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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:01

The HOUSE CHAIRPERSON (Mr A J Nyambi) Committees, Oversight, Co-operative Government and Intergovernmental Relations took the Chair and requested members to observe a moment of silence for prayers or meditation.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members I have been informed that the Whippery has agreed that there will be no notices of motion or motions without notice. Further, I would like to inform the House that the questions to the governance cluster will be divided into two groups and this will be followed with other clusters as well. Before we proceed, I will like to take this opportunity to welcome the Minister who is here, hon Van Rooyen, you are welcome. Let me explain that the time for the reply for a question is five minutes. The supplementary question must not be more than two minutes then the time for replying to the

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supplementary question is not more than four minutes so that the ground rules are clear before we start our business. Hon Chetty, I see your hand is up, you are recognised. No, wait for your microphone hon Chetty

Mr M CHETTY: Chair, I have a point of order. Just looking for some clarity here, I am not sure whether the ANC delegation from KwaZulu-Natal, KZN, is adequately represented here Chair after today's court case because you know what happened and the faction ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): You are out of order.

Mr M CHETTY: I am only asking Chairperson, I should get a comment whether they are duly represented in the House, Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): You are out of order, take your seat. [Interjections.] Hon members! Hon members, I will now call upon the hon Minister Van Rooyen to respond to question 139 asked by hon Ximbi. Before I deal with hon Minister Van Rooyen, let me deal with hon Mokwele.

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Ms T J MOKWELE: Chair, on a point of order. I think you need to rule on what hon Chetty has just said because the court judgement alluded that anything that was taken or resolved by the leadership of the ANC in the Northern Cape is null and void so you need to check on, the KZN rather, KZN, KZN, pardon me, KZN, KZN, pardon me.

[Interjections.]

Ms N P KONI: Northern Cape is fine! Northern Cape is fine! The Northern Cape is ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon, ... [Interjections.]

Ms T J MOKWELE: ... KZN Chairperson, so you need to rule on that. Not Northern Cape, Northern Cape is fine, KZN. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Ja [Yes] No, I have made a ruling hon Mokwele that has got no bearing to what we are dealing with. Hon Motlashuping, you wanted to say something?

[Interjections.] Oh, you are fine. Hon members! Hon Koni.

Ms N P KONI: Chair, I have a point of order. I see you are smiling and it seems like the points of order raised here are not to be considered by your chairing there Chairperson because we are in a

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kind of danger because we do not know if hon Mthethwa sitting there is sitting on a proper chair, things like those, so we need your ruling with that regard.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, oh! No, let me assist you hon Nzimande before you can raise it. No, hon Nzimande, do not respond, let me make a ruling first. [Interjections.] Hon Koni, I do not know whether it is wrong if I am very serious or I am smiling as I am presiding but I have dealt with that point of order. That is not a point of order but let me afford hon Nzimande the last opportunity.

Mr L P M NZIMANDE: Chairperson, on a point of order: Hon Chetty is making a serious aspersion on the legitimacy of the delegation sitting here and is supported by their alliance partners the EFF. [Interjections.] This delegation! This delegation ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order members!

Mr L P M NZIMANDE: ... was appointed ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members!

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Mr L P M NZIMANDE: ... by the legislature that is legitimate, that is constitutional in 2014 therefore Chair; you must rule Chetty, highly out of order, frivolous and disruptive to the proceedings of the House and therefore would like him to withdraw and apologise to the delegation. Thank you, Chair. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members! Order! Can you put your hands down? I have dealt with the issue of people referring to the judgement of KZN and let me remind hon members that it has got no bearing in what we are dealing with today so let us allow the business of the day to go on. Let us not waste much time dealing with the judgement. I will recognise a different matter but I am not going to recognise any person that is going to be dealing with the judgement. I am qualifying the recognition that on the basis that you are not going to ... hon Julius.

Mr J W W JULIUS: Chair, I have a point of order. Hon Nzimande ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Julius take your seat.

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Mr J W W JULIUS: ... is out of order because says ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Take your seat.

Mr J W W JULIUS: ... can I explain to you?

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, you cannot deal with hon Nzimande, I have made a ruling.

Mr J W W JULIUS: There are no coalitions. There is no coalition parties said, so there is nothing to do with today, can you rule on that too? Can you rule on that too please? He is out of order.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I have dismissed the point of order so there is no basis to entertain a point of order. You cannot entertain a point of order that I have dismissed. You are out of order yourself.

Ms N P KONI: Chairperson, you are becoming to ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): You are not recognised Koni, I am dealing with hon Khawula. Yes! Yes, I am dealing with hon Khawula.

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IsiZulu:

Mnu M KHAWULA: Sihlalo ohloniphekile, nginephuzu lokukhalima okuphambukayo. Cha bakithi, yekelani izindaba za-KwaZulu-Natal kubantu ba-KwaZulu-Natal. Hawu! Akenime nje kancane. Ake nisiyeke. Ake nibheke izindaba zezifundazwe [provinces] enu nisiyeke nje

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you hon members. Hon members ... Koni? [Interjections.] Yes, on condition that you are not going to take us to the judgement.

Ms N P KONI: No judgement. Chair, on a point of order: Hon Nzimande just misled South Africa that ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No!

Ms N P KONI: ... the EFF is in coalition with the DA and it is a lie.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Koni! Hon Koni!

Ms N P KONI: There is a difference between voting with people and being in coalition with them. So if he does not know, he is more

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than welcome to come to us so that I can explain to him.

[Interjections.] Am I protected? Am I protected Chair?

The HOUSE CHAIRPERSON (Mr A J Nyambi): I have dismissed the point of order so why are you entertaining it.

Ms N P KONI: But hon Nzimande is misleading the House ...

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): I am dealing with that point of order.

Ms N P KONI: ... and South Africa at large. He must withdraw. We are not in any coalition with anyone. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Take your seat.

[Interjections.]

AN HON MEMBER: ... we are saving time.

Ms N P KONI: Which ... [Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, I can see the excitement but let us not forget what the business of today is. Hon Muthambi, you are also welcome. We are dealing with question 139 asked by hon Ximbi to the hon Minister of Co-operative Governance and Traditional Affairs, hon Van Rooyen.

Question 139:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:

Thank you very much House Chair, and also a very good afternoon to hon members. Chair, this question deals with five priorities of the Five Point Plan. The first priority deals with the stabilisation and strengthening of leadership institutions. This priority Chair focuses on bringing and maintaining stability within the institution of traditional leadership and in traditional communities.

The department's strategic objective for this priority is to reduce the number of traditional leadership disputes and claims by March 2020. Traditional leadership disputes among other things Chair handled by the Commission on Traditional Leadership Disputes and Claims were reduced from 1244 to 220 in the past years.

In addition, the department developed a draft framework for resolution of traditional leadership disputes and claims which is

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meant to provide norms and standard for Kingships, Queens and Queenships and traditional counsels to establish a system for resolution of disputes and claims. The framework - I must indicate Chair - will be finalised in this financial year and implementation will start in the financial year 2018-19.

Furthermore, genealogies and customary laws of succession for Kingships - these are Kingships with no disputes or court litigations - have been finalised to assist these structures to effectively process disputes and claims within the royal houses. Priority 2 deals with development of policies, legislation and regulations towards transformation of the sector.

The department has developed the Traditional and Khoisan Leadership Bill among others. This Bill is meant to provide for legal recognition of the Khoisan leadership and communities and strengthen participation of traditional leadership structures in municipalities and ensures inclusion and effective participation of women, people with disabilities and youth in traditional leadership structures. This Bill as you are all aware is currently in Parliament.

In addition, the department has tabled the Traditional Leadership and Governance Amendment Bill to fast-track the legal Constitution

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of Queens, Kings and traditional counsels. The Bill provides for democratic elections and inclusion of community members, women youth and people with disabilities in traditional leadership structures. Therefore, once the Bill becomes law this structures will be transformed and be representative of these groups.

Priority 3, hon Chairperson focuses on establishing partnership for revival and activation of economic activities and participation towards sustainable livelihoods in traditional communities, working of course, in collaboration with other sector departments and private sector.

The strategic objective of these priorities is to promote transformation agenda and socioeconomic development within traditional leadership structures and communities.

As indicated above Chair, the Traditional and Khoisan Leadership Bill which was tabled in Parliament during the financial year 2015-16, among other things, the Bill aims to regulate partnerships between the institution of traditional leadership, public and the private sector institutions to ensure that the partnerships benefit and uplift the socioeconomic status of the entire community and not individual leaders.

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Priority 4 Chairperson focuses on promotion of cultural and customary way of life which of course is expected to conform to the Bill of Rights, constitutional as well as democratic principles. The strategic of this priority is to reduce the number of deaths and injuries resulting from cultural initiation practice to zero by 2020.

The challenges of cultural initiation practices are among others due to inadequate regulation of the practice. As noted the Ministry will be tabling the Customary Initiation Bill in Parliament to address this challenge.

In the interim the Ministry has developed a cultural initiation intervention plan - part of the implementation of this plan is initiation awareness campaigns and monitoring of initiation schools during winter and summer initiation seasons.

Inter alia the campaigns include empowerment of young boys before they go to initiation. The government has also established national and provincial initiation task teams constituted of the Cooperative Governance and Traditional Affairs, Cogta, Department of Health, the SA Police Services and the National Prosecuting Authority. The task

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teams monitor initiation schools to ensure that those that practice criminal acts in the name of this noble practice are prosecuted.

Priority 5 Chairperson focuses on co-ordination of interfaith to promote social cohesion and nation-building. The strategic objective of this priority is to enhance information management of faith structures, traditional leadership institutions and, of course, traditional communities.

I must indicate the department through its entity the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the CRL Rights Commission monitor faith structures to identify the so called inhumane practices.

This commission has done an audit of churches and a report was finalised in this regard. Informed by this report, the department is undertaking research and benchmarking with other countries on regulation of the sector. The result of the research and the commission recommendations will inform policy decision in this regard. I thank you hon Chairperson.

Mr D L XIMBI: Thank you Chairperson. Thank you, Minister about this explanation. The only thing that I would ask from you Minister

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except the initiation is that, are there any under challenges in the four points that you mentioned except the initiation? Thank you, Chair. Thank you Minister.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Indeed of course as you might have realise during the - I will site the five priority which was in the main driven by the CRL Rights Commission, you know there has been some robust exchange between some of the churches and the commission but to a certain extent. There were some security problems related to the work of this commission, and this of course had to a certain extent cause us to look at more allocation around security related issues.

