperson.

The committee found numerous problems in a number of environments such as the Humewood sex garage, New Brighton and Kwazakhele police stations as well as in relation to human resource management.

Whatever the details of the findings, there is no doubt that the root cause of these problems is leadership and management deficiencies, as a result of the appointment

of people who are not fit for purpose in their positions because of cadre deployment or otherwise.

We witnessed a stark example of such unfitness for purpose in the disgraceful behaviour of the Speaker this morning, which forced a walkout by the DA. That is what happens when people are put into positions they are incompetent for. They can't do the basics right and processes can't flow the way they should.

Mr B A RADEBE: Chairperson, on a point of order: I am rising on Rule 85(1) where the speaker has just impugned and cast a personal reflection on the member's integrity, who is the Speaker, by saying that the Speaker has behaved disgracefully ... [Inaudible.] ... and that she is incompetent. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member, I will reflect on that matter and rule thereafter.

The CHIEF WHIP OF THE OPPOSITION: Madam House Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, let me just finish with hon Radebe. I will recognise you. Hon

Radebe, I have noted your matter. I will reflect on it and then come back to the House.

The CHIEF WHIP OF THE OPPOSITION: Madam House Chairperson, with respect, what we are seeing now is bordering on harassment and severely curtailing the important freedom of speech that is enshrined in both the Rules of the House and bestowed upon members of this House in terms of the Constitution and in terms of privilege.

What you can't do is stifle political debate by rising up and down like a jack in the box, every time on Rule 85. It demeans the Rules and it detracts from the principle behind it. I would ask that you bear that in mind when you make this ruling.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon members! Hon Steenhuisen, I said I will reflect on the issue raised by the hon member's point of order and come back to this House with my ruling.

Mr D M Z MANDELA: Hon Chairperson, on a point of order: I rise on Rule 84. Can you request the Chief Whip of the Opposition to withdraw the "jack of box", because there is no one that is as such in his House? [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon members, can we allow the speaker on the podium to proceed?

Mr Z N MBHELE: Sihlalo, okokuqala i-jack in the box iyithoyizi. [Ihlombe.] [Chairperson, first of all the jack in the box is a toy. [Applause.]]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, can you please focus on your speech.

Mr Z N MBHELE: Yebo Sihlalo, ngiyabonga. [Yes, Chairperson, thank you.]

The same has been happening in the Police Service and that is why they are struggling to reduce crime, especially organised crime, as reflected in the stats in the past couple of years.

It also does not help that the Minister in the Police portfolio is unfit for office, having fallen foul of the law several times over the past two years.

When those basics are not in place, of course, you will find the problems we have with policing and crime. Thank you.

Mr L G MOKOENA: Chair, the Economic Freedom Fighters rejects all three reports on the Portfolio Committee on Police - on their oversight visits to police stations in Port Elizabeth and in Manenberg and on their research seminar on risk factors facing the police. We do this because the oversight visits to police stations in Port Elizabeth proved our long-held view that SAPS, under the leadership of Minister Nthleko, has no strategic vision on how to build up police capacity, to respond to the ever-increasing levels of crime in this country.

Police vehicles remain locked up in garages because there is no capacity to fix broken vehicles, leaving police stations in predominantly black communities without vehicles.

There are no stables for mounted units, preventing police from accessing mountainous areas in the Eastern Cape. Their electronic docket system has not been implemented in many police stations, leaving police with a perennial problem of docket theft, which leads to the release of potentially dangerous criminals back into society.

This is not a problem caused by our hardworking men and women in uniform; it is a problem of leadership.

Nkosinathi Nthleko is busy chasing perceived opponents in

the form of McBride and others or busy making video games, defending JZ 783 from censure.

The seminar on risk factors affecting police also demonstrated the point we have always made.

Mr D M Z MANDELA: Chair, on a point of order: I rise on Rule 82. Can the speaker at the podium refer to hon members of this House as hon members and not call them by name? [Interjections.]

HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, did you call any hon member by name?

Mr L G MOKOENA: No, I have not called any hon member by name.

HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, you know that in terms of our Rules, you can call a member honourable or mister. Can we please stick to the Rules?

Mr L G MOKOENA: The seminar on risk factors affecting police also demonstrated the point we have always made that police men and women are not adequately protected from the dangers they face when doing their work. They are not properly remunerated for the kind of work they

do. The danger allowance is not nearly sufficient for the levels of danger that police in Nyanga, Khayelitsha, Umlazi and other dangerous places face every day.

Our rejection of these reports therefore is simply because we have known about these issues for a very long time and yet, Nhleko has not done anything to resolve our policing problems in this country.

HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, before you leave the podium, can you refer to the Minister as either Mr Nhleko or hon Nhlego?

Mr L G MOKOENA: Mr Nhlego.

Ms H O HLOPHE: Chair, on a point of order: I was just observing hon Mandla and ... [Inaudible.] ... They are fighting about this. Is that what they here for, ... [Inaudible.]

HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, can we please raise the point of order appropriately?

Mr A M SHAIK-EMAM: Hon House Chair, the Manenberg Police Station serves more than 91 ...

Mr T RAWULA: Chair, on a point of order: I rise on Rule 31, which allows me to put a motion without notice. I am from the Eastern Cape. The ANC must not undermine Mandla. He is a chief. He can't be used as popcorn in a ...

[Inaudible.] ... Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, order! Hon member, can you take your seat? Can we please use our Rules appropriately? If there are issues of debate, we have the opportunity to actually debate those. I think we should really respect the Rules that we set.

[Interjections.]

Mr A M SHAIK-EMAM: Hon House Chair, the Manenberg Police Station serves more than 91 000 people where unemployment is at 40% and armed-gang warfare is the order of the day. There is a high prevalence of drug abuse. The police station has difficulty to maintain peace and order in the 10-square km precinct with 46 vehicles and being understaffed.

We also agree with the recommendation of the portfolio committee that a specialised unit be established, which will focus on illegal firearms and narcotics.

The National Freedom Party believes that a severe clamp down by this specialised unit will go a long way to address the gang violence, which holds such deadly consequences for the community.

A matter of great concern is the Tetra 10-11 communication system, which has already spent about half a billion rand with a one billion budget, due to delays caused by the Department of Public Works in not having handed over the cite SA Police Services.

When we visited the police stations at Kwazekhele and New Brighton and ... [Inaudible.] ... it was quite clear that it has serious challenges in terms of infrastructure where you find four detectives who are actually using one little office to interview both complainants and witnesses. That is actually quite challenging.

What we found is the high-level unemployment, poverty and not having proper regulatory framework for spaza shops and things. Those are some of the reasons why they face a serious challenge.

The NFP welcomes the report of the portfolio committee on the seminar held to analyse and investigate the serious causes of crime in the respective areas.

I just want to add that one of the highlights was the visit to the mount road, which I think I previously said to this House on the success in terms police officers from different stations and how they track criminals. I think they are doing a fantastic job. I think we must commend them for that.

It is also encouraging to note the wide range of role players and interested parties who participated in the way the risks were analysed and discussed from different perspectives.

We believe that such a multidisciplinary approach will assist us to gain a holistic view of the problems ...

[Time expired.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, to those who are still going to speak from the podium, I would just like to indicate that the timer has unfortunately frozen. We are trying to fix it. In the meantime we will use the manual clock to guide you.

Declaration(s) of vote:

Mr M A MNCWANGO: Madam Chairperson, the community of Manenberg is beset with crime and violence brought about by gangsterism, turf wars and drugs. Violent death is

commonplace and every so often it is an innocent bystander who is caught in the crossfire of this lawlessness.

The SA Police Service, SAPS, at Manenberg is at the coalface of keeping law and order, protecting the community, and arresting and removing criminal elements from the streets. The questions we had to ask were: Is the SAPS equal to the task? Are they capable? Are they logistically capacitated? Is there an active community policing forum?

With 17 gang-related death since April of this year, and 20 case dockets opened with 15 being attempted murder dockets, there is a clear evidence of the current war zone in the area.

Having 24 vacant posts at station level will not assist the SAPS Manenberg or the community. Those posts must be filled immediately.

Greater community co-operation as well as collaboration with the Department of Basic Education in preventative strategies to keep kids out of gangs must be intensified.

Furthermore, closer collaboration with the community policing forum, CPF, and the Department of Human Settlements and Department of Social Development is necessary.

Large-scale unemployment in the area must be addressed, because, until we address the underlying societal causes of gangsterism, we are simply fighting a losing battle. I thank you. The IFP supports the committee report.

Mr F BEUKMAN: Hon Chairperson, hon members, fellow South Africans, I rise on behalf of the ANC to support the three reports.

The oversight visits were conducted in line with the Constitution that provides for oversight over the executive, and also in line with the stated goal in the National Development Plan, NDP, to promote the professionalisation of the SA Police Service.

The seminar on risk factors for police was aimed at sharpening public debate about the safety, health and welfare of police officers in executing their duties and mandate.

In the past, the portfolio committee expressed serious concerns about the number of police officers who are injured or killed in the course of executing their duties.

The committee made eight recommendations in the report, amongst others, that the Civilian Secretariat develops improved policy proposals to ensure great safety for police officers, and that the SA Police Service should develop an improved profiling system which can identify at-risk officers and allow the SAPS to act proactively to neutralise dangerous situations.

All South Africans must support efforts to stop the killing of our policemen and women.

The oversight visit in the Eastern Cape focused on the capability of the SAPS specialised units, police stations in the Nelson Mandela area, the Digital Terrestrial Trunked Radio, Tetra, communications network system, the Private Security Industry Regulatory Authority, PSiRA, and the establishment of the Nelson Mandela Metro Police.

The recommendations with regard to SAPS highlight the need for improved management of the vehicle fleet, approved procurement policies for vehicles and equipment

that will contribute to fighting crime more effectively, maintenance and facility management in co-operation with Public Works, the increase of registered informers at station level, as well as the rotation of key staff at station and cluster levels.

The Tetra communication system is critical for the safety and security of the residents of the Eastern Cape. The committee recommended that the Tetra contract must be finalised and the system be implemented without undue delays through the finalisation of the necessary contracts required for its operation. I thank you. [Time expired.]

Debate concluded.

Question put: That the Reports be adopted.

Division demanded.

The House divided.

AYES - 275: Abrahams, B L; Adams, F; Adams, P E; America, D; Atkinson, P G; Bagraim, M; Bam-Mugwanya, V; Bapela, K O; Bara, M R; Basson, L J; Basson, J V; Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, F; Bhengu, N R; Bilankulu,

N K; Bongo, B T; Booi, M S; Boroto, M G; Bozzoli, B;
Brown, L; Bucwa, H; Buthelezi, N S; Buthelezi, M G; Capa,
R N; Capa, N; Cardo, M J; Carrim, Y I; Cele, B H; Cele, M
A; Chance, R W T; Chauke, H P; Chiloane, T D; Chohan, F
I; Chueu, M P; Coleman, E M; Cwele, S C; Dambuza, N B;
Davis, G R; De Freitas, M S F; Dirks, M A; Dlakude, D E;
Dlamini, B O; Dlamini-Dubazana, Z S; Dlomo, B J; Dlulane,
B N; Dreyer, A M; Dunjwa, M L; Edwards, J; Esau, S;
Esterhuizen, J A; Figg, M J; Filtane, M L W; Frolick, C
T; Fubbs, J L; Gamede, D D; Gcwabaza, N E; Gina, N;
Groenewald, H B; Grootboom, G A; Gumede, D M; Gungubele,
M; Hanekom, D A; Hlengwa, M; Hoosen, M H; Horn, W;
Hunsinger, C H H; James, W G; James, L V; Jeffery, J H;
Johnson, M; Jongbloed, Z; Kalako, M U; Kekana, H B;
Kekana, P S; Kekana, E; Kekana, C D; Kenye, T E; Khoarai,
L P; Khosa, D H; Khoza, T Z M; Khoza, M B; Kilian, J D;
King, C; Kopane, S P; Kota-Fredricks, Z A; Kruger, H C C;
Krumbock, G R; Kubayi, M T; Kwankwa, N L S; Lees, R A;
Lesoma, R M M; Letsatsi-Duba, D B; Loliwe, F S; Lorimer,
J R B; Luyenge, Z; Luzipo, S; Maake, J J; Mabija, L;
Mabika, M S; Mabilo, S P; Mabudafhasi, T R; Mackenzie, C;
Macpherson, D W; Madella, A F; Madisha, W M; Madlopha, C
Q; Maesela, P; Mafolo, M V; Mafu, N N; Magadla, N W;
Mahambehlala, T; Mahlalela, A F; Mahlangu, D G; Mahlangu,
J L; Mahlobo, M D; Majeke, C N; Majola, T R; Majola, F Z;
Makhubela-Mashele, L S; Makhubele, Z S; Makondo, T;

Makwetla, S P; Malatsi, M S; Malgas, H H; Maloyi, P D N;
Maluleke, B J; Manamela, K B; Manana, M N S; Manana, D P;
Mandela, Z M D; Mantashe, P T; Manyoni, T M ; Maphanga, W
B ; Mapisa-Nqakula, N N; Mapulane, M P; Marais, S J F;
Marais, E J; Masango, B S ; Masango, M S A; Masehela, E K
M; Maseko, L M; Mashego-Dlamini, K C; Mashile, B L;
Masondo, N A; Masuku, M B; Masutha, T M; Maswanganyi, M
J; Mathale, C C; Matlala, M H; Matsepe, C D; Matshoba, M
O; Matsimbi, C; Mavunda, R T; Mbabama, T M; Mbalula, F A;
Mbhele, Z N; Mchunu, S; Mcloughlin, A R; Mdakane, M R;
Memela, T C; Mhlongo, T W; Mileham, K J; Mjobo, L N;
Mkhize, H B; Mkongi, B M; Mmemezi, H M Z; Mmola, M P;
Mncwabe, S C; Mncwango, M A; Mnganga - Gcabashe, L A;
Mnguni, P J; Mnguni, D; Mnisi, N A; Mokgalapa, S; Mokoto,
N R; Molebatsi, M A; Molewa, B E E; Morutoa, M R; Motau,
S C; Mothapo, M R M; Motimele, M S; Motshekga, M A;
Motshekga, M S; Motsoaledi, P A; Mpumlwana, L K B;
Msimang, C T; Mthembu, J M; Mthembu, N; Mthethwa, E N;
Mthethwa, E M; Mudau, A M; Muthambi, A F; Nchabeleng, M
E; Ndaba, C N; Ndabeni-Abrahams, S T; Ndongeni, N; Nel, A
C; Newhoudt-Druchen, W S; Ngcobo, B T; Ngwenya-Mabila, P
C; Nkadimeng, M F; Nkwinti, G E; Nobanda, G N; November,
N T; Nqakula, C; Ntombela, M L D; Nxesi, T W; Nyambi, H
V; Oliphant, M N; Patel, E; Peters, E D; Phaahla, M J;
Phosa, Y N; Pikinini, I A; Pilane-Majake, M C C;
Rabotapi, M W; Radebe, B A; Radebe, J T; Ralegoma, S M;

Ramatlakane, L; Ramatlhodi, N A; Rantho, D Z; Raphuti, D
D; Redelinghuys, M H; Robertson, K P; Robinson, D; Ross,
D C; Semanya, M R; Senokoanyane, D Z; September, C C;
Shabangu, S; Shaik Emam, A M; Shinn, M R; Shope-Sithole,
S C N; Sibande, M P; Singh, N; Sisulu, L N; Sithole, K P;
Siwela, E K; Skosana, J J; Skwatsha, M; Soty, M M;
Steyn, A; Stubbe, D J; Tarabella Marchesi, N I;
Terblanche, J F; Thabethe, E; Thomson, B; Tleane, S A;
Tobias, T V; Tolashe, G N; Tom, X S; Tongwane, T M A;
Tseke, G K; Tseli, R M; Tsenoli, S L; Tsoleli, S P;
Tsoetsi, D R; Tuck, A; v R Koornhof, N J J; Van Der
Walt, D; Van Der Westhuizen, A P; Van Dyk, V; Van Rooyen,
D D D; Van Schalkwyk, S R; Volmink, H C; Vos, J; Waters,
M; Williams, A J; Xasa, T; Xego, S T; Zokwana, S; Zwane,
M J.