So definitely this is one area where I think we still need to do a lot of work because it seems as if the mandate of the commission was not properly construed by some of the churches that were subjected to the commission's work.

Mr M CHETTY: Thank you, Chair. Hon Minister, what progress has your department made with regard to the back to basics programme that your predecessor hon Gordhan had initiated? This was supported by the President, and under your watch municipalities have regressed; fruitless and wasteful expenditure has under increase.

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We have witnessed an increased intervention in council cadres or incompetent deployment of senior managers and the service delivery daily strike is the norm; is it because hon Gordhan is no longer captured that your department is ensuring that the back to basics programme fails? What measures if any have you put in place to turn this around and if not why not?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, let me remind you well - I will leave it to the Minister to deal with it; but let me remind all of you that when dealing with these questions a follow up question must be linked to the original question.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Let's try to assist hon member, perhaps by linking his question to the original question. The question is about the application of back to basics in our scope of work. The reality of the matter is that traditional affairs are properly accommodated within the scope of the back to basics approach.

I must indicate, as a result of this particular provision we have seen for the first time in the history of this Ministry, traditional leaderships undertaking jointly training with our newly elected councillors.

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However, also, we have seen some improvement of relationship between traditional councils and municipal councils in various municipalities as part of the back to basics approach trying to ensure that there is a harmonious relationship between traditional councils and municipalities.

Indeed, our back to basics problem is the accords and appropriate provision for traditional leadership sector to be recognised by local government and by the municipal councils. So I think our back to basics programme is really providing for participation of traditional leaders. Thank you very much.

Mr M D MONAKEDI: Thank you very much, Chairperson and thanks for the reply by the Minister to the question as posed. My question relates to the participation of the private sector especially the mining industry in the socioeconomic transformation that has to happen in the traditional areas.

Is the private sector playing part - are they coming to the party, are they collaborating with our traditional leaders in ensuring that indeed there is progress as far as this aspect is concerned?

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The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: As I indicated in my response, the Traditional and Khoisan Leadership Bill, which was tabled in Parliament during the financial year 2015-16, *inter alia* aims to regulate such partnership.

However, because the Bill is not yet enacted, while we are waiting for the enactment, in the interim the department had developed the traditional affairs partnership model, and this model serves to provide guidelines, norms and standards for the establishment of partnerships by traditional leadership structures.

Now, there are some few examples that we can refer to as a result of this model. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, why are you standing?

Mr J W W JULIUS: I'm standing on a point of order, Chairperson.

The HOUSE CHAIRPERSON (Mr A J Nyambi): What's your point of order?

Mr J W W JULIUS: I just want to know, how can you read the answer to a follow up question?

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The HOUSE CHAIRPERSON (Mr A J Nyambi): You are out of order Julius.

Mr J W W JULIUS: So they gave him the question beforehand.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius?

Mr J W W JULIUS: The Minister must know his department that's why he is here. We must hold him accountable, but you are giving him a follow up question and he is reading the response. How is that? It is not part of our rules here.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, you are out of order. Hon Minister, can you conclude your response.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Now with this model hon Chairperson, we thought it is important for us to develop this model because we have seen throughout our country how some of our traditional communities are exploited, mainly by some of these mining houses.

So, I can site few examples of some of these partnership deals. We have made an agreement with the Anglo American Platinum. I can site various achievements that have been realised out of this

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arrangement, but also there have been other initiatives that have been done in partnership with the private sector.

We hope that working together in a collaborative fashion with the Ministry of Small Business Development, the Ministry of Economic Development as well as with the Ministry of the Department of Mineral Resources. We will definitely assist these communities. Thank you very much.

Ms T J MOKWELE: I actually wanted to tell the Minister that I'm not the one who asked the question. He must face the person who asked the question.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Ae, hon Mokwele, no hon Mokwele, no! No, no, hon ... order members!

Mr M KHAWULA: Oh! Thank you, hon Chairperson. Yes, hon Minister this is with reference to your conflict resolution issues pertaining to matters of ubukhosi as you are talking about it. I want to find out from you. In English tradition the eldest sibling is the heir to the throne, whereas African tradition has always been that the heir to the throne is the eldest gender based, which is the son. What is the position of the government - I'm asking because in KwaZulu-Natal we

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already have got a case similar to this one. What is the position of the government in respect of who is the heir to the throne where the siblings are in mix gender? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Our position as government has been very clear on handling issues of succession on chieftaincy. As a result of this position, which is a very straightforward position, the royal families are at the centre of determining who succeed the chief, the queen or the king where it is necessary.

So, usually as government we don't interfere in that process, that's why when there are disputes we are able to refer such disputes to the independently constituted commissions. Thank you very much.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon members, eh, hon Mokwele, I'm sorry. To all of you the issue is that maybe it is because this was the first question. Now we will be getting to question 146, in all these questions the maximum supplementary question is four.

There is nothing wrong to have less than four questions, so nothing beyond four. You must be active and raise your hand so that I

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recognise all of you in time. Then now I dealt with Ximbi, Chetty, Monakedi and Khawula was the last one. So we had four supplementary questions.

Question 146:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Chairperson, I must confess that as I try to formulate the response to this question, I find it very challenging to respond to the question and I will explain why. It is because the question posed with none of the sections of the Constitution and Rules of the NCOP that the hon member referred us to contain in any specific provisions dealing with the instance of amendments by the NCOP to recommendations of the Select Committee on Co-operative Governance and Traditional Affairs to disapprove a section 139 intervention. This can be simply illustrated by pointing to the section 65 which hon member is referring to of our Constitution. This section provides an approach or a method to be used by the NCOP to reach its decisions while section 68 that the hon member is referring to deals with the powers of the NCOP in relation to processing of legislation.

In addition, section 139 of the Constitution provides amongst others for the steps and processes to be followed when intervening in a municipality while Rule 255 (5) prescribes that the report of the

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select committee should be submitted after its investigation on the necessity of the intervention and must contain a recommendation whether or not the intervention should be approved and that it must be placed on the order paper for consideration.

However, giving the fact that the select committee reports and submit its recommendations to the NCOP for consideration as provided for by the Rule that I have referred to Rule 255(5). The latter is not bound to adopt that recommendation, instead it has discretion to adopt, decline or amend recommendation or to consider it anyway it deems it fit. The NCOP exercises that discretion by taking a decision in terms of section 65(1)(b) of the Constitution which provides that all questions before it is agreed when at least five province vote in favour of the question.

But also if we accept the above proposition that the NCOP is not bound to adopt the select committee's recommendation and also consider the fact there are no specific provisions in the Constitution or the Rules of the NCOP dealing with the instance of amendment by the NCOP to the recommendations of the select committee, then there appears to be no any other legal requirements for such an amendment to be made with the approval of the select committee or the amended report being placed on the order paper of

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Parliament. Therefore, the amendment by the NCOP to the select committee recommendation to approve or disapprove as section 139 intervention can be made without the approval of the select committee or the amended report being placed on the order paper of Parliament until the Rules of the NCOP are altered or amended to provide otherwise.

Mr M CHETTY: Chairperson, clearly there is definitely a misunderstanding in how we interpret this Rule. When this report was placed before the House, it was changed by faction within this House, so, let us be very clear. The report by the Select Committee of COGTA who went on an oversight visit to the municipality was not only rejected but the entire recommendation supported by the faction.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Sorry, hon Chetty. Hon members, if we are drowning hon Chetty, the hon minister will miss the essence of the question. Hon Chetty, you are protected.

Mr M CHETTY: So, therefore Chairperson ... Are going to protect me or I must go to court as well?

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Dlamini! Hon Chetty, you are protected.

Mr M CHETTY: clearly neither you nor your department is aware of the raising shenanigans that the KZN COGTA MEC had been called in this House. The very same report by the same select committee of COGTA who went on an oversight visit to the municipality was not only rejected by the alternate recommendation support by faction form within the ANC and the same recommendation which was not ATC was approved irregularly in this House.

What actions are going to take to rectify this irregular and improper decision for if you allow it to continue worse is going to happen? The factions are going to make sure that every other decision for intervention will be changed in this House. Are you going to instruct the KZN COGTA MEC to overturn irregular decision and what action are going to be taken against this errant MEC or is she also protected because she is captured?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Nzimande is that a follow up question ...

Mr L P M NZIMANDE: It is a follow up question.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): No, I have noted you for a follow-up question. Let's allow the hon Minister to respond.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Chairperson, I think from where I am seated as a Minister of COGTA I can confirm that the dissolution or maybe the invocation of the provision of the Constitution in terms of dealing with the challenges facing municipalities in KZN that has been forwarded to my office through the guidance of this Constitutional provisions have been compliant and I am not sure if there is an issue that the member might be thinking that was over looked.

But also is important for me to remind the member that as a member of this august House, it is within his right to make a submission if he thinks that the provisions that are there in the Rules of the NCOP are not adequate to cater for some of this activities, so I will urge the member that he must at least strive to make a submission and to lobby his colleagues for such amendment to be effected.

Lastly, I think so far the NCOP acted within its powers to effect some of this intervention as cited earlier.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): No, you are going to be the third one, hon Nzimande.

Ms T J MOKWELE: Chairperson, it is very clear that as select committees that are entrusted with the responsibility to make sure that services are going to the people and legislations are adhered to, according your department and the House in general meaning the NCOP that is not happening. The reason why I am saying that is because the matter that is on the table NCOP had to amend the report that was Atcd and that was agreed to and that was done by the oversight committee and agreed to by the select committee to make sure that it gets its expression in the House.

The NCOP had to amend the clauses within the report and it means that the NCOP and the department don't have the set mandate in term of legislation to amend and that is what you were saying. According to you as the department political head, illegal decisions that were taken specifically about the KZN municipality and the manner in which municipalities within KZN as a province are put under section 139 is either B or C of the Constitution are dealt with not as a political mandate but in a way that those municipalities will have service deliveries delivered to the people if they don't have the capacity to do that. Let the section of the Constitution that allows

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those municipalities be implemented. What is your role in that? Are we as the select committee useless with regard to what happened within the House or do we have the mandate as the select committee according to the legislation?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: I don't think I comprehended the member's question appropriately or maybe the member misconstrued my response because I think she was indicating something that I had never said. Maybe you are preoccupation with my eyes might have overshadowed. The reality of the matter which is very simple, the Select committee is the committee of the NCOP. So, the select committee conducts its oversight but also confirmation on some of this intervention as provided for by the Constitution. So, if they come to a different determination, they recommend to the NCOP and the NCOP as a House constituting of nine representatives from provinces so they can come to a different determination.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Mokwele, I am still presiding until further notice. The hon Minister is protected.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Chairperson, so the NCOP was within its powers to effect those

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amendments, but I doubt if there is anything illegal because there are processes provided for by the Constitution of our country and definitely that simply suggest that you also participated in an illegal activity because here we are referring to product of an NCOP where you are a member.

The HOUSE CHAIRPERSON (Mr A J Nyambi): And also with you, hon Minister when responding to the question, you must deal with it through me. You are not allowed to address hon members direct.

Mr L P M NZIMANDE: Hon Minister, would you agree that there is a difference between the report of the House and the legislation in that the matter that is brought and questioned here to you is an internal matter of a report of a select committee that requires a procedures and the processes of the NCOP and indeed you alluded to that but the other supplementary questions that came before me were then asking ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Nzimande, raise a supplementary question but not more than one. You are protected, hon Nzimande.

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Mr L P M NZIMANDE: Chairperson, I am asking a supplementary question that is talking to the separation of the report and the legislation and the procedure of the House. So, whether is more than one question in that, they are all aspects that form one supplementary question. Therefore, I am asking because the two supplementary questions and I want the Minister to engulf in disregarding separation of powers and disregarding the IGR. Therefore my question is would the Minister recognise that the report is an internal mechanism of the NCOP to ensure the enforcement of the Act?

The HOUSE CHAIRPERSON (Mr A J Nyambi): What is the point of order, hon Julius?

Mr J W W JULIUS: Chairperson, I am just confirming. I wanted to ask a question whilst the member was on the floor, but you allowed him to finish and I respect that but I just want to confirm your ruling that was over-ruled just now by a member.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No ways.

Mr J W W JULIUS: you made a ruling and the ruling was over-ruled by a member, so that can happen with us too in this House. I just want to confirm that fact. Thank you.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Let me assist you. I raised guidance to what he was doing. It was not a ruling and then instead of asking a second question ... [Interjections]

Mr J W W JULIUS: If it is not a question, what is it?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Let me assist you. I don't need assistance. I know what I am doing. Hon Nzimande was asking a supplementary question.

Mr J W W JULIUS: But were you begging a member or making a ruling?

The HOUSE CHAIRPERSON (Mr A J Nyambi): I am answering you and you are making noise and you are going to miss what I am trying to assist you with. Hon Nzimande was asking a supplementary question and instead of asking one question, he started asking the second question and that is where I was guiding him and he decided to avoid me and expand his original question. That is what he did.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Chairperson, I think hon member is correct that is within the powers of this House and of course to effect some changes on some of these Rules because up to now I can tell that all interventions that have

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been processed, the House was guided by the Rules of the House, so if there is a need to change those Rules feel free to effect those changes and of course you must agree with your colleagues here to effect those changes. Thank you.

Mr M J MOHAPI: Hon Chairperson, I just want to check with the Minister, with regard to the stipulation of section 139 (8) which stipulates that the national legislation may regulate implementation of section of 139. I just want to check with you Minister, don't you think expediting the processes of applications of section 139 (8) regulations would really assist or minimise possibilities of misunderstanding when it comes to the interpretations of the provision. Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Look, before coming to this House, I have never picked up on any need of clarifying ambiguity on this provisions because this provisions in my take they are very straight forward so I think if there is an area of confusion members are free to make that specific submission on the affected areas but I am convinced that they way we have provided for in our Constitution to deal with this intervention processes we have adequately provided for such intervention. And I

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think neither too there has been adherence to this provisions. Thank you Chairperson.

Question 164:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: The department, hon Chairperson, has launched a Back to Basics Programme as an overall framework and a government wide programme to assist municipalities in executing their day to day activities and a five pillars of the Back to Basics, which aims at improving performance of municipalities are well known to the House.

The department is working together with the Auditor-General's office, National Treasury, Provincial Co-operative Governance and Traditional Affairs, Cogta, Departments and of course provincial Treasury department, which has a dedicated capacity to assist and support municipalities to develop what we term the post audit action plans on issues reported in the Auditor-General's report on local government performance.

I must indicate that the Provincial Treasury and Cogta monitor the implementation of these post audit action plans on a quarterly basis in those municipalities that appears in the Auditor-General's report.

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But also, the department is also supporting the municipalities through the Revenue Enhancement and Records Management programmes, which are linked to the Back to Basics pillar of financial management. As part of consolidating the implementation of phase two of Back to Basics Programme, the department is currently engaging with the provincial Cogta during these months of September and October to develop a joint programme between national and provincial Cogta as well as national and provincial Treasury and key sector departments on how to provide support to critical municipalities and also to develop intervention plans for each of the municipalities identified as critical, which reflects an understanding of the root causes of the challenges and proposed solution.

In conclusion, I must indicate that as we implement this second phase of Back to Basics, we are also looking at the remaining 18 months of our current administration. The department has also prioritised the worst municipalities that happened to be part of what the Auditor-General has raised in his report for support and constant monitoring. Thank you, hon Chairperson.

IsiXhosa:

Mnu L B GAEHLER: Siyabulela Sihlalo weNdlu, siyamva lo-back-to-basics kodwa yona imali iyatyiswa ikhona le nkqubo.

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English:

Minister, given the upscaling of irregular expenditure as reported in the 2015-16 Auditor-General's report, are you planning to recover the money spent irregularly by the municipal officials and any other individual? If so, what are their relevant details, and if not, why, and what disciplinary actions are you going to take against these officials for misusing tax payer money?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: One of the biggest weaknesses of our local government system is a lack of consequence management. We have seen cases being brought to the attention of the executive authority or maybe the accounting officers. There has been a challenge around how do we manage some of these cases, but I must indicate the commitment to the resuscitation of the anti corruption strategy as well as the development or the resuscitation of the anti corruption forum has definitely introduced a new approach of handling such cases. It is just that I don't have the statistics now, but there are cases that have been dealt with as a result of some of these unfortunate financial practices. We think that through such actions, we will root out some of these unfortunate cases. But also, it is very important to note that most of our problem in as far as irregular expenditure is concerned as exposed by the Auditor-General, is around compliance to our supply

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chain management system provisions. I think that through our focus programme of supporting municipalities on issues of financial management working with National Treasury will be able to deal or out root some of these misplace practices. Thank you, hon Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, let me find out what you are trying to do. You know that you are not going to have another opportunity to make ... [Interjections.]

Mr L B GAHLER: No, no, I don't want that. I just need my answer. The Minister has not answered me. What action is he going to take to recover taxpayer money?

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, no, the Minister has responded to your question. Hon Gaehler, you know the rules very well.

Mr M J MOHAPI: Minister, there is wrong impressions out there with regard to irregular expenditure, where from time to time people would create impression as if money has been chowed. In the media statement of Auditor-General, he made it clear that irregular expenditure doesn't necessarily mean wastage or mean that fraud has

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been committed. This is from the media statement of the Auditor-General. What's your take on that, Minister?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: I hope hon Mohapi, you are very considerate of your kasi lingo because you said something like "chow". I am not sure "chow" is something that hon Hattingh there will understand because he seems to be startled to what is this chow

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order, members. Continue hon Minister.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Yes, indeed, there has been confusion around how do we interpret this financial categorisation. There has been some confusion around how we categorise some of this financial practices. As a result, we have agreed with the Auditor-General that we need to intensify the campaign to educate our people about how some of these concepts can be utilised or maybe can be interpreted to reflect on the financial performance of our public sector institute. Thank you very much.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I must also confess that presiding here, knowing the 11 official languages, I was perplexed

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about that language. But anyway, the Minister understand the question.

Ms T J MOKWELE: Hon Minister, what is your take in terms of municipalities, especially in the Free State province, where you find municipality that can't even pay pensions for their own employees? That is happening in Mantsopa Municipality in Fezile Dabi District. They can't even pay SA Revenue Service, Sars. They owe Sars, yet the executive took a decision to put the municipality under section 139(1)(b) of the Constitution. Am I protected? Can you allow me to finish and then you will take the point of order from my hon Chairperson.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No!

Ms T J MOKWELE: Lets do it like you did with others, please.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, don't guide me on how to preside.

Ms T J MOKWELE: I am requesting.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, lets allow the follow up questions. Can you round up your follow up question, hon Mokwele.

Ms T J MOKWELE: I am going there. I am still within my two minutes.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes!

Ms T J MOKWELE: Now, in that instance, hon Minister, the Treasury continues to pop in money to that municipality yet there is no result thereof. Now, I want to check with you, what is your commitment as the Minister to make sure that such municipalities in the country are well governed and well sustained to avoid qualified disclaimer and corrupt activities within the municipalities? Thank you very much, Chair, you must relax.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, you have ask a question and the hon Minister is responding to your question. Don't deal with another member direct.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Hon member, the issue of none viable of municipalities that are not functional is our concern as a Ministry. I must indicate that it is

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not only in Free State, there are municipalities that we are currently looking at because of the viability aspects because truth be told, some municipalities are placed in a very unfortunate economic situation. As a result, personally I don't think that some of these municipalities without any measure or radical intervention in terms of creating economic base in those municipalities will realise any stream of revenue. So, as a result these simply suggest that we may end up sitting with municipalities that are not viable financially, municipalities that are grant dependence. So, that is exactly what we are trying to turnaround. But also, in the process I think we should define as South Africans, what is it that we mean by an ideal municipality if we are to compare SA municipalities with what is happening globally. I think that there are good lessons that we can pick from the practices that are happening in other countries.

So, indeed, we are focussing on those municipalities. I know in Free State, Metsimaholo is one of those and I know there are also some few others, Mafube 2. [Interjections.] Yes, so we are focusing. We are working with the relevant MECs and of course the premiers also. They are very helpful in the process of assisting us to bring life or maybe to find ways of solving problems facing those municipalities. Thank you very much, Chairperson.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius is the last supplementary question to this question. No, we are taking four. The last one is hon Julius. No, Chetty, you are not the only one, including Shabangu, the hand was up.