NOES - 19: Dlamini, M M; Hlophe, H O; Ketabahle, V;
Khawula, M S; Mashabela, N R; Mathys, L A; Matiase, N S;
Mbatha, M S; Mente, N V; Mokause, M O; Mokoena, L G;
Moteka, P G; Mulaudzi, T E; Ndlozi, M Q; Paulsen, M N;
Rawula, T; Shivambu, N F; Sonti, N P; Xalisa, Z R.

Motion agreed to.

Report on oversight visit to police stations in and
around Port Elizabeth accordingly adopted.

Report on oversight visit to Manenberg Police Station accordingly adopted.

Report on research seminar on risk factors for Police accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON TOURISM
ON 2016 TOURISM INDABA**

The Chief Whip of the Majority Party moved: House Chair,
I move that the Report be adopted.

Declarations of Vote:

Mr J VOS: Madam Chairperson, speaking on this item today provides an opportunity for the DA to express its views on the importance of the Tourism Indaba in order to create market access and business growth for African tourism products and services.

I say this because following a review on the Indaba conducted in 2014, it was concluded that to elevate the trade show exhibition, pairing with a strategic partner was recommended. Then after, an extensive process whereby industry was invited to submit proposals, it was suddenly decided to go it alone. Much to our surprise, SA Tourism concluded that the strategic partnership model is not the

best option to follow. This while there was already a drop in the number of exhibitors and people exhibiting at the trade show earlier this year. This is somewhat disappointing because a lot of money and resources was spent on this process with the aim of taking the Indaba to the next level.

We believe that the objective should not only be to ensure that the Indaba remains beneficial as possible for the industry but also that it continues to be the best business networking meeting for exhibitors and for buyers who want to do business with our destination.

Furthermore, it is our submission that, there should be as much industry participation as possible so that we can showcase the diversity and variety of the many proudly SA Tourism products on offer. Because if we get this right, it would allow for the many more entrepreneurs and emerging small businesses to gain market access and trade opportunities, especially now that unemployment figure is standing at 27%, therefore we need tourism to work to ensure that the South African economy remains a growing economy. Thank you.

Mr T RAWULA: Chairperson, the EFF rejects Report of the Portfolio Committee on Tourism in the Tourism Indaba. The

first Tourism Indaba was held in 1977. At that time its sole purpose was to boost the business needs of wholly white tourism sector.

Today, almost 40 years later, the Tourism industry is still Lilywhite. With blacks sprinkle just to fool us into believing that we are transformed. It is said that South Africa has about 10 thousand accommodation establishments of which only 50% are graded. What we are not told is - who owns these establishments? Who benefits from tourism the most? Were these to be told, it would be clear for everyone that the industry has not transformed at all and the department has no plan, no vision to bring in more black people in the industry.

The ill-fated attempts at township tourism seek to normalise the township as places of residence for black people. But the township remains flea-ridden, rat-infested, labour concentration camps where people should not be staying.

Until this country comes up with visionary strategies to benefit a large group of our people, we cannot support it as the EFF. All these things points to a problem of a chronic under-funding of the tourism industry in this country. We need the department to champion efforts to

have more funding directed towards this industry for the potential it has to bring economic opportunities to the marginalised black people. The Indaba may be different from what it was before, but the structure of ownership has not changed. This will not change until we aggressively change the property ownership patterns.

Black people must not be reduced to just labour in the industry. They must own guests houses and the land. Until such time, we will continue to reject the Indaba that is only meant to strengthen white bosses. Thank you.

Mr N SINGH: Chairperson, the IFP agrees that there must be a meaningful participation of disadvantaged people in the tourism sector through equity and ownership rather than just being employees at tourist destinations.

However today, what we are discussing here is a Tourism Indaba and its success or not. It was its 37th year and it was built as a great success. It is now the premiered tourism trade and consumer show on the African continent.

Given the current global economic slowdown, it is imperative that we have an event of this type in order to showcase Brand South Africa, its attractiveness and

appeal from a global tourist point of view and the many reasons why we are a premiered tourist destination.

Hon Minister at the Indaba, you said "the world's tourists want what we have, they want leisure, wildlife and adventure and they continue to come to Africa for these"

I think this statement confirms that our wildlife forms a principal part of this international appeal and yet, we find ourselves continuing to allow certain hunting practices such as captive-bred lion hunting to be perpetuated in this country.

These benefits a few previously a advantaged hunting farms at the expense of the rest of the country and at the expense of our tourism as we see many calls to boycott South Africa by some of these organisations as a tourism destination because of such practices. We believe it is important, hon Minister, that you come together with your other colleagues in the executive to deal with this matter here, so we don't have these unscrupulous money grabbers using this kind of practice to make more money and more profit.

Our domestic tourism market must be encouraged and South Africans should first and foremost be tourist in their

own country and be encouraged to explore our many wonderful landscapes. Development of our domestic tourism is a major gate way to growth in the industry. We support this report. Thank you.

Mr W L M FILTANE: Chairperson, Indaba or no Indaba, the biggest institution to block the advancement of the black people are the Members of Parliament, and government. Recently, the NCOP was in East London, as far as I have been informed, there is not even a single Members of Parliament, who was allocated to a single black-owned establishment - not one. And we are talking about hundreds of people.

Those are tourists that should have benefitted the East London Bed and Breakfast, B&B, Owners, most of whom are black. We, in this House, the people who decide on where Members of Parliament should reside are the killers of black business. Let's have that on record and not come and pretend here like we are supporting those that we say we are supporting, because the reality is totally different on the ground.

As the Portfolio Committee on Rural Development and Land Reform have just taught all the provinces - not one day - we are not such as the big party - not one day we were

allocated to a business that we know is owned by blacks. As much as we pretend like we are all to help them, the opposite is directly true. If our thinking does not change Minister we continue to directly suppress them such that they don't rise anywhere in the economy of this country. It rests with you.

The HOUSE CHAIRPERSON: (Ms A T Didiza): Hon member, as you started your speech I thought you were going to say, this is a question at end of your phrase.

Ms E K M MASEHELA: Chairperson, hon members, from the onset the ANC supports the Report of the Portfolio Committee on Tourism. Indaba was successfully held for the 37th time in Durban in 2016. For the first time this year Indaba brought a total of 70 emerging tourism enterprises to exhibit their businesses. Of the 20 focused on the adventure experiences offered by the country. A total of 14 included those who had won the Lilizela Tourism Awards.

In interacting with these Small, Medium and Micro Enterprise Businesses, SMMEs, they were satisfied and thankful that government has offered them the opportunity to expose their business to international buyers.

Tourism has contributed R375 billion to the Gross Domestic Product, GDP, and employed 1million people in 2015. The involvement of the SMMEs ensures transformation and benefits to all participating citizens. The Ministerial media talk facilitated by Mr Richard Quest of Cable News Network, CNN, was also the first of its kind where frank discussions were held relating to open policy and implementation thereof. Interdepartmental collaboration during policy formulation and trust between the government and the industry. The Ministerial round table session is also gaining momentum having been hosted for the second time. This has made Indaba through Pan African tourism trade and consumer show, with Ministers of Tourism from Burkina Faso, Ghana, Lesotho, Namibia, Swaziland, Uganda, Zambia and Zimbabwe. We support this report. Thank you.

Debate concluded.

Question put: that the Bill be agreed to.

Division demanded.

The House divided.

Order, hon member! I would like to remind members that they may only vote from their allocating 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 thereafter press the correct button. The last button pressed will be recorded as the member's vote when the voting session is closed. The question before the House is that the Report of the Portfolio Committee on Tourism on the Tourism Indaba 2015 be adopted.

Are all members in their allocated seats?

Hon MEMBERS: Yes!

The HOUSE CHAIRPERSON (Ms A T Didiza): Voting will now commence.

Those in ... [Interjections.]

Order, order, hon members. Are the machines working now?

Hon MEMBERS: Yes!

The HOUSE CHAIRPERSON (Ms A T Didiza): Voting will now commence. Those in favour of the Report should press the Yes button.

Hon MEMBERS: Yes!

The HOUSE CHAIRPERSON (Ms A T Didiza): Those against should press the No button.

Hon MEMBERS: No!

The HOUSE CHAIRPERSON (Ms A T Didiza): Those wishing to abstain should press the Abstain button.

Have all members voted?

Hon MEMBERS: Yes!

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you. The voting session is now closed.

AYES - 261: Adams, P E; Adams, F; America, D; Atkinson, P G; Bagraim, M; Bam-Mugwanya, V; Bapela, K O; Bara, M R; Basson, J V; Basson, L J; Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, F; Bhengu, N R; Bilankulu, N K; Bongo, B T; Booi, M S; Boroto, M G; Bozzoli, B; Bucwa, H; Buthelezi,

N S; Buthelezi, M G; Capa, R N; Capa, N; Cardo, M J;
Carrim, Y I; Cele, B H; Cele, M A; Chance, R W T; Chauke,
H P; Chiloane, T D; Chohan, F I; Chueu, M P; Coleman, E
M; Cwele, S C; Dambuza, N B; Davis, G R; Dirks, M A;
Dlakude, D E; Dlamini, B O; Dlamini-Dubazana, Z S; Dlomo,
B J; Dlulane, B N; Dunjwa, M L; Ebrahim, E I; Edwards, J;
Esau, S; Esterhuizen, J A; Filtane, M L W; Frolick, C T;
Fubbs, J L; Gamede, D D; Gcwabaza, N E; Gina, N;
Groenewald, H B; Gumede, D M; Gungubele, M; Hanekom, D A;
Hlengwa, M; Hoosen, M H; Horn, W; Hunsinger, C H H;
James, L V; James, W G; Jeffery, J H; Johnson, M; Kalyan,
S V; Kekana, H B; Kekana, P S; Kekana, E; Kekana, C D;
Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, T Z M;
Khoza, M B; Kilian, J D; King, C; Kopane, S P; Kota-
Fredricks, Z A; Kruger, H C C; Krumbock, G R; Kubayi, M
T; Kwankwa, N L S; Lees, R A; Lesoma, R M M; Letsatsi-
Duba, D B; Loliwe, F S; Lotriet, A; Luyenge, Z; Luzipo,
S; Maake, J J; Mabiya, L; Mabika, M S; Mabilo, S P;
Mabudafhasi, T R; Mackay, G; Macpherson, D W; Madella, A
F; Madlopha, C Q; Maesela, P; Mafolo, M V; Mafu, N N;
Magadla, N W; Mahambehllala, T; Mahlalela, A F; Mahlangu,
J L; Mahlangu, D G; Mahlobo, M D; Majeke, C N; Majola, T
R; Majola, F Z; Makhubela-Mashele, L S; Makhubele, Z S;
Makondo, T; Makwetla, S P; Malatsi, M S; Malgas, H H;
Maloyi, P D N; Maluleke, B J; Manamela, K B; Manana, M N
S; Manana, D P; Mandela, Z M D; Mantashe, P T; Manyoni, T

M ; Maphanga, W B ; Mapisa-Nqakula, N N; Mapulane, M P;
Marais, S J F; Marais, E J; Masango, B S; Masango, M S A;
Masehela, E K M; Maseko, L M; Mashego-Dlamini, K C;
Mashile, B L; Masondo, N A; Masuku, M B; Masutha, T M;
Maswanganyi, M J; Mathale, C C; Matlala, M H; Matsepe, C
D; Matshoba, M O; Matsimbi, C; Mavunda, R T; Maynier, D
J; Mazzone, N W A; Mbabama, T M; Mbalula, F A; Mbhele, Z
N; Mchunu, S; Mcloughlin, A R; Mdakane, M R; Memela, T C;
Mileham, K J; Mjobo, L N; Mkhize, H B; Mkongi, B M;
Mmemezi, H M Z; Mmola, M P; Mncwabe, S C; Mncwango, M A;
Mnganga-Gcabashe, L A; Mnguni, P J; Mnguni, D; Mnisi, N
A; Mokgalapa, S; Mokoto, N R; Molebatsi, M A; Molewa, B E
E; Morutoa, M R; Motau, S C; Motimele, M S; Motshekga, M
A; Motshekga, M S; Motsoaledi, P A; Mpumlwana, L K B;
Msimang, C T; Mthembu, J M; Mthembu, N; Mthethwa, E N;
Mthethwa, E M; Mudau, A M; Muthambi, A F; Nchabeleng, M
E; Ndaba, C N; Ndabeni-Abrahams, S T; Ndongeni, N; Nel, A
C; Newhoudt-Druchen, W S; Ngcobo, B T; Ngwenya-Mabila, P
C; Nkadimeng, M F; Nkwinti, G E; Nobanda, G N; November,
N T; Nqakula, C; Ntombela, M L D; Nyambi, H V; Oliphant,
M N; Peters, E D; Phaahla, M J; Phosa, Y N; Pikinini, I
A; Pilane-Majake, M C C; Rabotapi, M W; Radebe, B A;
Radebe, J T; Ralegoma, S M; Ramatlakane, L; Ramatlhodi, N
A; Rantho, D Z; Raphuti, D D; Redelinghuys, M H;
Robertson, K P; Robinson, D; Semenya, M R; Senokoanyane,
D Z; September, C C; Shinn, M R; Shope-Sithole, S C N;

Sibandé, M P; Singh, N; Sisulu, L N; Sithole, K P;
Siwela, E K; Skosana, J J; Skwatsha, M; Sotyu, M M;
Steenhuisen, J H; Steyn, A; Stubbe, D J; Terblanche, J F;
Thabethe, E; Thomson, B; Tleane, S A; Tobias, T V; Tom, X
S; Tongwane, T M A; Tseke, G K; Tseli, R M; Tsenoli, S L;
Tsoleli, S P; Tsoetsi, D R; Tuck, A; v R Koornhof, N J
J; Van Der Walt, D; Van Der Westhuizen, A P; Van Dyk, V;
Van Schalkwyk, S R; Volmink, H C; Vos, J; Waters, M;
Williams, A J; Xasa, T; Xego, S T; Zokwana, S; Zwane, M
J.