Ms T J MOKWELE: Few correction that hon Minister I was referring to Mafube Municipality not Mantsopa. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon you must understand, sometimes we will have more than seven follow up even hon Chabangu's hand is up. Hon Chetty your hand was up, but the last person is hon Julius.

Mr J W W JULIUS: My two minutes starts now. Chair, let me also join the fry before I get to my question just to get it into perspective. But let me also help to educate the public on what irregular expenditure is. We cannot condone it. It's also an expenditure that is not in accordance to any specific legislation. These tenders that you are giving out contracts without proper tender documents or specification, it is where you chow the money. It is irregular. But Minister, under your watch, irregular expenditure increased by over 50% in the last financial year. In the Eastern Cape, it increased by over 60%. This amount could be higher because municipalities did not

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fully disclose these amounts. The OR Tambo went from R94 million irregular spending in 2014-15 to a whopping increase of almost 1 000%, under your watch Minister. This should have been seen by any Minister serious about the government. Ringing alarm bells well in advance, unfortunately you didn't. But this happened under your watch. Now, let's be specific to the question. When responding to your first question, you said, let me be specific and stick to the question, Chairperson. You didn't speak to Gaehler's question at all. So, I need to ask you, did you see to it that the OR Tambo District Municipality implement consequence management for officials and politicians who failed to comply with applicable legislation and what actions were taken? If you took actions, what were the actions? If you did not, why you didn't do any action?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, you started by chowing your time by remarking. [Lugther.] So, you started by remarks. That is why you have two minutes. You have only two minutes.

Mr J W W JULIUS: You ate my time. I said stop my time before. You ate my time.

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The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Chair, in our own way, we have discovered that the significant increase in irregular expenditure from the previous year can be attributed overall to awakening in our supply chain management in OR Tambo, but also, in particular, areas of competitive bidding and obtaining as you know is a provision three quotations. In addition Chair, I must also indicate that instability or vacancies in senior management position also added to this problem and non compliance with our supply chain management provision resulting from the centralisation or outsourcing of procurement for implementing agency. Another area is inappropriate discretion by management that played a major role in significant increase in irregular expenditure. Thank you very much, hon Chair.

Question 141:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Chair, a joined support programme is being implemented in collaboration with National Treasury and the South African Local Government Association through the Salga Centre for Leadership and Governance Academy to train municipal CFOs on matters related to municipal finances. The academy also provides training programmes on councillor development, traditional leadership, management capacity-

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building, union leadership, information and data system, and unique strategic initiatives.

The department is also monitoring the establishment and functionality of the Municipal Public Accounts Committees as well as the effectiveness of the internal audits at municipal level. I must also add here that we are also trying to relook the regulation of our municipal public accounts committees. A team of municipal financial management support is currently being established within this financial year to monitor and support municipalities to adequately respond to the Auditor-General, AG's, audit findings, in collaboration with National Treasury.

What happened here is what one can refer to as an anomaly of our system, because this team was in existence in the past and then it collapsed with the sole intention of outsourcing this responsibility to National Treasury. So, we think that it is important that we bring back this team. As a result, we are in the process of establishing this team to make sure that municipalities are properly supported to deal with financial management issues.

The department promulgated competency regulation for local government in order to ensure that senior managers recruited have

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their requisite skills and capabilities to execute their functions. Our back-to-basics teams in each province have also been established to assist municipalities to develop and implement their turnaround plans.

Mr M J MOHAPI: Hon Chair, Minister, given the well thought response in terms of the question, one of the key challenges that you also emphasize centres around monitoring, how frequently do you perhaps envisage the monitoring, especially around section 32 reports?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: These reports, as you are all aware, are entertained on a monthly basis, but the reality of the matter here is that - and I think we need to be very frank - there has been ambiguity around the alignment of functions between our Ministry and National Treasury. We are currently working on a collaborative mechanism that will ensure that, as we support municipalities, we don't confuse them. We work as one and we intervene accordingly but we don't come with parallel processes.

So, that collaborative process is intended *inter alia* to arrest that particular problem of working in silos. As we support

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municipalities, I think it is going to yield, as it is yielding already in some of our first interventions.

Mr M CHETTY: Chair, according to the Auditor-General's report and your answer to the question, details were furnished to you. Irregular expenditure by municipalities, have increased by over 50% to R16,8 billion under your watch. It further reveals that, overall, local government has failed to maintain the promising five-year momentum plan gained between 2010 and 2015. It is not surprising that the province with the highest proportion of councils with clean audits is the Western Cape at 80%, while the next best ANC province is KwaZulu-Natal at 18%. This is unacceptable. Surely, your department ... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Chetty, you are protected.

Mr M CHETTY: Chair, with all due respect, I cannot even hear myself. I am waiting for some respect here.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members!

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Mr M CHETTY: According to the Auditor-General's report, irregular expenditure by municipalities, has increased by over 50% to R16,8 billion. It further reveals that overall local government has failed to maintain the promising five-year momentum plan gained between 2010 and 2015. It is not surprising that the province with the highest proportion of councils with clean audits is the Western Cape at 80%, while the next best ANC province is KwaZulu-Natal at 18%. This is unacceptable. Surely, your department must have seen this report and what remedial action or strategy have you and your department put in place to turn this dismal picture around or are you waiting in anticipation for the next Cabinet reshuffle?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: As earlier indicated, we are working with municipalities to develop what we term post-audit action plans, and to assist municipalities who do not have the required capacity to develop such plans. If we are to take a closer look at the AG's report without being selective, you will find that there are lessons to be learned from all the provinces. There are lessons to be learned from all the municipalities.

I think our myopic approach of just approaching this report selectively might deny us an opportunity to learn from each other,

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it might deny us an opportunity to take best practices from other municipalities to municipalities that are struggling. So, I think for now, we are on course to assist those municipalities that are struggling, so that they can perform as expected. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Chetty, when you asked a question and people were disrupting you, you complained and I intervened. Now you asked the question, the Minister is responding to the question and you are making a noise. Can you take your seat? You are not even recognised.

Xitsonga:

Ina, xi ta tirha u nga chavi. Xi ta tirha. Ndzi kombela leswaku u tirhisa lexiya.

English:

Can we have that thing working, please?

Xitsonga:

... xa tirha kutani swewi.

Ms B T MATHEVULA: Chair, the Auditor-General painted a very bleak picture of municipal governments in this country, across all

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provinces. Of concern is that most of the findings by the AG have been made before and that municipalities have not been able to take action to remedy the failures because of systemic corruption. As the Minister responsible for municipal governance, have you engaged with your colleagues in the Cabinet to ensure that there are changes to the law to ensure that the findings or recommendation of the AG are made to be binding? If not, why not?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: I think there might be some details that need to be followed up in that question. Thank you for the question, but I think there might be some details that need to be followed up. The reality of the matter is that we have brought together all municipalities that have been viewed by the AG as struggling municipalities, to comply with financial management issues and we intend, specifically within the remaining period of our eight months of administration, to focus on those municipalities, as prioritised by the outcome of the AG's report. So, we are definitely working with our sector departments, more especially National Treasury, to make sure that we support those municipalities. Thank you.

Ms Z V NCITHA: Chair, appreciating the fact that the provinces differ, I want to know whether the plan that the Minister has in

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place to deal with the issue of the outcomes of the Auditor-General's report is aligned with the plans of different provinces. Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: In my response I have indicated that this is a collaborative effort. We cannot impose our interventions on provinces or municipalities. Besides that, it has been a tendency of applying the so-called one-size-fits-all approach when we deal with municipal problems. The problems differ from one municipality to the other. So, it is important that we pay attention to that and that is exactly how our interventions are tailor-made.

We work with provinces, we work with premiers' offices, and we work with the affected MECs to deal with challenges facing the municipality to give support that might be required by municipalities around financial management issues. Thank you.

Question 159:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Thank you very much and thank you to the member for the Question. I think one must start by referring to the relevant provision of the Constitution, which is section 91(2). This is the only section that

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enjoins or empowers the State President to appoint Ministers or Deputy President. Now, I must indicate that I was appointed as a Minister by the President of the Republic of South Africa in terms of section 91(2) of the Constitution of the Republic, which states that the President appoints the Deputy President and Ministers. However, I must also indicate that this section also enjoins the President to assign certain powers and functions to those that he appoints, and of course it also empowers the President to dismiss them, irrespective of the time of day. The President can dismiss everyone that he appoints.

Now, with regard to the issue of the Dubai trip, I think I should reiterate that ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, please allow the Minister to respond to the Question. Let us be orderly.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: ... this trip was personally planned prior to my appointment as a Minister. I travelled in my private capacity and the trip was paid for in my private capacity. I never used any state resources to undertake this trip.

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Ms T J MOKWELE: Thank you very much Chair. Hon Minister, I never said you used state resources. I specifically specified the family ... Gupta family ... in my Question ... that your trip was paid for by the Guptas. That was my Question; not state resources. Anyway, hon Minister, I can see that you tried to dodge this thing of you being a Minister of Finance over a weekend and you were later labelled weekend special for that. Hon Minister, you know very well that your appointment as a Minister of Finance for that particular term had its own objectives. Minister, you know very well that your trip to Dubai ... Why did you undertake that trip? You know very well. We need you to be honourable enough and clear your name with South Africans, and South Africa and the country at large ... that you never, ever had any intention to provide tenders of multimillions to the Gupta companies.

Hon Minister, my Question to you is as follows. What is your interest in the Gupta family? Are you personally involved with the Gupta family and if not, or if you are involved with the Gupta family, what is it that is so specific that you have promised them upon your appointment as both Minister of Co-operative Governance and Traditional Affairs and Minister of Finance, because I am aware that you had to do something in return.