NOES - 19: Dlamini, M M; Hlophe, H O; Ketabahle, V;
Khawula, M S; Mashabela, N R; Mathys, L A; Matiase, N S;
Mbatha, M S; Mente, N V; Mokause, M O; Mokoena, L G;
Moteka, P G; Mulaudzi, T E; Ndlozi, M Q; Paulsen, M N;
Rawula, T; Shivambu, N F; Sonti, N P; Xalisa, Z R.

Report adopted.

Bill accordingly agreed to in accordance with section 75
of the Constitution.

REPEAL OF APARTHEID LEGISLATION

(Draft Resolution)

Mr N F Shivambu moved: That the House, in the interest of entrenching constitutional democracy as envisaged in the Bill of Rights of the Constitution of the Republic of South Africa, 1996 -

(1) notes that -

- (a) South Africa, a constitutional democracy since 1994, still has apartheid legislation meant for segregation and racial hatred, exploitation and suppression of black people and resistance against apartheid;
- (b) legislation such as the Riotous Assemblies Act (No 17 of 1956) is still effective;
- (c) the Act was meant "to consolidate the laws relating to riotous assemblies and the prohibition of the engendering of feelings of hostility between the European and non-European inhabitants of the Union and matters incidental thereto, and the laws relating to certain offences"; and

(2) resolves to establish an ad hoc committee in terms of Rule 253(1)(a), the committee to -

- (a) identify all pre-1994 legislation still in existence that may not adhere to constitutional principles and values in order to refer such legislation to the relevant committees with the aim to repeal it;
- (b) consist of 11 members, as follows: African National Congress 6, Democratic Alliance 2, Economic Freedom Fighters 1, and other parties 2;
- (c) exercise those powers in Rule 167 that may assist it in carrying out its task; and
- (d) report to the National Assembly by 29 June 2017.

**DRAFT RESOLUTION BY MR N F SHIVAMBU ON THE REPEAL OF
APARTHEID LEGISLATION**

Mr N F SHIVHAMBU: We stand here to ... [Interjection.]

The HOUSE CHAIRPERSON (Ms A T DIDIZA): Order, hon Shivambu. Can you just take a seat. I want them to sort out the clock.

Can you please start the clock correctly? Table staff can you please start the clock correctly? Hon Shivambu has five minutes.

Order! Hon Shivambu you can move the motion.

Mr N F SHIVAMBU: We stand here to talk about the incomplete transition, the negotiated and extremely violent transition from apartheid to what we currently have. That there are still a lot of legislations that exist that come from the colonial cum-apartheid past. That in the process of transition there was an agreement in the negotiation process that all the laws that existed under the colonial cum-apartheid regime are going to be enforced unless if they're repealed.

In the first democratic Parliament, there were processes of rationalisation laws that were passed in terms of trying to bring into commonality some of the legislations that existed in various territories that were so-called self-governing under apartheid. And it repealed certain legislations and brought into some sense the kind of laws that have what it takes to govern our society.

But there is a lot of legislation that defines the apartheid and racist past; the nonsensical apartheid

past, even on petty issues that speak to how public holidays must be handled. For instance, there is a law called the Prohibition of the Exhibition of Films on Sundays and Public Holidays Act, 1977, a law that was passed under apartheid in 1977 that says you cannot watch movies on Sundays and public holidays, is still in effect.

We have lots of petty laws, the Trespass Act, 1959, is still in existence. There's the Prohibition of Disguise Act, 1969. But the most important one is the Riotous Assemblies Act, 1956, - which our colleague is going to elaborate on later - a law that states in its objects that it aims to protect the Europeans against non-Europeans. And that is a law that is been utilised by the National Prosecuting Authority to prosecute the president and commander-in-chief of the Economic Freedom Fighters, is still in existence. Why are we there is because the current government, the ANC, has neglected the important task of legislative reform and repeal of all legislations that existed prior 1994.

It has now become the real committee that manages the common affairs of the bourgeoisie, both petty and genuine bourgeoisie. They fight amongst themselves in terms of how they must administer interests of the bourgeoisie and

not care about the foundations of South Africa's Constitutional democracy.

We stand here to give a concrete proposal that we should constitute an ad-hoc committee here in Parliament to identify all the laws that were passed under the colonial cum-apartheid regime and refer them to a proper process, of course working with the relevant organs of the state including the executive and judiciary but Parliament must be the primary organ that is responsible for the repeal of all these legislations.

Let's identify that process through an ad-hoc committee, engage, call for public submission on people who are dealing with issues that are affecting them in terms of the laws that were passed in past; and come back to Parliament and repeal all those legislations.

We appreciate that you're failing in virtually everything else that you're doing, particularly in economic management and transformation. But, you cannot fail on a simple task of repealing all the legislations that came from the past; so that we give the Constitutional Court the space to deal with how do we interpret the laws that have been adopted by this particular Parliament and not be the one that repeals legislation.

Just last week, the Constitutional Court was repealing some municipal legislations that, through out have been in existence around issues of who is responsible for which task between a province and municipality.

We're standing up as the EFF to propose that we should have an ad-hoc committee that must be consistent of the Rules of the National Assembly that is going to start the process of repealing all the apartheid and colonial legislations; that still refer to an existence of the queen, that speaks about Europeans and non-Europeans in South Africa, and now is 2016. We have to take this decision, it's rational. We know there's mediocrity in terms of how you interpret this but let's work on it together. Thank you very much.

HOLOBBYE WA SWA VULULAMI NA VUKORHOKERI BYA MAKHOTSO:
Tatana Shivambu, ndza mi rhamba leswaku hi ya nwa swin'we tiya endzhaku ka leswi leswaku hi ta burisana na ku vonisana hi Xitsonga. (*Translation of Xitsonga paragraph follows.*)

[The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Shivambu, I cordially invite you for tea after this so that we may discuss and share ideas in Xitsonga.]

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES:

Chairperson, hon members, Ministers, Deputy Ministers and guests of this august House, the matter before us this afternoon is bound to invoke much emotions in most of us, understandably so, given the recent past of apartheid oppression we endured as a nation prior to liberation and the ushering in of constitutional democracy in our country two decades ago. Indeed, a preamble that still exists on our statute books, of the kind that is at issue in this debate and that reads as follows, and I quote:

This Act was enacted to consolidate the laws relating to riotous assemblies and the prohibition of the engendering of feelings of hostility between European and non-European inhabitants of the Republic,

only serves to remind us of the history of the struggle to which many of our heroes and heroines past and present even in this House, as we speak, selflessly contributed towards. Our Constitution in its preamble has the following to say:

We, the people of South Africa, Recognise the injustices of our past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our country; and

Believe that South Africa belongs to all who live in it, united in our diversity. We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.

This having been said however, it is the same Constitution that further states in schedule 6 section 1 (1) that, and I quote:

All law that was in force when the new Constitution took effect, continues in force unless amended or repealed and if it is consistent with the new Constitution.

This rule equally applies to the Act which is the subject of this debate today.

As the ANC government we undertook as clearly stipulated in the National Development Plan to ensure that our people are and feel safe. This is a commitment that is being realised throughout the country as various government departments roll out a number of programmes to ensure a better life for our people. As the Justice Crime

Prevention and Security cluster, we have a responsibility to enforce and implement laws that are meant to protect our citizens. Imagine a country where peace and stability is compromised by public violence instigated by many through what they say and encourage in various fora and law enforcement is left powerless because the only effective tool available to the state to meaningfully counter such undesirable action, is an old law passed under apartheid. This, even if it has since been amended by a democratic parliament, at least in so far as its provisions that are relevant in this instance despite it commencing with a preamble that is no longer appropriate under a constitutional democracy.

This is more so in light of the fact that the EFF bases its constitutional challenge on the preamble of the law in question without necessarily confronting the specific sections that are used to charge many whose actions cause irreparable harm due to their committing crimes that have serious bearing on peace and stability in our country. We are law abiding citizens and a government that has the best interests of its people at heart and therefore allowing such would be failure to ensure safety of all our people as our Constitution mandates us.

Hon members, I will exercise restraint in my submissions here this afternoon in view of the matter being subject to judicial determination before the North Gauteng High Court. Let me in the same breath state that it is therefore mischievous of the EFF to bring this matter up for debate in this august legislature when they have simultaneously sought to have it adjudicated upon by the courts.

Ms H HLOPHE: Chair, I'm just worried. Are we debating a motion or... [Interjections.]

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

Ms H O HLOPHE: The Minister just says this motion has been brought in by the Freedom Front. Which motion are we debating?

The HOUSE CHAIRPERSON (Ms A T Didiza): I am sure the Minister will correct that.

Ms H O HLOPHE: No, no, Chair, don't protect him. It is your duty to correct him because he is distorting us. We are the EFF.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, may you take your seat. Hon Minister, it is alleged that you mentioned Freedom Front as opposed to the EFF. If you have done so you can please correct it.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES:

Certainly, Chairperson, I must say that the difference seem to be minimal because they are both on the extreme side of the equilibrium. But, yet, I correct that. Let me in the same breath state that it is therefore mischievous of the EFF to bring this matter up for debate in this august legislature when they have simultaneously sought to have it adjudicated upon by the courts. It is merely a ploy to get this House to be seized with a matter that is otherwise best resolved as it sought to be by the courts. This is yet another example of the EFF's tendency of seeking to condemn others for failing to uphold the Constitution, the rule of law and respect for the independence of the judiciary which are key pillars of our constitutional democracy and yet render themselves guilty of same provoked or unprovoked thus offending on the proverbial English adage - those who live in glass houses don't throw stones.

Hon members, allow me to reflect on the legislation in its current form. The Riotous Assemblies Act of 1956

remains on our statute books but with three sections only, namely sections 16, 17 and 18 which are still in force. These three remaining sections are intended to deal with, public safety and the handling of explosives; acts or conduct which constitutes incitement to violence; and attempt, conspiracy and inducing another person to commit offence.

We hold the firm view that regardless of the era in which the Act was passed that contain these provisions, they remain necessary as putting them aside without anything in their place in the immediate, would result in the state being unable to effectively respond to anarchic behaviour sought to be propagated by the EFF through a number of its campaigns aimed at promoting lawlessness and anarchy in the country. Therefore the focus on the preamble without addressing ourselves to these relevant sections is to adopt a narrow approach to a matter that requires a holistic interrogation and introspection and reflection on the issue at hand.

The General Law Amendment Act 49 of 1996, into the Riotous Assemblies Act of 1956, in particular sections 17 and 18, addresses the acts or conduct which constitutes an incitement to public violence hence the view that same remains relevant and are of necessity. In other words

what I am trying to explain is that these provisions which are at issue, were in fact introduced in the 1956 Act by this Parliament in 1996 during democracy. So we are not talking strictly speaking about an apartheid law, but a law passed under democracy. The amendment reads as follows, and I quote:

A person shall be deemed to have committed the common law offence of incitement to public violence if, in any place whatever, he has acted or conducted himself in such a manner, or has spoken or published such words, that it might reasonably be expected that the natural and probable consequences of his act, conduct, speech or publication would, under the circumstances, be the commission of public violence by members of the public generally or by persons in whose presence the act or conduct took place or to whom the speech or publication was addressed.

The amendment of the criminal law on section 18 addresses the issue of attempt, conspiracy and inducing another person to commit offence and it reads as follows, and I quote:

- (1) Any person who attempts to commit any offence against a statute or a statutory regulation shall

be guilty of an offence and, if no punishment is expressly provided thereby for such an attempt, be liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

(2) Any person who -

(a) conspires with any other person to aid or procure the commission of or to commit; or

(b) incites, instigates, commands, or procures any other person to commit, any offence, whether at common law or against a statute or statutory regulation, shall be guilty of an offence and liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

The cornerstone of any criminal regime is the criminalisation of inchoate crimes such as incitement and conspiracy with a view to preventing irreparable harm which follows if a crime is carried out. In the case of South Africa, the legislature in terms of the General Law Amendment Act 49 of 1996, I alluded to earlier,

criminalises conspiracy and incitement in terms of the Riotous Assemblies Act, making such activities criminal offences when linked to common law and statutory crimes. The Act is therefore simply a mechanism to codify a fundamental principle of our criminal law.

Inchoate crimes have the status of customary international law and there is no provision in the Constitution to the effect that they should not be part of South African law. In *State v Basson* 2007(1) SACR 566(CC) the Riotous Assemblies Act 17 of 1956 was before the Constitutional Court. This would have been an ideal opportunity to strike the legislation down as unconstitutional. On the contrary the court extended its ambit to conspiracies to commit crimes outside the borders of South Africa when required by international obligations. The Act has also been used in the crafting of many indictments and charge sheets since the dawn of democracy and the birth of our Constitution without any successful constitutional challenge.

So, give us evidence to suggest that our courts have found these provisions to be inimical to our Constitution then we will listen to you. Thank you very much.

[Applause.]

Mr J J CARDO: Hon House Chair, 22 years after the inauguration of the first democratic Parliament, we should have eradicated from our statute books all those apartheid-era laws that were used to crush opposition and stifle dissent. Yet, just the other day, an opposition leader was charged under the Riotous Assemblies Act of 1956.

Jimmy Kruger, one of the most vicious apparatchiks of the apartheid state, used this Act to ban all public meetings in the wake of the 1976 Soweto Uprising. Forty years on, the ANC is now using the tools of the former oppressor to harass and persecute its democratically elected opponents. This is a scenario so absurd, so ironic and so farcical that, were it not true – it could be the subject of a darkly comic novel.

In fact, had Tom Sharpe been alive today, the author of the 1971 career-launching book, *Riotous Assembly*, might have used the summons served on hon Malema in terms of the Riotous Assemblies Act as the seed of a sequel. Sharpe would have found it easy to send up the ANC government. Instead of the blundering but sinister duo of Kommandant Van Heerden and Konstabel Els in the first edition of the *Riotous Assembly*, we would have the

blundering but sinister quartet of security cluster Ministers.

We have the Minister of Police, Nathi Nhleko, who covered up for President Zuma in the Nkandla scandal while covering himself in a fire pool of sweat. There is the Minister of State Security, David 'Nails' Mahlobo, who blocked the signal in Parliament and possibly got other things unblocked at a massage parlour owned by someone linked ... [Laughter.] ... to rhino horn trafficking, and is still deciding whether or not the student leader Mcebo Dlamini has ever been to his home. There is also the Minister of Defence, Nosiviwe Mapisa-Nqakula, who apparently smuggled someone into South Africa with false documents, and under whose watch the whistle-blower on a R10 million departmental tender scandal has been victimised and pursued by intelligence operatives. And there is the Minister of Justice, Michael Masutha, who took us out of the International Criminal Court, invited the supposedly independent National Director of Public Prosecutions, Shaun Abrahams, into Luthuli House ahead of Minister Pravin Gordhan being charged, and who somehow found himself in the bathroom during the no-confidence vote in President Zuma.

Ms M C C PILANE-MAJAKE: On a point of order?

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

Ms M C C PILANE-MAJAKE: Hon House Chairperson, I am standing on a point of order in accordance with Rule 85 to say that the speaker is busy making a string of allegations against the Ministers ... [Interjections.] ... and he understands and knows very well that he's got to do a substantive motion and not come here and grandstand.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you hon member for raising a point of order in terms of Rule 85. Hon member, you have made certain statements and I think you know that when you make such allegations you will bring them with a substantive motion. Thank you.
[Interjections.]

Mr J J CARDO: This bumbling amateurishness ...
[Interjections.] ... coupled with menacing underhandedness ...

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

Mr N F SHIVHAMBU: I think you have to listen when the members are speaking there. There are no allegations that the speaker is making there. I will give an example. He says that ...

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

[Interjections.]

Mr N F SHIVHAMBU: Hon Mahlobo does not know whether Mcebo was in the house or not. It is a fact. I mean what is ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member. Can you take your seat? [Interjections.]

Mr N F SHIVHAMBU: It is a basic fact.

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you take your seat? [Interjections.]

Mr N F SHIVHAMBU: Why shouldn't have a ...

[Interjections.] ... substantial motion to state and open an objective fact ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon member, as indicated, I have made a ruling, however, if there is dissatisfaction with the Rules, we all know that we would

actually do that in an appropriate forum. Thank you very much. Proceed, hon member.

Mr J J CARDO: This bumbling amateurishness of the security cluster coupled with menacing its underhandedness has become a hallmark of these Ministers. We are witnessing the re-securitisation of public life by securocrats and idiocrats. And the apartheid-era legislation has become a weapon in their arsenal.

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

Mr S M RALEGOMA: On Rule 68. [Interjections.] Irrelevance and hear ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member.

Mr S M RALEGOMA: The member is not addressing the motion.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member.

The member is expressing himself in relation to the motion at hand. Proceed, hon member. [Interjections.]

Mr J J CARDO: They use laws that violate the constitutional values of freedom, transparency and accountability. The National Key Points Act of 1980, for example, was used to shield the President from scrutiny over Nkandla.

Research by the Freedom of Expression Institute and the Wits Centre for Applied Legal Studies has shown that apartheid laws restricting access to information and media freedom continue to languish on the statute books. In 2008, the SA Law Commission announced that it was embarking on a major review of the 2 800 laws enacted since 1910. The aim was to repeal laws that were discriminatory or conflicted with the Constitution.

Eight years later, Parliament has still not brought this process to completion. National security laws still confer wide powers on the President and Cabinet to keep certain information secret. For example, section 118(1)(b) of the National Defence Act of 1957 forbids the publication of any statement, comment or rumour relating to any activity of the South African Defence Force that is calculated and I quote: "... prejudice or embarrass the government in its foreign relations or to alarm or depress members of the public". Ministers Nkoana-

Mashabane and Mapisa-Nqakula could have a field day with that.

A raft of other legislative provisions from the apartheid era contravenes our right of access to information.

Legislative provisions such as the Armaments Development and Production Act of 1968, the National Supplies Procurement Act of 1970, the Petroleum Products Act of 1977 and, of course, the Protection of Information Act of 1982 - which is being replaced by the totalitarian Secrecy Bill.

It is time to relegate these laws to the scrapheap of history. It is time to reject the rule by securocrats and idiocrats, which is a hangover from our dark past. In 1994, we were meant to move from a closed, authoritarian autocracy to an open, egalitarian democracy.

But the ANC government - and especially its security cluster in Cabinet, seems to want to stall that movement. This is just madness. As the central character in Tom Sharpe's *Riotous Assembly*, Miss Hazelstone says to her doctor and I quote: "Madness is so monotonous...You would think that fantasies would be more interesting, but really one has to conclude that insanity is a poor substitute for reality." I thank you.

Ms N V MENTE: Hon House Chairperson, as part of today's debate, we want to focus specifically on the Riotous Assemblies Act 17 of 1957 which was intended only to deal with the radical shift of the Freedom Charter, in particular, with the land question.

The Riotous Assemblies Act's purpose was to consolidate the laws relating to the riotous assemblies and the prohibition of the endangering of feelings of hostility between the Europeans and non-Europeans inhabitants of the European Union and matters? This Act was passed by parliament in an attempt to suppress the Freedom Charter after it was adopted in June 1955. We are standing here today because the current dying ANC government is using the law of oppressors to oppress opposition in efforts to remain relevant. After Mr Shaun Abrahams visited Luthuli House, charged the EFF commander-in-chief and president with this law.

In 2014, during the EFF First National People's Assembly in Mangaung and again in 2015 in Newcastle, the commander-in-chief is said to have contravened section 18 of the Riotous Assemblies Act in that he commanded supporters of the EFF to occupy land. This is a sign of desperation by a corrupt regime which has run out of options and has lost all the legitimacy. The EFF is

reliably informed that Mr Jacob Zuma now consults with the apartheid murderers such as Neil Bernard to seek advice on how to suppress political opponents.

The charges against the Commander-in-Chief, Julius Malema, are foolproof and complete evidence that Mr Shaun Abrahams was given a political instruction to criminally prosecute all the people who made submissions to the Public Protector on the matter of state capture by the Gupta family. And he chose to use the law of oppressors.

We are fully aware that the charges are a political decision of a captured government that out of desperation is relying on the laws of oppressors. The use of Riotous Assemblies Act of 1956 is only happening because of a captured South African government which is now degenerating into a political intolerant dictatorship. It is for this logical reason that Parliament must urgently do its work and remove all the legislations that are in consistency with the values of our Constitution, particularly those who still intend to protect feelings and privileges of white people against black people.

Thank you very much.

Mr N SINGH: Hon Chairperson, the IFP welcomes the opportunity to debate this motion on repelling of the

apartheid legislation and any other pre-1994 legislation found to be inconsistent with the Constitution of the Republic of South Africa to the extent of its inconsistency. However, this debate should not be just about the Riotous Assemblies Act 17 of 1956. Racial segregation whilst comprehensively legislated for during the period of the national government from 1948 onwards was also precipitated by discriminatory pieces of legislation during the period of Dutch and English rule in South Africa.

Chairperson, this issue of identifying and repealing such legislation is an issue which is currently before the NA Programming Committee after it was raised by the hon Shivambu in a formal meeting that was chaired by the Speaker. As a result of that process, the parliamentary law advisers informed us that they are currently compiling a list of offending legislation. Last week the hon Shivambu was not there. They advised us that there are many hundreds of pieces of legislation that are being perused and that a comparative analysis and cross reference is being conducted on at least two legal databases to ensure that no offensive legislation is missed.

We believe that one should not embark on a clean sweep and repeal of all law but rather those provisions in our law, unless of course the scope and object of any particular act is offending, of those provisions that are found to be inconsistent with our constitution and democratic dispensation and therefore invalid.

The IFP wholly supports this process and we believe that it is necessary. A law that is not repealed stands and will have to be challenged in a court of law to determine its validity or otherwise, it is as simple as that. Offensive, apartheid, separatist legislation must be identified and repealed.

In closing, the IFP believes that this Parliament, through its law adviser is equal to the task that has been given to them by the programming committee. We do believe that there is a need at this moment in time for an ad hoc committee to deal with this matter. What we would say as a point of departure is that we should allow the Parliamentary law advisers sufficient time to identify and present to Parliament, through the relevant portfolio committee, the pieces of legislation that are in need of repeal and then from the process forward from there. But not only provide us a list but also give us a summary of the objectives of those pieces of legislation

so that we know whether those were obnoxious laws or not. We believe that the timeframes suggested in this motion is sufficient for that process to be completed and all obnoxious laws to be removed from our statute books. Thank you. [Applause.]

Mr S C MNCWABE: Bakithi manje uma sengiyalelwa ngingakakhulumi nokukhuluma. [Compatriots, how can I be directed without even talking.]

Hon Chairperson, hon members ...

The HOUSE CHAIRPERSON (MS A T Didiza): Hon Mncwabe, you are protected, proceed.

Mr S C MNCWABE: ... guest in the gallery, the NFP supports the call for the scrapping of apartheid laws which are not in line with our Constitution. We find it unthinkable that 22 years after the dawn of democracy in our country we could still be using unjust laws which are remnants of a political order that dehumanize us, brutalise society and strip our people of dignity and equality. The unjust apartheid and colonial era legislation needs to be expunged from our law books as a matter of urgency because everyday that those laws are in place, is a day of shame of on our collective

consciousness. As Parliament it is our duty to do a full review of apartheid era legislation and commit ourselves to scrapping those laws which are unjust and those that can be abrogated through disuse. However, the call must be made solely with the intention to promote and protect the Bill of Rights and our Constitution. We have to guard against promoting and protecting lawlessness and anarchy between within the country, even though our intentions in repealing legislation might be noble, where a law is not contrary with the Constitution we have to continue to comply with the provisions since we cannot promote lawlessness.

The foundation of a democratic society rests upon laws that are just and where a legal lacuna arises through the repeal of legislation, it is imperative that the void be filled with new legislation which would assure legal certainty and continuity. The NFP supports the formation of a multiparty ad hoc committee to do a review of all apartheid era legislation with a firm mandate and a timeframe to report back to Parliament on which of those laws are deemed to be in conflict with our Constitution.

We would furthermore suggest that a technical legal subcommittee be established to advise on those apartheid era laws which the ad hoc committee deemed to be

offensive and as well as those laws which are to be amended, the laws which are necessary to replace offensive legislation if needed. I thank you.

Mr M L W FILTANE: I shall deal with the broader issues and not with technicalities. Discrimination under section 9(5) of the Constitution must be fair; the Riotous Assemblies Act is not. Section 17 of our Constitution states: "Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions." Section 18 states that "everyone has the right to freedom of association." Section 19(1)(b) states that "every citizen is free to participate in the activities of a political party. Section 25(5) of the Constitution states that "the state must take reasonable legislative measures to foster conditions which enable citizens to win access to land on a equitable basis. One of the most poignant tenets of apartheid laws, following as they do on the disposition of the indigenous people of South Africa, was to legislate for Europeans-biased ownership of land in South Africa. a state of affairs which sadly still persist even today.

Given this background, it is now incumbent upon the state to make laws that repeal all apartheid laws that still

appears in our statute books. The preamble to our Constitution states:

We the people of South Africa recognise the injustices of our past; ... believe that South Africa belongs to all who live in it ... adopt this Constitution as the supreme law of the Republic so as to: ... improve the quality of life of all citizens and free the potential of every person ..."

The moment of truth has arrived for the ANC government. Is the ANC government prepared and strong enough to urgently repeal through a law of general application as is provided for in section 36 of our Constitution. Section 36 deals with curbing or qualifying the freedoms that are granted in our Bill of Rights or will the ANC government continue to subtly support discrimination? The answer to that question will be known by South Africa today. If the ANC do not act decisively now and wants to wait for next years' policy conference of its own, can only mean one of two things, either their current policy to sustain apartheid subtly though, or they are undecided on even the importance of land use, so hotly debated.

The Riotous Assemblies Act of 1956 makes it intentions perfectly clear. Section 17 of that Act is in

contradiction of section 17 of our Constitution. So, as we move on we see that the current administration should have foreseen that people will, from time to time, gather and plan to take land unless government made bold steps to forestall this. The principle of *dolus eventualis* comes to play here. Well, as it is now, it has failed to do so

In conclusion, we say that there is a tide in the affairs of men, which taken at the flood, leads on to fortune. If you miss this opportunity you will not rule come 2019. I thank you.