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The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Hon Chair, I think the submission made by the member borders on tampering with the so-called State of Capture report. Now, I think we should exercise patience. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order members! Hon Mokwele, you are out of order. You can't deal with ... Let's allow the Minister to respond to the Question. [Interjections.] Order hon members! Hon Minister?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Chairperson, allegations that have been levelled so far against those who are alleged to be captured are very serious allegations and I think it should be treated in that light. Let's also not be victims of expediency here. We know that our country provides for certain processes to be undertaken and, as part of the remedial action that came out of the Public Protector's report, one of those processes is for a commission of inquiry.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Koni, I ruled when you were out that when people are responding or asking Questions ... It was even when hon Mokwele was ... I am not entertaining a point of order. He's responding to the Question. Can you take your seat? Can

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you take your seat? Take your seat. I'm not recognising any point of order. Take your seat. Let's allow the hon Minister to respond to the Question.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister, can you continue?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: So I request the member to exercise patience because she seems to have some evidence. That time will come and she will obviously be provided with an opportunity to make a submission. So for now let's stick to the Question. It is the President who appoints Ministers; it's the President who appoints the Deputy President; it's the President who assigns powers to them; and it's the President who has the authority to dismiss those Ministers. So, let's just respect that constitutional provision. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon Khawula? [Interjections.] Hon members, let me remind all of you to refrain from anything that compromises the decorum of the House. I am appealing to all of you. Hon Khawula, you are protected. Hon Khawula? You are in the queue hon Chetty.

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Mr M KHAWULA: Thank you hon Chairperson. Hon Minister, this is a very serious matter. Recently a member of the executive, the Deputy Minister hon Cele, speaking at a public meeting in Gamalakhe said that some Ministers have had their curricula vitae, CVs, go to the Guptas before they get appointed as Ministers. Those are the words of a member of your executive. Hon Minister, was he perhaps referring to you? If it's not you then who are these members of the executive that have had their CVs go to the Guptas before they are appointed by the President?

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order! Hon Minister?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Chair, a reference is being made to an hon Member of Parliament, a Deputy Minister for that matter, and I hope that the Deputy Minister, in understanding the provisions and the laws of our country, will definitely wait for the right time. I hope when that time comes the hon Deputy Minister or any other member of this House will then make the necessary and relevant submissions. So really, if you want confirmation about who he was referring to, maybe you should ask him. Thank you very much. [Interjections.]

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Mr M CHETTY: Thank you Chair. Minister, it's the worst-kept secret that you were deployed by the Guptas as the Minister of Finance for a weekend. A rumour is circulating that you were also accompanied by Collen "Oros" Maine on the trip when then Minister Jonas refused to take the bag of money and do the bidding of the Guptas. Minister, do you agree with the Deputy President that the leaked Gupta emails are authentic?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Hon Chair, I can see that we are now entertaining the State of Capture report here. [Interjections.] Maybe I must remind members that this is a subject for review, but I am still encouraging them that if they have any type of evidence to please wait for the right moment. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon Mhlanga? [Interjections.] Hon members ... hon members, no, all of you take your seats. Take your seats. Take your seats. Hon members, I am very clear. I'm not going to be reviewing the decision. When hon Mokwele rose and asked hon Van Rooyen, I was very clear that it was hon Mohapi that was to interrupt hon Mokwele. I made a ruling that the point of order was depriving members and that no-one will get special treatment. When hon Koni wanted to raise a point of order I

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made a ruling. So, if you have a problem with my ruling, there's a procedure to deal with it. Let's allow hon Mhlanga. Hon Mhlanga, can you ask your Question? [Interjections.]

Mr M T MHLANGA: Thank you Chair. My Question ... [Interjections.]

Mr J W W JULIUS: What rule are you using to suppress the points of order? [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Sorry hon Mhlanga. Can you take your seat? [Interjections.] No, can you take your seat? You are not recognised. No hon Mokwele, take your seat. You are not recognised. [Interjections.] Yes?

Ms T J MOKWELE: ... [Inaudible.] ... Minister to finish his response. Then I stood up on a point of order. With respect for that matter and in terms of the rules, I have a right. I am not doing anyone any favour by requesting you to recognise me. It is within my right to do that. Chair, I have respected your ruling. I did that. Before you mentioned hon Mhlanga, I stood up and said, please with due respect, allow me to raise a point of order. I requested. I have never made any noise at you. I requested it with due respect and I am within my right as the rules of the House allow me to do this.

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So, can you please recognise me because I have never interfered with any speaker on the podium.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can you take your seat? Take your seat hon Mokwele. Take your seat. Can you take your seat? Firstly, when you were speaking now you knew very well that you were not recognised but you decided to switch it on and you continued speaking.

I made a ruling because I realised that there were frivolous points of order that are interrupting the Question session of engagement with Ministers. [Interjections.] I am making the ruling again, and you are going to miss it and continue being out of order.

If a person has a problem with my ruling, we have rules in the National Council of Provinces. If my ruling is not correct, follow the procedure and address a wrong ruling that was made by the presiding officer. Now, hon Mhlanga?

Mr M T MHLANGA: Thank you Chair. I think it will be very important for us to acknowledge the Minister's response, but I have the following ... [Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mhlanga, you are protected.

Mr M T MHLANGA: Thank you Chair. Hon Minister, my follow up Question will be around the submission that you made. Firstly, I just want to confirm that in terms of the code of ethics that you as Ministers sign, are you permitted to receive any funding from anyone without declaring it? [Interjections.] Chair, can I be protected?

The HOUSE CHAIRPERSON (Mr A J Nyambi): You are protected hon Mhlanga.

Mr M T MHLANGA: Thank you. Hon Minister, I am asking this because we know that there is precisely a code of ethics that you sign which directs you what to do and what not to do.

Secondly, I want to confirm whether it is possible that the department may fund any private trip of yours in order to conduct your own private issues regardless of the service required by our people. Is it possible that the department can do such? And is it possible that, within your code of conduct, you can accept any bribes?

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister?

[Interjections.] Hon Julius, I have made a ruling. [Interjections.]

No, you can't disrupt Questions. Hon Minister? [Interjections.]

Mr J W W JULIUS: ... [Inaudible.] ... on what Questions to answer.

The HOUSE CHAIRPERSON (Mr A J Nyambi): You can't respond on behalf of the Minister. Hon Minister?

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:

Thank you very much hon Chair. As you are all aware, we as members of the executive authority are of course guided by the executive code of ethics which, amongst other things, enjoins us to disclose any forms of sponsorship. We do disclosures annually and those disclosures are not a secret. They are publicised annually. So we do that.

Of course, if there is any sponsorship or if there is any financial assistance, we must disclose that as guided by the provision of our Ministerial Handbook but also as guided by the provision of our executive code of ethics. [Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, you are not going to be getting ... Hon Julius ... hon Julius, you are not special to hon Mokwele, hon Koni or any other hon member. We have come to the Question of hon Hattingh. [Interjections.] Hon Mokwele?

Ms T J MOKWELE: Chair, thank you very much for allowing me to rise on a point of order. I'm rising on a point of order in terms of Rule 245 until Rule 247 and its subsections that deal with Oral Questions in the House.

There is no rule that allows the Chairperson to deprive any member of any right to stand on a point of order, or to address the Chairperson ... and misleading statements made by the Minister, Deputy Ministers or any executive that is here to be accountable to us.

Chair, with due respect I am requesting that you ensure that the decorum of this House is intact. Allow members ... This is the only platform and the only opportunity that we have as members to hold the executive accountable. If we stand up on points of order make sure that you don't generalise.

Setswana:

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O seke wa re apesa ka kobo ele nngwe. Ga re bana ba motho a le mongwe, le fa rele bana ba motho a le mongwe ga re robale ka kobo ele nngwe, dikobo di a farologana. O seke wa re akaretsa mo ditshwetsong tse o di tsayang ka gone di ya go feleletsa di digile seriti le serodumo sa Ntlo e.

English:

I'm just appealing to you Chair. The Question that was asked by hon ... this one with the spectacles on ... is totally out of order because it addresses a totally different matter to the original Question. You were within your right to tell the member that that Question was irrelevant. We have never asked him to disclose his interests. We have never and we will never do that. Knowing that is not our baby. Our baby is with the Gupta family that is ripping our country and that is taking our resources out of this country. Please Chair.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele! Hon members ... No hon Nzimande. Hon members, I am happy because you even decided to quote a rule, and the rule book is here. There is nothing about what you are saying and what I'm doing, even if I can read the rules that you are doing.

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The second issue relates to follow up Questions. When hon Gaehler asked a Question with regard to OR Tambo District Municipality, you were one of those who made a follow up and you asked about the Free State. I had already made a ruling that if you are asking a Question that is not linked to the original one ... [Interjections.] You can't debate with me when I'm making a ruling. [Interjections.] No, you can't do that. Let me tell you what the rules say. The rules say that if you ask a Question that is not linked to the original Question, you leave it to the Minister to respond or not. It's not for me to say you can't respond. [Interjections.] We now come to Question 169 as asked by hon Hattingh. Hon Minister?

Question 169:

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:
Chairperson, Kgosigadi Kereeditse Lillian Gopane was duly recognised with effect from 01 May 2015. As a duly-recognised senior traditional leader, she was entitled to a monthly salary from the date of her recognition up to and including 28 February 2017.

Kgosigadi Gopane's recognition by the premier was reviewed and set aside by the court. The hon Acting Judge Hatje issued an order that the issue of succession be referred to the provincial Commission on

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Traditional Leadership Disputes and Claims. As you are all aware, this commission ceased to exist on 31 December 2015.

However, the matter should be referred to the Commission on Traditional Disputes and Claims as it was the one that delegated cases to the provincial committees. After engagement with the commission, the premier may establish a commission of enquiry in terms of the provisions of section 38 of the North West Traditional Leadership and Governance Act. This will, of course, accord an opportunity to investigate the matter as per the judgement.

With regard to question (b), yes, all High Court orders are implementable unless an appeal against them is sought. The department is yet to be furnished with a tax bill. Therefore, we are not in a position to disclose the figure now. I thank you, Chair.

Mr C HATTINGH: Hon Chair, let me thank the Minister for the response. Coming to my question, I must say that I am really perturbed by the Minister's admission that he is still learning, when he was confronted with the worst consolidated Auditor-General's Report on Local Government in this country's history. The reality is that, okay the Minister did not ask for this position and those people who were behind his appoint as a midnight Minister including

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the President got a motion of no confidence internationally, and even from the ANC nationally; so much so that the Minister had to be removed from his overnight position to where he is now. I thought he would be parked there for a period but unfortunately he wasn't. The reality is that the Minister admitted that he is still learning.