Mr J J MAAKE: Chairperson, I would like to say upfront that I am not going to take any questions.

[Interjections.] When people talk ... As far as I can remember, the President of this country has appointed a High Level Panel to review legislation. That Panel is in place and it simply says, if you have a problem with whatever legislation, you must come to the Panel. I think this is grandstanding. You can't bring that if already this government of the ANC has noticed and taken steps to deal with the problem. When you come here and grandstand whilst we still ... [Interjections.]

Ms L MATHYS: The speaker is misleading the House. He tells us about the High Level Panel Commission ...

The HOUSE CHAIRPERSON (Mr C T Frolick): No, that is not a point of order.

Ms L MATHYS: It is, because he is misleading the House and the nation. Who is chairing the committee? It's just mad. So, you allow the speakers to come and lie.

The HOUSE CHAIRPERSON (Mr C T Frolick): That's a point for debate. Let us allow the speaker to continue.

Ms L MATHYS: Lies!

The HOUSE CHAIRPERSON (Mr C T Frolick): Continue, hon member.

Mr J J MAAKE: The High Level Panel is chaired by the former President of this country. [Interjections.]
Chairperson, the Constitution of this country, as the supreme law of this land, expects every citizen who is law-abiding to respect the law. The question then is: What does the Constitution expect from those who are not prepared to respect the law? Law is law. It's either you respect the rule of law or you are a ... [Interjections.]

Mr N S MATIASE: Chairperson, hon Maake is ...

The HOUSE CHAIRPERSON (Mr C T Frolick): No, on which Rule are you rising?

Mr N S MATIASE: I am rising on Rule 31.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member.

[Interjections.]

Mr N S MATIASE: Hon Maake is misleading this House.

The HOUSE CHAIRPERSON (Mr C T Frolick): You are taking a chance.

Mr N S MATIASE: He is misleading the public.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, please take your seat.

Mr N S MATIASE: The High Level Panel is meant ...

The HOUSE CHAIRPERSON (Mr C T Frolick): I will switch off your mike now. Continue, hon Maake.

Mr T RAWULA: Order, Chair.

Mr J J MAAKE: I was just saying ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising, hon member?

Mr T RAWULA: Chair, on a point of order: I am rising on Rule 92. Hon Maake is misleading this House about the panel he is referring to.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, I have already ruled on this matter and I am not going to entertain a point of order on a matter that I have ruled on. That's a matter for a debate. Continue, hon member.

Mr J J MAAKE: Law is law. It is either you respect the rule of law or you are a ruffian, a ragamuffin, a criminal. There is no way in which the law can be respected selectively. No law can be justified if it is used selectively, especially if it is used to suppress or oppress one section of the citizens of the same country based on whatever criteria may be used.

There are laws which are universal under any type of a ruling system. If it is wrong to urinate on the pavement

under the oppressive government, it will definitely still be illegal to do so under a democratic government. If the law doesn't allow you to come to this Parliament naked, so did it apply under apartheid.

Inciting people to break the law, be violent and riotous under a democratic rule of this government is reckless and stupid. [Interjections.] Stupidity in law can never be allowed and must never be allowed. Why would a normal thinking person under a democratic, peaceful and stable government even try to do that? Only a person with crazy motives and handlers that do not care about the stability of the country and its people can lead such a path. [Interjections.]

When we were fighting a violent regime the aim was obviously not to be violent ourselves. But surprisingly enough, there will always be people who'll make that their mission under the instructions of their handlers of cause. [Interjections.]

There will be Savimbi in the People's Republic of Angola; Dhlakama in Mozambique; coup d'états in Salvador in Argentina; rebels in Nicaragua; and coup d'états in Congo, etc. It usually happens where there were liberation movements who fought hard to win their

freedoms. The question therefore will be: Is South Africa different for the handlers, and who are they using?

We as South Africans, united as the oppressed we fought a bitter but just struggle against oppression, racists, terrorism and violence of the apartheid system, and never again would we like to see that happening in our country. Whoever would like to try and bring our country will be crushed with all the might that we have as a democratic country. [Interjections.]

Ms L MATHYS: Chair, we just need you to guide us here. What happens when there is a suspicion that a member is not sober ...

The HOUSE CHAIRPERSON (Mr C T Frolick): What is your point of order?

Ms L MATHYS: ... and he is subjecting us to debates that are not relevant?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. You are now reflecting on the integrity of the member. [Interjections.]

Ms L MATHYS: No, but that has just happened. I am not wrong. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Please take your seat!

Ms M C C PILANE-MAJAKE: On a point of order, Chairperson.

The HOUSE CHAIRPERSON (Mr C T Frolick): What is your point of order, hon member?

Ms M C C PILANE-MAJAKE: The member is casting aspersions on the speaker by asking whether he is sober or not. I request that she withdraws it.

The HOUSE CHAIRPERSON (Mr C T Frolick): I have dealt with the matter hon member. Continue hon Maake.

Mr J J MAAKE: Chairperson, hon Maimane and his buddy, hon Malema are not as stupid as they look. Whatever they have been doing so far has been systematic and well planned. The aim, as we all know, is to bring down the democratic government of this country. [Interjections.]

Ms N V MENTE: On a point of order: The member must withdraw the statement that he has just made. He says hon

Malema and hon Maimane are not as stupid as they look. It means they look stupid but they are not as stupid as they look.

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members. Hon member, I will check the Hansard and come back with a ruling.

Ms N V MENTE: Please come back before he finishes because he must withdraw that. He cannot say our President is stupid. That is not allowed. That's not parliamentary.

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat now, hon member. Continue, hon member.

Mr J J MAAKE: It is convenient for some people in this House to try and claim Mandela as their own. When they quote him, they conveniently forget to tell all of us that he was the first Commander in Chief of Umkhonto we Sizwe.

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising hon member?

Mr L G MOKOENA: On a point of order: I am rising on Rule 31. Can we then assume that up until you make a ruling on

the point of order that was raised just now, that anybody can call anyone to look stupid?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. I said I will come back with a ruling. [Interjections.]

Mr L G MOKOENA: Yes, but up until then, what is ...

The HOUSE CHAIRPERSON (Mr C T Frolick): In doing so, we check the context in which the member is also using it. We will come back with a ruling. Continue, hon member.

Ms H O HLOPHE: Chair, on a point of order: I rise on Rule 92.

The HOUSE CHAIRPERSON (Mr C T Frolick): Which Rule?

Ms H O HLOPHE: Rule 92. The procedure is that, if you didn't hear the member, you were supposed to ask him first before you make your ruling.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member.

Ms H O HLOPHE: So, now we are going to call him stupid. We are going to call Jacob Zuma stupid.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, take your seat please. Hon member, you must now conclude.

Mr J J MAAKE: Hon Cardo quoted Jimmy Kruger in 1977. Whatever he did, was it not to protect them? Must we be reminded that some people in this House at some stage they were called baas, missus and kleinbaas, and they never apologised to us? Why? [Interjections.]

Mr M M DLAMINI: Hon Chair ...

Mr J J MAAKE: Thank you. [Time expired.] [Applause.]

Ms H O HLOPHE: Chair, may I address you?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, I first want to take the member at the back.

Ms H O HLOPHE: No, Chair!

The HOUSE CHAIRPERSON (Mr C T Frolick): No, there is a member behind you, hon member.

Mr M M DLAMINI: Now that that guy has finished, can we test him for alcohol, that drunkard?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member, you are out of order. You are completely out of order. Hon Maxon, Hlophe ... [Interjections.]

Mr N F SHIVAMBU: We'll deal with that. I think there is a genuine issue.

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are you rising, hon member?

Mr N F SHIVAMBU: There is a genuine issue that, what do we do as members if we legitimately suspect that a member is on the other side of sobriety?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member, that is not ... Let's not go that way because then we will really demean the status of this House if we start casting those types of aspersions. Remember it can cut both ways, right? Let us not go there. Let us deal with the debate and the motion that is in front of us in a way that is befitting to upholding the decorum of this House. Yes, hon member.

Ms H O HLOPHE: Chair, exactly your last word. It's very concerning that all of us here can come drunk in this Parliament like ...

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. You are repeating it. I have made a ruling. Please take your seat! I am switching off your mike now.

Ms H O HLOPHE: It can't be, Chair! Just test him.

Mr W MADISHA: Thank you, Chair. Let me start by indicating that Cope supports the motion as raised by hon Shivambu.

South Africa is a constitutional democracy which basically indicates that the land must be properly guided by it and that ... which has to move forward ... taking the people forward is the Bill of Rights.

The Bill of Rights affirms universal democratic values of human dignity, equality and freedom for all – rights that were not afforded to most in apartheid South Africa. In fact, there were many laws in apartheid South Africa that promoted the opposite to our Bill of Rights. Those laws diminished the human dignity of the majority, made a minority more equal than the majority, and provided more freedom to the few and none to the millions of South Africans, based on race.

Our Bill of Rights requires that the state respects, promotes and fulfills the rights set out in the Bill of Rights. As a constitutional democracy, any law or any conduct that is inconsistent with the Constitution is invalid. We therefore cannot have a government that enforces, uses and/or abuses, etc the legislation that might be in violation of our Constitution. Neither can we have a government which in anyway subverts the rights and values set out in the Constitution.

The government that we have, led by this party called the ANC, has actually taken us back, which is why we say that, that which is proposed has got to be taken forward so that we can have the whole thing corrected.

Mr Z N MBHELE: Ngiyabonga Shlalo. [Thank you Chairperson], from the outset I think it will be very useful to remind members in this House about a prime parliamentarian who served the people of this country, opposing and fighting many of the apartheid statutes we are discussing now, from the Group Areas Act and the Population Registration Act to the Acts that disenfranchised coloured voters. Of course I speak of the indomitable Helen Suzman who was a vanguard of the liberal tradition from which the DA draws inspiration. We are proud to stand on her shoulders.

I remind you as well that the Progressive Federal Party, our predecessor, also opposed the reforms bringing through the tricameral Parliament, and so it cannot be contended any other way.

However, from that example of a prime parliamentarian we move to someone somewhat less stellar who was at this podium earlier – the hon Maake who got two things wrong because firstly, the high level assessment panel chaired by former President Motlanthe is looking at post-1994 legislation, not apartheid statutes, and secondly, it was in fact initiated by the Speaker's Forum, not the President.

Now, it's a long-observed phenomenon in political history that the oppressed can themselves become new oppressors and in psychology that sometimes the abused become abusers. Psychology also teaches us about Stockholm syndrome wherein victims of kidnapping or hostage taking start to identify with their kidnappers and grow feelings of affinity and protectiveness towards their captors.

When you combine these pathologies you end up with a toxic mix of victimhood and insecurity that increasingly characterises the securocrat-minded administration of President Jacob Zuma.

Is it possible that during the ANC's long decades of fighting apartheid it subconsciously started becoming more like the enemy it despised and the seeds of identifying with apartheid's conceptual and statecraft tools were planted? One has to wonder when you consider the examples raised by previous speakers in this debate and in particular the manner in which the ANC government over two successive administrations has bungled the urgently needed repeal of the National Key Points Act.

Virtually every line of the National Key Points Act was designed to ensure that the apartheid state could continue to rule with an iron fist and without transparency or accountability. That this Act still exists today on our statute books is an indictment on our hard-won democracy.

Indeed, when the Act was passed in 1980 it was used to wage war against our people. The Act was designed to reinforce the apartheid system and to give the apartheid Minister of Defence very broad authority to declare any place in South Africa a national key point. The responsibility of this Act later transferred to the Ministry of Police where it remains today.

A by-product of the wide ministerial discretion of the National Key Points Act is that it allows for our critical state infrastructure to become a hotbed for corruption and secrecy. This has been allowed through a number of problematic provisions in the law.

Firstly, the list of national key points is not publicly available. Furthermore, the absence of this published list prevents scrutiny of whether these national key points have been justifiably declared; and

Secondly, in the Act the Minister is not required to declare the properties. So how on earth is one to know if one is breaking the law or not?

These unconstitutional provisions make it easier for the executive elite to conduct corrupt and criminal activity under the veil of secrecy. This is precisely what happened in the early days of the Nkandlagate scandal when the Act was used to justify the burying of information relating to the exorbitant expenditure of public funds used to upgrade President Jacob Zuma's private home at Nkandla.

Last year the DA reintroduced our Protection of Critical Infrastructure Private Member's Bill to Parliament which

sought to repeal the outdated apartheid-era legislation that is the National Key Points Act. Last week Thursday was exactly a year to the date since the ANC squashed that Private Member's Bill; a move that could only be seen as deference to the executive and a negation of Parliament's autonomy as the lawmaking body of the land.

The ANC used a flawed argument in rejecting the Bill as undesirable based on the Police Minister's supposed intent to table his own Bill soon. Indeed, Minister Nhleko was present at that portfolio committee meeting and he promised that his critical infrastructure Bill would come before the committee by the end of 2016. Clearly with less than a month left before Parliament rises for the end of year recess that is not going to happen – a dololo [nothing] Bill.

This is typical of the Police Minister – foot dragging, stalling and dithering. As a result, the repeal of this oppressive law is delayed indefinitely. At best it is laughable incompetence; at worst, keeping apartheid alive. The DA now wants to say to the ANC, we told you so.

Into eyodwa nje eniyidingayo ukuthi nifuthwe nge-Doom.

[One thing that needs to be done to you, is to spray you with doom.]

Mr B T BONGO: House Chairperson, fellow South Africans, the ANC in a month or so is going to be turning 105 years. In the 105 years of its formal formation in 1912, it has spent over 80 years fighting for the liberation of the people of South Africa. It has done so by ensuring that it deals with a lot of oppression which was caused by the predecessors of the DA.

The ANC has been in government for the past 22 years. In 22 years, the ANC pride itself with the achievement it has done in terms of dealing with repealing of legislation in this country. We have repealed over 200 legislations since 1994 as the ANC, and I would like to say that the motion that has been put today is indeed overtaken by events, because Parliament and the executive has set up a high level panel team which led by former President Kgalema Motlanthe to look at key legislations and the progress we have made since 1994 in terms of repealing of legislations.

So, what I would like to say is that, we have not as opposed to hon Shivambu has said, we have not neglected

repealing of any legislation including the one that he has brought before this Parliament today on behalf of the EFF. In the 22 years that we have dealt with, I think what we have seen here in Parliament, and I am surprised today that I see the alliance between the DA and the EFF is growing.

This alliance is a fragile alliance. It is suffering from what hon Mbhele says is cognitive dissonance in psychology. It is an alliance and marriage made in heaven with a white man's burden. It will not last, because it is a marriage between a neoliberal right wing fundamentalism and a far ultra-left dogma, which is doomed to fail. It is like spraying ... [Interjections.]

Mr T RAWULA: Order Chair!

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Bongo will you take your seat? Why are you rising on hon member?

Mr T RAWULA: I rise on two Rules. Rule 68 on the basis of the irrelevance of what the member is saying, and I am also raising an order, if he doesn't have anything to say he must not distort the politics of EFF. WE have never come to the ANC and declare the alliance with any party, so he must not distort the EFF.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member that is not the point of order. Take your seat, please. I am switching off your microphone. Thank you.

Mr B T BONGO: ... people's faces with a doom pretending that it is Christianity. Last week, when we were debating a motion of no confidence, there was an issue which was raised saying that people of the ANC are not going to be voting. They want to vote with their conscience. They are not going to support the motion, which was not true. The reason why the EFF couldn't take up seats of the coalition in the metros, it is because they still want to lie to the people of this country. They should have taken those seats in the metros, so that they can uncover exactly who they are to the people of this country.

So now, the Constitution of the republic, Chapter 2(7), says that this Constitution is the supreme law of the country. Any law inconsistent with it will be invalid, but the Constitution further states a procedure which we must follow in terms of wanting to deal with the legislation.

Section 39, the interpretation clause, tells us that the Bill of Right doesn't deny any existence of any other law

right or freedom that is recognised or conferred by common law or customary law or any other legislation to an extent that is consistent with the Constitution. What does this require? It requires that if you have any other law which is inconsistent or you believe is inconsistent with the Constitution, you should then approach any competent court, so that it can pronounce itself on that law that you have a problem with.

Schedule 6 of the Constitution, if you can be able to read it, further clarifies on what procedure we must follow. It says that all the laws that existed before 1994 do not necessarily have a wider application. If you want me to explain to this you, come to my office for further lecture. These laws do not have a wider application.

What it means is that any law that is there it must be subject to amendment or consistency with the Constitution of the Republic. So, it is very important that the EFF stays in law while we are dealing with issues that deal with the repeal. You can't today indicate left and turn right. [Time expired.]

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

Mr B T BONGO: Okay. Thank you very much.

Mr N F SHIVAMBU: Chairperson, I think that today the systematic mediocrity of the ANC was illustrated by all the speakers who came here. There is a topic here that speaks about the repeal of all apartheid legislations. The Minister of Justice comes and speaks about the Riotous Assemblies Act no 17 of 1956 only, and defends it with passion. This is the law that criminalises the Freedom Charter. The Freedom Charter is the only document that is constitutionalised in the ANC as the policy perspective that you stand for.

It criminalises the Freedom Charter and you stand here and say there is nothing wrong with the Riotous Assemblies Act. You must remember that the Freedom Charter says that all shall have the right to occupy land wherever they choose. That clause comes from the Freedom Charter.

The apartheid state increased its repressive violent character after the adoption of the Freedom Charter, and part of the instruments legally to do so was the Riotous Assemblies Act, which you are defending today. Both the speakers who just left here and the other one whose sobriety is under question, they say that there is high

level panel to deal with this issue that we are saying must be engaged in here to repeal all apartheid legislations.

It's all there and that high level panel is not even established by a President, it's established by the Speaker to look into post-1994 legislations, and also looking into issues of the so-called triple challenges and the land question as well as land reform as to how far have we come with regards to that.

That high level panel is not dealing with apartheid legislations if they didn't know - please be informed today that comrade Kgalema Motlhanthe, is not dealing with previous legislations, he is dealing with legislations that was passed in 1994. That's the reason we say let us engage in a collective process of repealing all apartheid legislations. What is wrong with that? Why do you want to sustain the apartheid laws?

The South African Law Commission says that, it is actually more than two 2000 different pieces of legislations that have to be looked into, but you are not focusing on that. You are being negligent in terms of your political responsibility. That is why we have to stand up and say that the political power that has being

given to the ANC is wrongly given, because those who occupy the political power don't know what to do with it.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Shivambu, will you just take your seat, please.

Mr N F SHIVAMBU: Yes.

The HOUSE CHAIRPERSON (Mr C T Frolick): Why are rising, hon Minister?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I just want to ask if the hon member on the podium is willing to take a question.

Mr N F SHIVAMBU: Yes, I am willing. Come.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Well, I just wanted to ask you, I accept your point that we should consider reviewing apartheid laws.

The HOUSE CHAIRPERSON (Mr C T Frolick): What is the question, hon Minister? [Interjections.]

Mr N F SHIVAMBU: Question, Masutha? [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon Shivambu.
[Interjections.]

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Should it be preceded by anarchy and violent behaviour that you are propagating in the country? Is that how you want us to approach the question?

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon Minister.

Mr N F SHIVAMBU: The resolution, Minister Masutha, that you were supposed to debate, which you failed to debate says, there must be a committee that must repeal all legislations that was passed under apartheid, and is inconsistent with the Constitution. That is what the resolution says, but you chose not to debate that, because you are obsessed with your political trial that you have initiated against the Commander-in-Chief of the EFF to charge him through an apartheid act of Parliament. This is what we are supposed to be debating. So, when we say there must be an ad hoc committee, we want it to primarily deal with all apartheid legislation not anarchy. The Freedom Charter says that we must occupy the land, and we call upon all the people of South Africa to occupy the land if they find it anywhere. If they find

the land that is available, they must occupy it and use it meaningfully. There are many people already ... [Time expired.]

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

Mr N F SHIVAMBU: ... who have benefited from that land occupation programme and we are saying no surrender, no retreat. We are going on with this particular programme, but let us vote correctly on this issue ...

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

Mr N F SHIVAMBU: ... to have a process to repeal all apartheid legislations so that we can give guidance. Thank you very much.

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members. That concludes the debate. I now put the motion. Are there any objections? [Interjections] Yes, there are objections and I will put the question. Those in favour will say, Ayes [Interjections.] and those against will say, Noes [Interjections.]. I think the Noes have it.

Question put: That the motion moved by Mr N F Shivambu be agreed to.

Division demanded.

The House divided.

AYES - 86: America, D; Atkinson, P G; Bagraim, M; Bara, M R; Basson, L J; Bergman, D; Brauteseth, T J; Bucwa, H; Cardo, M J; Chance, R W T; De Freitas, M S F; Dlamini, M M; Dreyer, A M; Edwards, J; Figg, M J; Filtane, M L W; Groenewald, H B; Grootboom, G A; Hlophe, H O; Horn, W; Hunsinger, C H H; James, L V; James, W G; Jongbloed, Z; Kalyan, S V; Ketabahle, V; Khawula, M S; King, C; Kohler, D; Kopane, S P; Kruger, H C C; Krumbock, G R; Kwankwa, N L S; Lees, R A; Lorimer, J R B; Lotriet, A; Mackenzie, C; Macpherson, D W; Madisha, W M; Malatsi, M S; Marais, E J; Marais, S J F; Masango, B S ; Mashabela, N R; Mathys, L A; Matiase, N S; Matsepe, C D; Mazzone, N W A; Mbabama, T M; Mbatha, M S; Mbhele, Z N; Mente, N V; Mhlongo, T W; Mileham, K J; Mncwabe, S C; Mokause, M O; Mokgalapa, S; Mokoena, L G; Motau, S C; Moteka, P G; Mulaudzi, T E; Ndlozi, M Q; Paulsen, M N; Purdon, R K; Rabotapi, M W; Rawula, T; Redelinghuys, M H; Robertson, K P; Robinson, D; Ross, D C; Selfe, J; Shinn, M R; Shivambu, N F; Sonti, N P; Steenhuisen, J H; Steyn, A; Stubbe, D J; Tarabella

Marchesi, N I; Terblanche, J F; Van Der Walt, D; Van Der Westhuizen, A P; Van Dyk, V; Volmink, H C; Vos, J; Waters, M; Xalisa, Z R.

NOES - 179: Adams, F; Adams, P E; Bam-Mugwanya, V; Bapela, K O; Basson, J V; Bekwa, S D; Beukman, F; Bhengu, P; Bhengu, N R; Bhengu, F; Bilankulu, N K; Bongo, B T; Boroto, M G; Buthelezi, N S; Capa, N; Capa, R N; Carrim, Y I; Cele, M A; Chauke, H P; Chiloane, T D; Chueu, M P; Coleman, E M; Cwele, S C; Dambuza, N B; Didiza, A T; Dirks, M A; Dlakude, D E; Dlamini, B O; Dlamini-Dubazana, Z S; Dlomo, B J; Dunjwa, M L; Ebrahim, E I; Fubbs, J L; Gamede, D D; Gcwabaza, N E; Gina, N; Gumede, D M; Gungubele, M; Hanekom, D A; Jeffery, J H; Johnson, M; Kalako, M U; Kekana, P S; Kekana, H B; Kekana, C D; Kekana, E; Kenye, T E; Khoarai, L P; Khosa, D H; Khoza, M B; Khoza, T Z M; Kilian, J D; Kota-Fredricks, Z A; Lesoma, R M M; Letsatsi-Duba, D B; Loliwe, F S; Luyenge, Z; Luzipo, S; Maake, J J; Mabasa, X; Mabija, L; Mabilo, S P; Mabudafhasi, T R; Madella, A F; Madlopha, C Q; Maesela, P; Mafolo, M V; Mafu, N N; Magadla, N W; Mahambehlala, T; Mahlalela, A F; Mahlangu, D G; Mahlangu, J L; Majola, F Z; Makhubela- Mashele, L S; Makhubele, Z S; Makondo, T; Makwetla, S P; Malgas, H H; Maloyi, P D N; Maluleke, B J; Manana, M N S; Manana, D P; Mandela, Z M D; Mantashe, P T; Manyoni, T M ; Maphanga, W B ; Mapisa-

Nqakula, N N; Mapulane, M P; Masango, M S A; Masehela, E
K M; Maseko, L M; Mashego-Dlamini, K C; Mashile, B L;
Masondo, N A; Masuku, M B; Masutha, T M; Maswanganyi, M
J; Mathale, C C; Matlala, M H; Matsimbi, C; Mavunda, R T;
Mchunu, S; Mdakane, M R; Memela, T C; Mjobo, L N; Mkongi,
B M; Mmemezi, H M Z; Mmola, M P; Mnganga - Gcabashe, L A;
Mnguni, D; Mnguni, P J; Mnisi, N A; Mokoto, N R;
Molebatsi, M A; Molewa, B E E; Morutoa, M R; Motimele, M
S; Motshekga, M S; Motsoaledi, P A; Mpumlwana, L K B;
Mthembu, J M; Mthembu, N; Mthethwa, E M; Mudau, A M;
Muthambi, A F; Nchabeleng, M E; Ndaba, C N; Ndabeni-
Abrahams, S T; Ndongeni, N; Nel, A C; Newhoudt-Druchen, W
S; Ngcobo, B T; Ngwenya-Mabila, P C; Nkadimeng, M F;
Nkwinti, G E; Nobanda, G N; November, N T; Ntombela, M L
D; Nxesi, T W; Nyambi, H V; Oliphant, M N; Phaahla, M J;
Phosa, Y N; Pikinini, I A; Pilane-Majake, M C C; Radebe,
B A; Ralegoma, S M; Ramatlakane, L; Rantho, D Z; Raphuti,
D D; Senokoanyane, D Z; September, C C; Shope-Sithole, S
C N; Sibande, M P; Siwela, E K; Skosana, J J; Skwatsha,
M; Smith, V G; Sotyu, M M; Thabethe, E; Thomson, B;
Tleane, S A; Tobias, T V; Tom, X S; Tongwane, T M A;
Tseke, G K; Tseli, R M; Tsenoli, S L; Tsoleli, S P;
Tsoetsi, D R; Tuck, A; v R Koornhof, N J J; Van
Schalkwyk, S R; Williams, A J; Xasa, T; Xego, S T;
Zokwana, S; Zwane, M J.

ABSTAIN - 8: Buthelezi, M G; Esterhuizen, J A; Hlengwa, M; Msimang, C T; Nqakula, C; Singh, N; Sithole, K P; Van Der Merwe, L L.

Question not agreed to.

Motion accordingly negatived.

Mr L G MOKOENA: Chair, can the House place on record that the ANC has just voted for the retention of apartheid laws? Thank you very much.

The HOUSE CHAIRPERSON (Mr C T Frolick): Order, hon members, is there any member of the ANC who want to make a statement?

MEMBER'S STATEMENTS

DTI WINS AWARD

(Member's Statement)

Ms J FUBBS (ANC): The ANC welcomes the achievement of the DTI in winning the Global Sourcing Association's Annual Outsourcing Destination of the Year Award held recently in London. This investment award concretizes South

Africa's investment position and will enable this sector to grow and continue to attract investments.

As confirmed by Minister Rob Davies, South Africa's investment position presents a value proposition underpinned by high value, quality, standards, relevant skills, potential to deliver complex and noncomplex processes and cost savings which enhances our proposition for business process services globally.

The reality is that South Africa increased value beyond cost arbitrage. Investors are reporting positive operational effectiveness and revenue impacts. Since 2012, South Africa's offshore business process services marketed has experienced a compounded average growth of 25% year-on-year and now boasts about 30 000 offshore jobs. Indeed, the UK is the leading buyer of South African BP Services followed by Australia and the USA. [Time expired.] Thank you.

SHORTAGE OF BASIC HEALTH FACILITIES AND SERVICES

(Member's Statement)

Dr W G JAMES: Chairperson, health basics have not been fixed by the ANC government. Pregnant moms and children

die unnecessarily. Hospitals in the ANC-run provinces are broken and not enough clinics are built in underserved areas. Ambulances arrive late or do not turn up at all. Nurse training is in paralysis and not enough doctors are graduating from our medical schools. Instead of facing the basics the health Minister dreams about a centralised beurocratic and unaffordable national health insurance, NHI, which is going nowhere.