What we have here is failure and political mingling in traditional affairs and it has been going on for years, as you have admitted. It took two High Court orders to get the Premier of the North West province to rescind this position. Now, my question is: There is now a commission and we know that we get these commissions when anything thorny comes up and it continues for long. However, the said person is still driving along in the pre-election. Traditional leaders get pre-election vehicles. When will that vehicle be recovered? Will the money which was illegally paid - because the appointment was set aside - be paid back? When will the legitimate chief of the Bahurutse ba ga Gopane be appointed? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS: Hon House Chair, as I have indicated, all High Court orders are implemented unless they are challenged. Therefore, the information that the member is bringing about some of the tools of trade which the said elder or community leader is still utilising should be

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furnished accordingly so that we deal with it as expected. But then, on the issue of when this is going to be effected, we are indicating here that we will definitely engage the premier to ensure that he establishes a commission of enquiry. Remember that this is a provisional aspect which is catered for in the Provincial Traditional Leadership and Governance Act. Therefore, that advice will definitely suffice to make sure that the premier starts looking at this matter using the establishment of a commission to make an appropriate determination. Thank you.

Mr T C MOTLASHUPING: Hon Minister, thank you for the comprehensive answer that you have given. That was a very good answer. [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order, members! No, he is protected. Hon Hattlingh, please be silent.

Mr T C MOTLASHUPING: In terms of Act 108 of 1996, which is the Constitution of the Republic of SA, and the Traditional Leadership Governance Framework Act 41 of 2003, traditional communities are recognised and the state is obliged to respect, protect and promote the institution of traditional leadership in accordance with the dictates of democracy in South Africa.

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The then Premier of the North West province in 2013, the hon Thandi Modise, having been advised by the Commission on Traditional Leadership Dispute and Claims, made the following assertion:

Setswana:

Bogosi ga bo tlhophiwe, kgosi ya tsalwa.

English:

What she said means that chieftainship is not determined by elections but by birth. Hon Minister, having said that and all processes which unfolded in terms of the court action and whatever - where I grew up I read extensively about traditional leadership - are you convinced that the processes which were followed were correct and legal? Thank you.

The MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS:

Indeed, the processes followed were very much appropriate but I must indicate that, as a department, we are very much worried by the rate at which these claims are litigated and the costs related to the litigation processes. This is because the money which is used for these litigations can be put to better use to develop the sector. Indeed, we will still encourage the province to exhaust all the avenues in resolving this important matter.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, let me take this opportunity to thank the Minister for availing himself to deal with these questions. Thank you, hon Minister Van Rooyen.

Question 130:

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you very much, hon members, for your warm words of welcome but please, please allow the House to run smoothly. The hon Minister is now ... Hon Mokwele?

Ms T J MOKWELE: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Oh, alright. You are noted, but do you know what? You cannot raise your hand now. You need to wait for the hon Minister to respond to the first question. Then you may raise your hand. Continue, hon Minister.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chairperson, in relation to the question raised by the hon Monakedi, Resolution 1 of 2007 and Resolution 5 of 2009 of the Public Service Co-ordinating Bargaining Council introduced occupation-specific dispensations, the aim of which was to attract much-needed skills in the rural areas through improved salary scales. Therefore, special non-pensionable rural allowances are payable to identified

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occupations in the health fraternity in the Public Service, such as medical doctors and professional nurses, to stimulate recruitment and retention in the identified rural areas. Furthermore, the extension of these allowances to identified occupations in the social development fraternity in the Public Service, such as social workers and community developers, is currently being considered through the collective bargaining process.

Concerns have been raised about the high vacancy rate in the Public Service for quite some time over the years. As part of government's plan of action as you know it - the Medium-Term Strategic Framework 2014-2019 - departments are required to take steps to achieve and maintain a vacancy rate of not more than 10%. The Department of Public Service and Administration is currently monitoring the vacancy rate on a regular basis.

Through the National Development Plan, NDP, the government has also made infrastructure development a priority to achieve its aims. Since individual executive authorities have, amongst others, the powers and responsibility to recruit and appoint in their departments, I have, as recently as June 2017, approached, in writing, all executive authorities of national departments and the

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Premiers of provincial administrations that have not met said target to take corrective steps in this regard.

I want to assure you, House Chairperson and members, that we will continue to monitor the vacancy rate in future and engage further with departments as may be required. I thank you.

Mr M D MONAKEDI: House Chairperson, I thank the Minister for her response. Before I ask my follow-up question, I would like, for the record, to correct what is indicated on the Order Paper as my title. I am not an advocate, as yet. [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you for the correction. You may continue with your follow-up question.

Mr M D MONAKEDI: In terms of my follow-up question: I would like to check whether the Minister has further recourse in terms of dealing with situations in which the executive authorities, including the Premiers, are failing to meet their targets in terms of this particular issue. Thank you very much.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chairperson, there are, indeed, measures that have to be taken. We submit

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quarterly reports to Cabinet, in terms of Outcome 12. In terms of departments that are not complying, we normally report to Cabinet and that's where Cabinet takes corrective action. So, on a quarterly basis, those reports are submitted to Cabinet.

Ms T J MOKWELE: Chair, I am amazed that the hon Faith Muthambi is here to account when she is unable to account to the portfolio committee of Parliament.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele ... please, hon Mokwele, come up with your supplementary question.

Ms T J MOKWELE: I am within my two minutes. I am allowed to do what I am doing.

The HOUSE CHAIRPERSON (Ms M C Dikgale): No, you can't.

Ms T J MOKWELE: I have to.

The HOUSE CHAIRPERSON (Ms M C Dikgale): You can't.

Ms T J MOKWELE: Why ...

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The HOUSE CHAIRPERSON (Ms M C Dikgale): You have to come with a supplementary question.

Ms T J MOKWELE: No, no, I'm doing that!

The HOUSE CHAIRPERSON (Ms M C Dikgale): Please come with a supplementary question.

Ms T J MOKWELE: Yes, I'm doing that, and I have the right to do what I am doing, within my two minutes that is allocated.

The HOUSE CHAIRPERSON (Ms M C Dikgale): You can't. You don't have that right. [Interjections.]

Ms T J MOKWELE: Which rights do we have now if we can't speak?

The HOUSE CHAIRPERSON (Ms M C Dikgale): Come up with your supplementary question.

Ms T J MOKWELE: No, no. A supplementary question within two minutes. I must make a statement and then ask a supplementary question.

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The HOUSE CHAIRPERSON (Ms M C Dikgale): No. You see, you are coming with new rules ...

Ms T J MOKWELE: It is within my rights to do so.

The HOUSE CHAIRPERSON (Ms M C Dikgale): There is no Rule that will allow you to come with ...

Ms T J MOKWELE: We have been doing that. He has been doing that. He did that!

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele ...

Ms T J MOKWELE: He did that and then asked a question!

The HOUSE CHAIRPERSON (Ms M C Dikgale): That was a correction. It was not a statement.

Ms T J MOKWELE: No! But Chair ...

The HOUSE CHAIRPERSON (Ms M C Dikgale): You are saying you want to come up with a statement.

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Ms T J MOKWELE: Chair, I am within my two minutes. What I do with my two minutes has got nothing ...

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon member, come up with your supplementary question.

Ms T J MOKWELE: That is what I'm doing.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Please, continue.

Ms T J MOKWELE: I'm doing my supplementary question. I am saying the hon member here, the hon Faith Muthambi, failed to be accountable and failed to attend portfolio committee meetings to account ...

The HOUSE CHAIRPERSON (Ms M C Dikgale): That is not a question.

[Interjections.] Come up with a supplementary question.

Ms T J MOKWELE: You know, guys, I don't know what treatment we are getting in this House.

Setswana:

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Mma, ga re bana ba dikgora, le bana ba dikgora ba a letlelelwa go tsema mo ntlong. Re kopa gore re fiwe ... [Tsenoganong.]tlotlo jaaka mongwe le mongwe a fiwa tlotlo.

Sepedi:

MODULASETULO WA NGWAKO (Moh M C Dikgale): Mma Mokwele, ke go file sebaka sa go dira ...

Setswana:

Moh T J MOKWELE: ...tlotlo jaaka mongwe le mongwe a fiwa tlotlo.

Sepedi:

MODULASETULO WA NGWAKO (Moh M C Dikgale): Mma Mokwele, o filwe ...

English:

In terms of Rule 247, I have not more than two minutes. I have that. It is within my Rules, unless these Rules are only applied when a Chairperson wishes to do that. Please, give me a chance. You have distracted me, Chairperson. I want to address the hon Minister and ask her a question. [Interjections.] No.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Do that, Ma. Come up with a supplementary question.

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Ms T J MOKWELE: Please don't ...

Setswana:

... o se ka wa ntsene ganong, Mmmakgosi.

English:

The HOUSE CHAIRPERSON (Ms M C Dikgale): Please come up with a supplementary question.

English:

... with due respect. [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Continue, hon Mokwele.

Ms T J MOKWELE: [Interjections.] I never said anything! I was communicating. I was in dialogue with the Chairperson.

[Interjections.] I was in dialogue with the Chairperson.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Leave the hon Dlamini alone and come up with a supplementary question. Hon Labuschagne, I have noted you. Please take your seat, I have noted you. I will give you a chance.

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Ms T J MOKWELE: Hon Chair, through you: Hon Minister, how can you come here and pretend you care for South Africans, while being disrespectful of this Parliament?

Ms N KONI: No, don't laugh. It's not funny.

Ms T J MOKWELE: Your lack of respect is what you are showing now by laughing at members when they want to address you. That is a clear indication that you don't care. I think you know who will protect you, but time will tell.

You claim here that you are prioritising academics in terms of vacant positions. Yet, within 10 days of your appointment as Minister of this department, you appointed your friends and family. You weren't even able to come up with a substantive motivation as to why you appointed those people. My question to you, hon Mme Faith Muthambi ...

Setswana:

... ke gore, ke eng se o se tshepileng, se se dirang gore o nne le maatla a a go fetang tlhogo gore o nyatse dintlo tse pedi tsa Palamente? O dira jaaka o rata gape o tla tirong jaaka o rata...

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English:

Accountability is not there. How can South Africans trust you to lead them? When are you resigning as a Minister?

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, thank you very much. Hon Minister, there were so many questions asking, Why? There were also new questions. She asked three questions, so ...

[Interjections.] ... Hon Mokwele! Hon Mokwele, you can't do that. You can't do that.

Hon Minister, before you respond, I did recognise the hon member Labuschagne. I don't know if she still wants to raise what she wanted to raise. Hon Koni, please take your seat. No, no. Allow the hon Labuschagne to speak.