By contrast, the DA's our health plan released yesterday provides for much greater support for maternal and child health, expanded medical and health professional training, a single number public private ambulance service, superior autonomous and exacting hospital management, empower district authorities, accelerated clinic building, more competitive priced medical aid and one platform of a central clinical services in private and public sector funded by universal subsidy that brings the medical aid tax credit on budget, the phasing out of the means test, a cross subsidy of R6 billion from those on medical aid and to those who do not have medical aid and an anticorruption plan to keep the politicians honest.

Our health plan, the DA's health plan will take five to eight years and the NHI 10 to 15 years. Ours is tried and

tested in the Western Cape. It will improve the health experience of the poor and without raising taxes. [Time expired.] I thank you.

EFF COUNCILLORS REMOVED IN CHAMBERS

(Member's Statement)

Mr M M DLAMINI: Chairperson, during the course of constituting councils after the 2016 local government elections, a number of councils physically removed the EFF councillors from the chambers for wearing their choice of overalls - the red ones - especially in the municipalities of OR Tambo, Buffalo City Metro, BCM, Ulundi and Mhlathuze. We viewed it as a co-ordinated move to suppress the EFF councillors and their ideas because it clearly shows that the EFF is a home of thinkers and superior logic.

Today, in the Eastern Cape, East London High Court delivered a judgement to declare an order of removing the EFF councillors in the Buffalo City Metro to be violation of the Constitution and unlawful. We warn other councils and the ANC to refrain from behaving in a manner that is unlawful and unconstitutional. We want to warn the ANC that when we go to court we always win. We are going to

arrest makhandakhanda, JZ-783 when we go to court about the state capture. That is a fact.

TOURISM EXPAND OUR ECONOMY

(Member's Statement)

Ms L S MAKHUBELE-MASHELE (ANC): House Chair, tourism is the largest and most rapidly expanding economic activity throughout the world. Tourism is a people-based economic activity and can only ... [Interjections.]

Ms L A MNGANGA-GCABASHE: Chairperson, they referred to the President as "makhandakhanda" and they must withdraw that.

The HOUSE CHAIRPERSON (Mr C T Frolick): I will check the statement that the member has made, hon member. Continue, hon member.

Ms L S MAKHUBELE-MASHELE: The ANC welcomes the official launch of tourism facilities at the Komjekejeke heritage site on 12 November 2016. Members of the local community, tourism stakeholders and officials from the Tshwane Municipality attended the event to celebrate the official handover of a variety of facilities including a

multipurpose hall and a renovated amphitheatre to the Silamba Trust.

The Department of Tourism under Minister Hanekom have built this beautiful place to enhance the existing structures that cradle the valuable historical and cultural artefacts of the Ndebele people.

The Komjekejeke initiative is one of more than 300 tourism infrastructure projects built in rural communities across the country. More than 200 members of the community from the KwaNdebele and Hamanskraal were employed to build these facilities. The facilities includes new traditional dwellings, 20 picnic sites, the renovation of existing buildings including the very important person, VIP, lapa, existing staff houses and the painting of buildings. The ANC-led government is pleased to be part of a greater plan of ensuring that the traditions and heritage of the Ndebele people are preserved and celebrated for generations to come. [Time expired.]

NATIONAL MINIMUM WAGE

(Member's Statement)

Mr M HLENGWA: Chairperson, I made much fanfare over the week and much the delight of headlines, a national minimum wage was announced by the Deputy President. The cross factor national minimum wage of R3 500 is not a universal panacea for social and economic inequality in South Africa. The IFP is of the view that it would in fact do more harm than good, job losses and stunted economic growth will lay in its wake. Of this, there can be no dispute. Unfortunately, this appears to be the political cost price of the alliance although it must be noted that some of the unions are rejecting this figure holding out for a higher sum.

Government would do well therefore to return to the negotiating table and take the advices of the National Treasury and not introduce the national minimum wage in a haphazard manner in which it has done.

The IFP remains firmly in favour of sectoral determination of a minimum wage as it is patently clear that different sectors have different needs, different skills and different wage demands. Therefore, the only solution if we want to sort this problem out and to be effective in what we are trying to achieve, it is to go back to the table and not try to be a jack of all trades when the circumstances dictates otherwise. I thank you.

HARVEST OF ULIMO 12 AGRICULTURAL PRIMARY CO-OPERATIVE

(Member's Statement)

Ms N R BHENGU (ANC): Chairperson, on the 10th November 2016 Ulimo 12 Agricultural Primary Co-operative embarked on a 4-day-harvesting programme of 36 000 heads of cabbages ploughed on a one hectare piece of land at the end of July 2016. The A grade produce of Ulimo 12 Cooperative was bought by Freshly Picked at a total value of R236 000 in just 14 weeks after ploughing. The Department of Small Business Development through the Co-operatives Incentive Grant funded Ulimo 12 with an amount of R350 000 in January 2016.

This cooperative would not have achieved all this without the technical skills training provided by Kohwa Holdings and the unwavering support provided by Umuziwabantu Local Municipality, Ugu District Municipality, Inkosi Jali and KwaJali Traditional Council illustrating the importance of a co-ordinated development approach.

Ulimo 12 Co-operative has created 12 permanent jobs and 17 temporal jobs demonstrating that it is possible with adequate investment on co-operatives, for small businesses to create 9,9 million more jobs by 2030.

The impact of the Department of Small Business Development will be much felt in underdeveloped areas like Umuziwabantu than in big cities where discussions are more about how to make the already rich richer. I thank you. [Applause.]

DA UNDERMINE PEOPLE OF CAPE TOWN

(Member's Statement)

Mr A F MADELLA (DA): Thank you Chairperson. The DA in the Western Cape continues undermine the people of Cape Town by taking unilateral decisions regarding evictions in the province. The DA government, both at the City of Cape Town and provincial level, has been subtly removing poor and working class communities from the city centre to pave way for the affluent individuals.

This time around it is the residents of Woodstock's Bromwell Street that are fighting a court battle to stave off eviction and are totally against the suggestion that they be moved to the Wolwerivier bush settlement, some 30km north of the CBD.

Planning documents reveal that the city intends on building massive expansions to the Wolwerivier informal

settlement at a time of increasing uncertainty and vulnerability for poor tenants around the inner city.

The city argues that it plans to build an apartment block that would help meet a need for affordable high density housing close to the city. Talks between the mayor and the tenants soured when the residents insisted on wanting to remain in the Woodstock-Salt River area. The ANC regards this as reminiscent of apartheid era forced removals. Again Chairperson, the DA is interested in black and coloured votes, which matter to them but the lives of black and coloured don't. Thank you. [Time expired.]

ESKOM'S REFUSAL TO ENTER INTO ENERGY SOURCES

(Member's Statement)

Mr N L S KWANKWA (UDM): Thank you, House Chair. According to the latest Fieldstone Africa Renewable Index an Independent Investment Bank that focuses on energy in Africa, South Africa has lost its leading energy position to Morocco. This is apparently due to Eskom's refusal to enter into power purchase agreement with willing bidders in the renewable energy independent power producer programme.

This report also claims that this is done with the simple intention in mind of protecting the balance sheet of Eskom for the nuclear deal which is completely unacceptable. Needless to say, this has serious consequences for the renewable energy industry in South Africa. In fact, as we speak many potential renewable energy investors are uncertain and less enthusiastic about investing their money in South Africa.

We are therefore as the UDM concerned about the adverse effect this is going to have on the South African economy but in particular on rural economies which have been major beneficiaries of this programme. We therefore call on government to address this as it might lead to energy supply shortages in future and will negatively affect the South African economy in general. Thank you.

BLUE LIGHT BRIGADES

(Member's Statement)

Mr K P ROBERTSON (DA): Thank you, hon Chair. The ego of the ANC politicians continues to show itself in blue light brigades which are destroying the lives of the growing number of South Africans.

We sent our sympathies to the following families of:
Tholakele Masimula who passed away after an accident on the 22 September 2016 in the Piet Retief area in Mpumalanga. Mrs Masimula laid a complaint at the local police station and was being transported back to her home when the SAPS vehicle she was in had a head on collision with the blue light brigade convoy reportedly carrying the major of Mkhondo municipality.

Also to the family of Mr Hermanus Van Schalkwyk the victim of Minister Mahlobo's blue light convoy accident that was left dying in his vehicle for three hours with no medical assistance. We offer condolences to the family of Solly Mmotlana who was killed just last week in Tshwane Street by one of President Zuma's drivers who were speeding in a 50 km an hour zone.

There is no excuse for reckless driving in blue light convoys. It shows the attitude of contempt that Ministers have for ordinary South Africans. If the ANC-led government keeps this up, it will show the country that it does not care about our people. Thank you. [Applause.]

REJECTS PROPOSAL R3500, MINIMUM WAGE

(Member's Statement)

Ms L A MATHYS (EFF): The EFF reject the capitalist watchdog Mr Ramaphosa's proposal of R3 500, national minimum wage as it favours, of course, business at the expense of workers. In South Africa the introduction of a national minimum wage is not just to establish a minimum floor below which no worker can be paid. What the national minimum wage is doing is to deal with the structural socioeconomic crisis and reverse colonial apartheid legacies.

The proposal of R3 500, will not lead to the desired resolution with the problem of inequality, instead what Mr Ramaphosa is doing is institutionalising inequality and condemns workers to live in poverty and misery. The EFF following the proposal of worker organisation like Cosatu has tabled a minimum wage of R4 500, in Parliament, but both the ANC and the DA of course had rejected it. Any national minimum wage that is below R4 500, will not address the differences or make any difference to workers' life or the resolution of inequality in the wages and the actual living conditions.

A meaningful national rate in South Africa that will have immediate impact in the lives of our workers can only be as the result of a revolutionary practice; and only the

EFF is capable of bringing meaningful change to a national minimum wage. [Time expired.]

DA CONNIVE COLLUDING CONSTRUCTION COMPANIES

(Member's Statement)

Ms D Z RANTHO (ANC): Thank you, Chair. The DA in the Western Cape has a lot to explain as it continues to connive with corruptive colluding construction companies in shady development deals.

It seems as if it is open season in the DA's basement bargain sale on state property to the advantage of pale big business interests instead of using these pockets of land to alleviate the massive backlog of housing for the poor closer to opportunities in the Western Cape.

The DA continues to dump and isolate people in patronising so-called transitional relocation areas that soon become permanent and slums like places of despair.

The DA sponsors and defends evictions of people and waging war against the poor to make way for the rich. Tafelberg School site in Sea Point, the Tramway mess, the Philippi industrial park and the Maiden Cove debacle are

but some examples. All is foremost done to the advantage of DA sponsors.

Proof of this affinity for big businesses is the fact that Cape Town under then mayor Helen Zille promised to recover overpayments to the construction cartel that on her watch was found by the competition commission to have fleeced the taxpayer! Yet, the DA did nothing to get the money back and gives all kinds of excuses! Shame on the DA for not caring for the poor people!

**SUSPENSION OF THE SIX DA COUNCILLORS WHO DEFIED THE
PARTY'S CAPE TOWN METRO HIERARCHY**

(Member's Statement)

Mr F ADAMS (ANC): House Chair, the ANC views the suspension of the six DA councillors who defied the party's Cape Town metro hierarchy in electing ward 7 councillor Grant Twigg to chair subcouncil 2 as blatant hypocrisy. Over the past two weeks the DA called for ANC members in the National Assembly to exercise vote of conscience when voting in the vote of no confidence on the President, but the very same DA is now crying foul when their councillors voted against the mandate dictated to them.

Patricia De Lille had anointed the former subcouncil 6 chairperson, Clive Justice, to be the chairperson of the subcouncil, but on Tuesday, last week, the six DA councillors voted overwhelmingly for the experienced Grant Twigg to chair subcouncil 2.

Clearly, the bells of irony are clanging in the arena of the DA once more. It is clear that there is a cold war inside the DA caucus, and Tuesday's vote was the culmination of months of frustration against dictatorship of their leadership.

ANC hopes that the factional battles within the DA caucus in the City of Cape Town will not compromise the service delivery to the people of Cape Town. This incident once again exposes the DA as nothing but shamelessly hypocrites not worthy of their self-bestowed title of advocates of ethical leadership. I thank you.

SOUTH AFRICAN'S PROBLEMS CAN BE FIXED

(Member's Statement)

Dr H C VOLMINK (DA): Hon Chairperson, South African's problems can be fixed but it requires political will to find solutions. Sadly, the ANC currently seems to lack

that political will as it finds money as well as the protection of its own narrow interest for more interesting subjects to focus its attention on.

Not so with our Mayor in Johannesburg, Herman Mashaba, who doesn't suffer from such unhelpful preoccupations. As he quietly restructures the city's governance and work ethics, he is working towards introducing practical steps to solve problems. The latest being the launch of the metro police K9 Narcotics Unit.

The highest performing officers with the greatest levels of integrity have been chosen for this unit, and they picked of hundred day blitz in some of the worst of the affected areas of the city.

Now, for years drug dealers have been destroying young lives and they have been turning our kids far too many of our kinds into petty criminals amidst the mysterious paralyses of the ANC controlled SAPS.

I am told by many of my Johannesburg colleagues that residence of an informed that when go to report drug crimes to SAPS, they are either ignored or they are targeted, and they find that the officers sometimes are far too friendly with the drug dealers. No wonder that

our Minister of State Security is consorting with the criminal until mystery may not be too mysterious after all. Thank you.

**WELCOMING THE RELEASE OF THE NATIONAL ECONOMIC
DEVELOPMENT AND LABOUR COUNCIL (NEDLAC) ADVISORY PANEL ON
THE NATIONAL MINIMUM WAGE**

(Member's Statement)

Ms F S LOLIWE (ANC): The African National Congress welcomes the release of the National Economic Development and Labour Council, Nedlac, Advisory Panel Report on the National Minimum Wage, which some confuse for a final determination.

The report will assist in the protection of workers from unscrupulous exploitation and ensure decent work for all workers. This provides a clear way forward for the conclusion of a social compact between social partners under the guidance of Nedlac.

The ANC is determined to fight the legacy of apartheid, and in addressing the triple challenge of unemployment, poverty, and inequality. South Africa is known for its extreme income inequality, the degree of wealth

inequality is even greater. Both the ANC and all organs of state should pay a single minded and undivided attention in order to overcome these challenges.

We believe that this report will go a long way in giving effect to the electoral mandate of the ANC to introduce a national minimum wage. Moreover, the ANC urges all constituencies to proceed with urgency in debating the report, so that finally and certainly that can be achieved. I thank you.

**WELCOMING THE RELEASE OF THE ECONOMIC DEVELOPMENT AND
LABOUR COUNCIL ADVISORY PANEL ON NATIONAL MINIMUM WAGE
REJECTION OF PROPOSED R3 500 MINIMUM WAGE**

(Minister's Response)

UNGQONGQOSHE WEZABASEBENZI: Ngiyabonga Sihlalo. Ngifuna ukuthi ngicacisele abahlonishwa kwiIFP kanye nabakwiEFF. Umbiko othulwe nguSekela Mongameli bekungumbiko owenziwe ngezincomo zephaneli. *(Translation of isiZulu paragraph follows.)*

[The MINISTER of LABOUR: Thank you Chairperson. I would like to clarify for the hon members from the IFP and the

EFF. The report that was presented by the Deputy President, were the panel's recommendations.]

That is why people in charge of constituencies have been requested to go back to their constituencies so that they can be able to get a mandate whether they have to accept the proposal by the panel members.

Secondly, the national minimum wage is not going to replace the minimum wage that has been agreed through the collective bargaining agreements. The national minimum wage is to support and strengthen the collective bargaining. I must assure the hon member Loliwe that we have agreed that the consultation will be for three weeks and thereafter the constituencies are going to come back and take a decision. Also, it's not only the figure but it's the code of good practice, labour relations, Basic Conditions of Employment Act, BCEA, Employment Equity Act, EEA, and also public employment services because we have to align those legislations in terms of the national minimum wage outcome. Thank you very much. [Applause.]

TOURISM EXPAND OUR ECONOMY

(Minister's Response)

The MINISTER OF TOURISM: Chairperson, thank you to hon Mashele for recognising the value of the Komjekejeke project and what it is and what it means to the local community. What we are seeing now is a systematic process of transformation, addressing the needs of rural communities and harnessing the potential of tourism to improve people's lives. The interesting thing, Chairperson, is that just a week after the launch of Komjekejeke, we launched a lodge at Witsieshoek in Free State. The Witsieshoek Lodge employed 200 people while it was being constructed and it was also renovations of existing facilities belonging to the local community.

In the houses, Chairperson - inside the rooms, we have local art hanging on the walls. We have furniture constructed locally. We have a blanket on the foot of the bed - Basotho blankets made locally. So, what we've got are not the only people involved in the construction. Already you will know the occupancy is still not what it should be and we will make sure that it escalates.

Already 51 young people are permanently employed on this project. So, we will make sure that working with you, working with the committee, working with the local communities that we harness the full potential of tourism to improve people's lives in particular in more remote rural communities. Thank you, Chairperson. [Applause.]

DA UNDERMINES PEOPLE OF CAPE TOWN

(Minister's Response)

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I would like to echo the sentiments expressed by hon Madella with regard to criticism he has levelled against the DA. This begins to show how voters should become circumspect with the way in which they use their vote, because you give the DA a vote, you are restoring old apartheid spatial policies which are calculated to exclude and marginalised black people and ensure that your old Group Areas Act, your old Influx Control Act are brought ... [Interjections.] ... into life, special in a place like the Western Cape which the DA is determined to turn into a white homeland. [Interjections.]

We must expose the DA for what it stands for through its actions by continuing to implement the policies that were stated by their former leader, who clearly said anybody who comes from outside of the Western Cape, who happens to be black, is a refugee. Alright, here we are - refugees from Gauteng, from the Eastern Cape - they don't want any black people in this province. Shame on you! You have just joined a debate a few minutes ago where you were criticising apartheid laws and calling for their

repeals but there you are implementing the very same apartheid laws where you govern - how nice; how hypocritical. Thank you. [Applause.]

SHORTAGE OF BASIC HEALTH FACILITIES AND SERVICES

(Minister's Response)

The MINISTER OF HEALTH: Chairperson, the National Health Insurance, NHI, or universal health coverage is an international system meant to irreversibly change the way health care is financed in the whole world. [Applause.] Presently, is financed in favour of the rich not the poor, including members of this House. We want to change that, Chairperson, so that everybody has got health care financing system which is equal. That is why the Director-General of the World Organisation, Dr Margaret Chan, calls it an equaliser between the rich and the poor. The Prestigious British medical journal, the Lancet calls it a third transition to health. The first two transitions happened in the 20th and 18th century - sewerage, clean running water, sanitation as well as immunisation being the second one. This is going to be the third one.

Let me tell the House what the DA is doing. What they are doing in this proposal of theirs. In warfare is called a diversion; divert the soldiers from where the war is, to do something else where there is no war so that they don't really do the real war. [Interjections.] Let me tell you what they're scared of. They are saying that they are going to take R17,7 billion tax credits to finance health care for pregnant women, etc. Let me tell you what they are hiding. The total amount here is R46,7 billion, R17,7 billion for the Government Employees Medical Scheme, Gems, members, R1,8 billion for those that do not have the Government, Employees Medical Scheme - that includes all of them and then R7,2 billion for state-owned enterprises, SOEs, - that's R26,7, add the tax credits for R20 billion which they are claiming is R17 billion and it's R46,7 billion. Out of the R46,7 billion which you want it to be shared by all people, they want 17 only. That is cheating. They must stop cheating. [Time expired.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, on my left I want to remind you that there are people sitting here in front, who are keeping track of the time and that is what we are officially following. We are not following individual timekeepers in the House.

**SUSPENSION OF SIX DA COUNCILLORS WHO DEFIED THE PARTY'S
CAPE TOWN METRO HIERACHY
EFF COUNCILLORS REMOVED IN CHAMBER**

(Minister's Response)

The DEPUTY MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Chairperson, in response to the hon Adam's statement regarding the suspension of six DA councillors in Cape Town. As the Department of Co-operative Governance and Traditional Affairs, we are very concerned by political instability in any municipality regardless of which party is in government.

[Interjections.] We know that political instability calls by factional battles within parties can lead to a breakdown in governance and ultimately service delivery failure.

At government, we are committed to implementing the Back to Basics programme which puts people first, ensures delivery of basic services, the practice of good governance and sound financial management and the building of strong resilient institutions. We will monitor this and any other situation of political instability and where for the relevant provincial government to support the municipality and if necessary,

to intervene, to ensure that the municipality discharges its constitutional obligations. With regard to the DA member's statement, we will support all municipalities in the fight against crime. In response to the EFF member's statement, we urge all parties to conduct themselves with responsibility in whichever councils they have been elected to. Thank you.

DA CONNIVE COLLUDING CONSTRUCTION COMPANIES

(Minister's Response)

The DEPUTY MINISTER OF HUMAN SETTLEMENTS: Chairperson, I want to thank the member of the ANC Mama Rantho for the statement she made. The DA in the Western Cape continues to sell the state land and the state property, including evicting people of Woodstock. People were born and bred in Cape Town; who had spent all their lives in Woodstock. It reminds us of the apartheid forced removals in District Six. It is very strange that the DA do it at the time when the government of the ANC is saying that people must be in the city centres because they are closer to their places of work. These are poor people who spent their time and money on transport, the money that they don't have. The DA is doing this in favour of big business. It is very strange once more; we are saying the

DA must stop this issue of evicting people to temporary relocation areas, TRAs, 25 km away from the city centre. [Interjections.] In particular, what we are saying as the ANC, we move a step forward while the DA continues to ensure it moves us two steps backwards. Phansi DA, phansi! [Down DA down!]

NOTICES OF MOTION

Ms F S LOLIWE: Hon Chair, I give notice that at the next sitting of the House I shall move on behalf of the ANC that the House debates constant farm evictions and slave wages.

The CHIEF WHIP OF THE OPPOSITION: House Chair, I give notice that at the next sitting of the House I shall move on behalf of the DA that the House debates freedom of speech in this Parliament, as enshrined in the Constitution, and measures to prevent the wholesale infringement on and erosion of this right by the decisions of biased presiding officers.

Ms M O MOKAUSE: House Chair, I give notice that at the next sitting of the House I shall move on behalf of the EFF that the House debates the introduction of the sixth

method to deal with transfer mispricing in the extractive industry.

Mr F ADAMS: Chair, I give notice that at the next sitting of the House I shall move on behalf of the ANC that the House debates progress made in improving basic services, especially to poor back-yard dwellers and informal areas.

Ms L L VAN DER MERWE: Hon House Chair, I give notice that at the next sitting of the House I shall move on behalf of the IFP that the House debates the unscrupulous practices of so-called pastors who are clearly abusing vulnerable South Africans and people's belief systems, and calls on this Parliament to urgently finalise legislation to put an end to these crooked practices.

Mr S C MNCWABE: Chair, I give notice that at the next sitting of the House I shall move on behalf of the NFP that the House debates the serious crime situation in the Western Cape, specifically in the Athlone area, where business leaders are being kidnapped for ransom, and where armed robberies and an increase in hijackings are taking place.

Ms R BHENGU: Hon House Chair, I give notice that at the next sitting of the House I shall move on behalf of the

ANC that the House debates the eradication of all forms of discrimination, wherever they appear.

Mr N L S KWANKWA: Chair, I give notice that at the next sitting of the House I shall move on behalf of the UDM that the House debates strategies to spur economic growth by deepening economic diversification and measures to find an appropriate role for the state to foster economic development in South Africa.

Mr J R LORIMER: House Chair, I give notice that at the next sitting of the House I shall move on behalf of the DA that the House debates how the new version of the Mining Charter threatens to devastate the mining sector and lead to the loss of tens of thousands of jobs.

Ms N R MASHABELA: Chair, I give notice that at the next sitting of the House I shall move on behalf of the EFF that the House debates South African capitalism that continues to be characterised by the extreme exploitation of the black workers.

Ms S MAKHUBELA-MASHELE: House Chair, I give notice that at the next sitting of the House I shall move on behalf of the ANC that the House debates transforming the structure of the economy through industrialisation.

Ms D Z RANTHO: Chair, I give notice that at the next sitting of the House I shall move on behalf of the ANC that the House debates the role of community leaders in promoting community engagement to enable citizens to provide feedback.

Mr A F MADELLA: Chair, I give notice that at the next sitting of the House I shall move on behalf of the ANC that the House debates overcoming the triple challenges of poverty, inequality and unemployment.

Mr M S MALATSI: I give notice that at the next sitting of the House I shall move on behalf of the DA that the House debates the financial implications of the City of Durban's hosting of the 2022 Commonwealth Games.

The House adjourned at 18:06.

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

FRIDAY, 18 NOVEMBER 2016

TABLINGS

National Assembly and National Council of Provinces

1. The Minister of Environmental Affairs

- (a) Report and Financial Statements of Vote 27 – Department of Environmental Affairs for 2015-16, including the Report of the Auditor-General on the Financial Statements and Performance Information of Vote 27 for 2015-16.

COMMITTEE REPORTS

National Assembly

Please see pages 2-80 of the ATCs.

TUESDAY, 22 NOVEMBER 2016

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Bills passed by Houses – to be submitted to President for assent

- (1) Bills passed by National Council of Provinces on 22 November 2016:

- (a) **Performing Animals Protection Amendment Bill** [B 9B – 2015]
(National Assembly – sec 75).

- (b) **Higher Education Amendment Bill** [B 36B – 2015] (National
Assembly – sec 75).

- (c) **Unemployment Insurance Amendment Bill** [B 25D – 2015]
(National Assembly – sec 75).

2. Classification of Bills by Joint Tagging Mechanism (JTM)

- (1) The JTM in terms of Joint Rule 160(6) classified the following Bill as a
money Bill:

- (a) **Finance Bill** [B 21 – 2016] (National Assembly – sec 77).

- (2) The JTM in terms of Joint Rule 160(6) classified the following Bills as
section 75 Bills:

- (a) **Rates and Monetary Amounts and Amendment of Revenue
Laws (Administration) Bill** [B 20 – 2016] (National Assembly –
sec 75).

- (b) **Implementation of the Rome Statute of the International Criminal Court Act Repeal Bill [B 23 - 2016]** (National Assembly – sec 75).

National Assembly

The Speaker

1. Re-appointment of Chairperson of Board of National Lotteries

Commission

- (a) A letter dated 15 November 2016 and supporting documents have been received from the Minister of Trade and Industry, requesting the relevant Assembly committee to recommend for re-appointment as chairperson of the Board of the National Lotteries Commission, Mr Ntshengedzeni Alfred Nevhutanda, in terms of section 3(3) of the Lotteries Act, No 57 of 1997.

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

TABLINGS

National Assembly

1. The Speaker

- (a) Petition from wards 65, 66 and 67 of the Ekurhuleni Metro, calling on the Assembly to investigate the spiraling crime rate in Etwatwa, ensure more visible policing and to investigate the alleged complicity between the South African Police Service and crime syndicates, submitted in terms of Rule 347 (Mr M Waters).

Referred to the **Portfolio Committee on Police** for consideration and report.

- (b) Petition from the Riebeek East community, Makana, calling on the Assembly to address critical water supply issues, submitted in terms of Rule 347 (Ms A Steyn).

Referred to the **Portfolio Committee on Water and Sanitation** for consideration and report.

- (c) Petition from the Tembisa community, Gauteng, calling on the Assembly to address the issue of the quality of water in the Kaalspruit River, submitted in terms of Rule 347 (Mr M Waters).

Referred to the **Portfolio Committee on Water and Sanitation** for consideration and report.

- (d) Petition from the community of Villa Liza informal settlements, Ekurhuleni, Ward 99, calling on the National Assembly to address the allocation of RDP houses in ward 99 and the publication of the list of beneficiaries. (Mr M Gana)

Referred to the **Portfolio Committee on Human Settlements** for consideration and report.

UNREVISED HANSARD