Ms C LABUSCHAGNE: Hon Chair, at that stage, I rose on a point of order. I wanted to point out there is a Rule that makes provision for two minutes to state a supplementary question. However, you allowed it at that stage, so it's been dealt with.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you very much. I am happy that you are trying to raise what I was saying. I said the hon

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Mokwele must come up with a supplementary question. Thank you for assisting us by reminding us about that Rule.

Hon Koni, it is time for the Minister to respond to the hon Mokwele.

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): No. You can only stand up on a point of order. What is the point of order?

Ms N P KONI: Chair, my point of order is: The former Chief Whip of this House is happily sleeping there. As a member and former Chief Whip, she should know better. I know you didn't recognise me earlier because you wanted her to wake up first. I saw it coming.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, I don't think what you are saying carries any weight because I never saw the hon former Chief Whip sleeping. [Interjections.] I did not see her sleeping and she is wide awake. Please don't disturb the House, hon Koni.

[Interjections.] That is not a point of order. She is totally out of order. Continue, hon Minister.

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The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chairperson, I was going to deal with the relevance of the question as a supplementary question, but let me attempt to deal with some of the questions that have been asked.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Order, hon Mokwele!

[Interjections.] Hon Mokwele, hon Koni ... [Interjections.] ... hon Mokwele, hon Koni, please. I am giving you a last warning. Please allow the hon Minister to respond to the question. This is your last warning. If you continue to do this, you can happily leave this House. Thank you. Over to you, hon Minister.

Question 130 (Contd):

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon House Chairperson, I want to dismiss all these allegations as raised with contempt based on the fact that I've never abrogated my responsibility of not coming to Parliament. I've been a Member of Parliament, myself, before I became a Minister. Therefore, I understand the role to account to Parliament. That is the reason why we are here to account to Parliament. On the other issues that are being raised, I think that they lack substance as well because the member is being just all over and not dealing with the substantive

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matters. Therefore, I reserve my right to comment on the other matters. I thank you.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Julius! Hon Mokwele, allow the hon Julius to come up with his follow-up question.

Mr J W W JULIUS: Madam, the Department of Public Service and Administration has researched on the causes of blockages in the filling of posts. I am sure you are aware of this, Minister. It provides the analysis that includes but not limited to the following: Firstly, political interference impact negatively on and contribute to delays in filling posts, this is impacting even worse on rural areas; secondly, the high turnover rate at executive interface; thirdly, constant chopping and changing of the members of executive council, MECs, and heads of department, HODs, that results in instability because of issues of trust and bringing their own people to departments; and lastly, Cabinet reshuffling that creates administrative instability.

Now, Minister, you are also reshuffled recently and you created your own instability in this department and another department. I am not convinced with your response with the first question. You are also guilty of these because you sidelined your chief financial officer,

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CFO, in your department. You also stripped off your director-general's, DG, office's power because you refused to pay your imbizos that you used for election hearing or alleged to be used in your election hearing. Do you agree with the research done by your own department? If so, what did you do to address this constant changing in public sector? Do you agree with this research that these things are impacting on the filling of posts because it is research done by your department, but you are also guilty of contravening or against this research? Therefore, do you agree or not? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon House Chairperson, through you to hon Julius, thank you for the follow-up question. I wish I could know what the charge that I'm guilty of is. Nevertheless, let me deal with this ... [Interjections.] ... there are no powers of the CFO that I've stripped off. That is number one. I've never stripped off any powers ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Julius! Hon Julius! Hon Julius, you cannot do that. You cannot debate with the hon Minister. Please, allow her to respond to your question.

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The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I've never stripped any CFO's powers off, neither have I stripped off any DG's powers. I think that I want to refer you to the provisions of the legislations because I believe that you are lawmakers and you must be able to read these legislations. If it is about the delegations that you are reading about in the newspapers, yes, the delegations are very clear on that one, maybe I will refer and employ you to go and read section 42 of the Public Service Act, in particular 42 (a) (1) and 42 (a) (6) and (7). It specifies clearly what it is all about delegations.

The DG, for instance, and the CFO have got powers in terms of the Public Finance Management Act and there is no evidence. They are here, they can even attest to themselves that I've never taken away any function that belongs to them in terms of the law. They are still performing their responsibilities in terms of the Public Finance Management Act and in terms of the Public Service Act. Powers that you are referring to that is within the law, powers that are delegated to the Minister in terms of the Act. Those are the powers that I'm busy reviewing because these are the powers that are entrusted to the Minister in terms of the Public Service Act. There is no power that has been taken away from any official. The officials are still performing their functions in terms of the

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Public Finance Management Act and the Public Service Act. It is the same with the CFO. There is no CFO who has been stripped any powers off.

Coming to the issue of the imbizo as you are raising to say that I've taken the powers from the officials because I'm busy politicking. There is no such. When I came into that department it has got the budget of over R5,3 million to do izimbizos. Those izimbizos are programmes of government and even our predecessors have been doing izimbizos. There is nothing wrong with us doing izimbizos. I want to say that I am not responsible for the procurement of any goods. In the department there is the Executive Council, Exco, that is chaired by the DG - members, the DG that sits there. There is also Management Committee, Manco, that is sitting there and all senior managers from directors upwards, wherein they are all dealing with matters of finances and budget. Therefore, there is also a budget committee that chaired by the DG monthly that meets and checks how we are appropriating the money. It is the responsibilities of all senior managers to make sure that the budget that is allocated to them is spent accordingly in terms of the Public Finance Management Act. Therefore, I want to assure you that there is no power of any official that I've ripped off. The

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officials are doing their work in terms of the law and in terms of their performance contracts.

Ms Z V NCITHA: Hon Chair, let me first appreciate the response by the Minister. However, what I would like to know, hon Minister, is there an integrated plan of government to deal with this issue of high rate of unemployment in rural areas, which is as a result of issues of infrastructure that are underdevelopment, because I am of the view that if you are to address that it cannot be solely the responsibility of your department alone. It has to be an integrated approach. Thank you, Chair.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Yes, hon member, you have raised a valuable genuine question and that is why we are saying that it is consolidated effort by both sector departments. It was a decision of this government to say that we need to attend also to the issue of the graduate recruitment skills. That is the other matter that we are dealing with, collaborating together with the Department of Higher Education and Training. Like you have indicated that when it comes to the issue of recruitment in terms of the Public Service Act; that is the responsibility of each individual department. Each executive authority is responsible ...

[Interjections.]

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Ms L C DLAMINI: I am very sorry, hon Minister. Hon Chair, I just want to check if it is parliamentary to refer on the physical appearance of members. This was by the two hon members behind me, hon Mathevula and hon Koni, referring to the hon Minister and hon Ximbi.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Dlamini, please take your seat. Can I check with the hon Ngwenya if what the hon Dlamini is saying really hold water? Did you refer to the hon Minister as hon Ximbi?

Ms B T MATHEVULA: Hon Ngwenya is there.

The HOUSE CHAIRPERSON (Ms M C Dikgale): The hon Mathevula, can we check with you?

Xitsonga:

Man B T MATHEVULA: A hi ntiyiso, Mutshamaxitulu.

MUTSHAMAXITULU WA YINDLU (Man M C Dikgale): U ri yini?

Man B T MATHEVULA: A hi ntiyiso.

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English:

The HOUSE CHAIRPERSON (Ms M C Dikgale): You did.

Xitsonga:

Man B T MATHEVULA: E-e, a hi ntiyiso.

MUTSHAMAXITULU WA YINDLU (Man M C Dikgale): A hi ntiyiso.

English:

Okay. Hon Dlamini, she is refusing Mme [Mrs]. Can you allow us to continue with the hon the Minister?

Ms L C DLAMINI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Unfortunately, hon Dlamini, we cannot go and request it to anyway because it was not on record. Hansard won't have anything. If she is refusing, there is nothing we can say. She is refusing.

Ms L C DLAMINI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): I asked her and she is refusing. She is saying "a hi ntiyiso" which means that it is not

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true. Take your seat, hon Dlamini. Thank you very much. You were out, please take your seat. Don't do what we are dealing ...

[Interjections.]

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Okay. Hon Koni, please take your seat. You were talking with the hon Ngwenya and immediately the hon member ... [Interjections.] ... sorry hon Mathevula. My apology hon Ngwenya! Immediately you see her rising up, you ran and I saw you leaving the House.

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Therefore, please keep quiet because you left the House. Keep quiet! Continue hon Minister. But they are refusing and there is nothing that I can do. Hon Dlamini, please. Hon Minister!

Ms T J MOKWELE: On a point of order, Chair. I can see that the hon Dlamini is contesting your ruling. Therefore, I'm requesting, Chair, that you make it clear to her that you have made a ruling and if ever she is not satisfied with your ruling, she knows what to do.

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you very much, hon Mokwele. I have made a ruling and we move on. Hon Minister, continue with the response. Try to lift the microphone ... [Interjections.] ... yes, thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon House Chair, I heard all what the hon members said while I am seated this side, and I should also substantiate what hon Dlamini has said. I'm listening to those members and I think it is your responsibilities as Chair to protect me also.

Ms T J MOKWELE: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Okay, hon Minister, I have ruled on the matter, please continue with the response. Please continue with the response, I have ruled. She stood up, we asked and they have refused. Therefore, there is nothing I can do because that is not on record. Please just continue with the responses and it is unfortunate that you did not hear them.

Ms N P KONI: You must answer relevant questions.

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, please ... hon Mokwele, what is the point of order?

Ms T J MOKWELE: I'm standing on a point of order, Chair.

The HOUSE CHAIRPERSON (Ms M C Dikgale): What is the point of order?

Ms T J MOKWELE: No, in this House we are not friends or families or doing each others favour ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): What is the point of order, hon Mokwele?

Ms T J MOKWELE: You know I'm coming there, Chair. I'm addressing you and you must allow me to address you because you have given the right to address you. I'm addressing you on the point of order.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Please address me on the point of order. Yes, on the point of order, please.

Ms T J MOKWELE: Hon Minister Faith Muthambi cannot stand up and also contest your ruling. You don't have to be a romantic or whatever

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towards her because you are from the same province. You must tell her the manner in which you are talking to me ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): But, hon Mokwele, you are totally out of order. Hon Mokwele, you are out of order.

Ms T J MOKWELE: I am in a point of order. The point of order ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): I have made a ruling.

Ms T J MOKWELE: The point of order ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): No, I have requested the Minister to continue with the response. What you are doing there you are out of order. You are out of order, hon Mokwele. Hon Minister, please continue with the response. I have made a ruling over the matter and there is nothing I can because what they were saying is not on record. That is how we deal with issues. Continue, don't listen to them. Continue with the response. Hon Mokwele, please take your seat. Hon Mokwele, take your seat.

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Ms T J MOKWELE: That is what you are doing. We are not family here. We are here to work.

Sepedi:

MODULASETULO WA NGWAKO (Moh M C Dikgale): Ke a ikokobetša le nna ngwanešo, dula fase. [Tsenoganong.] Ke a ikokobetša, dula fase. [Tsenoganong.] Ke bjalo ka wena, dula fase. [Tsenoganong.]. Mohl Mokwele, dula fase. [Tsenoganong.]. Mohl Mokwele, dula fase. Dula fase, Mokwele. Ge e be e le gore ga se ke bolele le Tona gore taba ye ba e dirago ga se yona, ke be ke tla go theeletša.

English:

... so I have ruled on the matter. There is no need. Why? Why? Hon Minister, continue.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, I was still talking about the graduate recruitment programme and also the issue of internship programme that is also an expectation on the part of local government to provide one. On our part also we have been given a responsibility to make adequate training experience for all public servants. Basically, that is what we are trying to say that at a long term perspective, there should be training for all public servants; hence you find the National School of Government in

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place to make sure solely to train all public servants in the Public Service.

Question 144:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, there are currently no directors-generals, DGs, who have been on suspension for longer than six months.

Based on reports from national and provincial departments, there are 108 officials that are on suspension for more than six months in the public service for the various acts of misconducts. Out of the 108 officials, four are in one national department and 104 are in provincial departments. The four officials on suspension at the national sphere of government are from Statistics South Africa. They are on suspension for the following acts of misconducts: Threatening and giving an ultimatum to the Statistician-General; for claiming against the department; for taking photos of minor children; and also for corruption.

At the provincial sphere of government, the breakdown of the numbers and acts of misconduct per province are as follows. In Free State we have got 37 officials. Their charges range amongst corruption and insolent behaviour, failure to comply with the act, assault, theft

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of state property, mismanagement of funds, etc;. When it comes to Gauteng Province, we have got five officials who are on suspension for more than six months. Their charges, amongst others, range from gross negligence and dishonesty, fraud, dishonesty and improper conduct.

The KwaZulu-Natal province has got 49 employees who are on suspension for more than six months. The charges range from fraud, corruption, sexual harassment, gross misconduct and others. In Limpopo, there is only one official who is on suspension for more than six months, who committed fraud. In the Northern Cape there are eight officials that are on suspension for more than six months. Then, in the North West province, there are four officials that are on suspension for more than six months.

Mr L V MAGWEBU: Hon Minister, I am glad with your response because in terms of the Public Service Commission Guidelines on Management of Suspension, those guidelines that were issued in 2002. Amongst many of those guidelines, the following has been stated on paragraph 3, and I hereby quote:

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The transfer or reassignment of duties, depending on the nature of the offence, should be given priority over suspension from duty to curb expenditure where salaries are paid to no service rendered.

It is in that spirit, Minister, which the statistics that you have given us, bear that: For more than six months, officials are suspended; and therefore paid sitting at home, sipping cappuccino and doing nothing. Yet, it is captured in your very own guidelines - issued by the Public Service Commission, that which reports to you - for the Ministry of Public Service and Administration.

These guidelines indicate that if there are allegations against these officials, instead of suspending them, they must stay gainfully employed whereby they will be reassigned new duties to curb expenditure.

Now, here comes my question. There are even directors today, and I want to mention a few quickly for you, just to remind you because you are being evasive on this: Recently on 12 June, the Department of Agriculture, Forestry and fisheries suspended a director-general. Today, on 12 September - after 90 days - this DG has not been reassigned. He is sitting at home, paid a whopping salary.

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Quickly again, through you Chairperson: In the Department of Water and Sanitation, Dan Mashitsho has been suspended, barely six months after taking the job. The list goes on and on! These are the officials that are not being reassigned but suspended. This is money, Minister, and I put it to you: This money could have been used to alleviate poverty and create more jobs. You are undermining your own guidelines that were issued and you are doing nothing about - typical of another ANC failure. [Time expired.] What is your response to that, hon Minister?

Ms T J MOKWELE: Even if the question comes for the second time, the answer is always the same.

The HOUSE CHAIRPERSON (Ms. M C Dikgale): Hon Magwebu, your time is expired. Please take your seat. No, you can't do that, hon Magwebu. Take your seat, hon Magwebu!

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Sir, I think I need to again reiterate what the Public Service Act says here that individual executive authorities are responsible - they have got the powers - to recruit and to also discipline staff. I agree with you on the issue that you have raised but the issue is this one. That is the weakness that we have also identified. [Interjections.]

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The HOUSE CHAIRPERSON (Ms. M C Dikgale): Hon Magwebu! Hon Magwebu, allow the hon Minister to respond.

Mr L V MAGWEBU: Magwebu!

The HOUSE CHAIRPERSON (Ms. M C Dikgale): Magwebu! [Interjections.] Hon Magwebu, please allow the hon Minister to respond to your question without any interference. Please! Over to you, hon Minister!

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I want to also indicate to the hon member that these are reports that the Public Service Commission submits to Parliament. You will remember that the Public Service Commission is a Chapter 10 institution. It is upon the incumbent of the hon member to also assist commissions so that when they make recommendations, they should be assisted to get them implemented. Where I am seated, I don't have authority over other executive authorities. That's within their purview.

However, what we trying to do, because we have seen there is a challenge: If you check now the standard set out in terms of the Medium Term Strategic Framework, MTSF, on Outcome 12, we have said we need to move from the 134 days of 2015, wherein we used to solve

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disciplinary cases, to 90 days. That is the standard that we have put in terms of the MTSF, though there is still a challenge because it still takes departments 120 days to finalise disciplinary matters.

Definitely, there are barriers that exist. For example, you find that employees themselves tend to submit sick notes to prolong the disciplinary hearing or the lack of investigative and facilitation capacity in some of the departments which delays the investigation. Of late also, there is usage of lawyers who are senior counsel, such that you need to agree with their diaries so that they are available. Then these prolong periods of disciplinary cases.

However, I want to say this: We view misconduct in a very serious light. That is why we have taken a decision as the Department of Public Service and Administration, DPSA, to put in a pool of experts in the department who will also assist other departments that don't have the capacity. We have got a pool of experts, like chairperson, investigators and employer representatives as well to address the challenge that the hon member is raising.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you very much, hon Minister. The hon Mokwele! [Interjections.] Hon Koni! Hon Koni, you

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are allowed to hackle but we don't want to hear what you are saying, please!

Ms T J MOKWELE: Chair, with due respect, I am reserving my supplementary question to the Minister, simply because that is nothing new that we got from the previous questions that we asked the Minister with regard to the very same issue on the table. If I not mistaken, when we engaged with Governance Cluster the last year, this question was posed by the very same political party in terms of suspensions. We got these numbers. I know the question was about numbers. I expected the Minister to give us a progress report on how the Department of Public Service and Administration is assisting those departments who have suspended their own directors and senior managers, but there is nothing. So, I am reserving my supplementary question because I know she won't be able to answer my question. Thank you very much.

The HOUSE CHAIRPERSON (Ms M C Dikgale): The hon member, Samka, over to you. The hon Mokwele is suspending her question.

Ms P C SAMKA: Hon Minister, is there any improvement on the turnaround time on finalising disciplinary cases of senior managers in the government department?

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The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: I think I must say, yes, there has been a lot of improvement. It is based on the fact that if you check currently, out of a turnover of DGs, it is only three departments in which there were cases. The one for Rural Development and Land Reform is finalised. Of the only two cases that are remaining: One is for Agriculture, Forestry and Fisheries; and another one for Water Affairs and Sanitation.

So, with the intervention that I have indicated earlier for bringing in a pool of experts, we have seen a lot of change based on the fact that in terms of the issue of disciplinary hearing of senior managers, it is being ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Sorry, hon Minister! Hon members from Mpumalanga, order please. Not all, okay; my apology. Hon Essack and hon Nyambi, please! [Interjections.] No, you can't discuss while the hon Minister is on the floor. Allow her to respond to the questions. Hon Essack, please keep quiet.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, as I was indicating, I think there is a lot of improvement when it comes to that, like I have indicated. The Cabinet, in terms of the MTSF, has now put 90 days as a standard for finalising disciplinary

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matters. Then, there is a lot of improvement based on the fact that department now are gearing towards improving to make sure that instead of targeting 134 days of turnaround time, it is now 90 days.

Departments are trying at all cost to endeavour that, then they could meet the 90-days deadline of making sure that disciplinary cases are finalised within that particular period. I have also indicated that the intervention by DPSA of having a pool of experts is assisting to make sure that is minimises the number of disciplinary cases that remain unfinalised.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you very much, hon Minister. Hon Essack, hon Koni, hon Dlamini, hon Mathevula, can I please request your indulgence. Please, hon members!

Ms T K MAMPURU: Minister, out of the 108 officials who are under suspensions as we hear from Statistics SA, I would like to know about the remaining 104, because when we go out and do oversight, the state of education and health is under a collapse. I would like to get that information. Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Indeed, as I have indicated earlier: In the Free State there 37 officials that are on

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suspension for a period of more than six months. Amongst them, there are officials from the Department of Education, of which some of the charges relate to misuse of government vehicles, poor performance, examination irregularities and unauthorised leave.

When you look to the figure of 49 employees in KwaZulu-Natal that are on suspension, also for a period of more than six months, you find that the majority of cases there are for fraud and corruption from the Department of Education as well as Social Development. Hence, I see why you concerned because the majority of officials that are suspended there are from the Department of Education.

Question 155:

The HOUSE CHAIRPERSON (Ms M C Dikgale): We are now moving to Question 155 asked by the hon Manopole. I have received a note that hon Ncitha will take over the question. [Interjections.] Oh! Hon Manopole? Okay. [Interjections.] No, no maybe she was out when I was receiving the note. Thank you for that clarity. Hon Minister?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair ...
[Interjections.]

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, can I take your point of order after the response?

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Can I take the address after the hon Minister would have responded to the question? Hon Mokwele, with due respect, please take your seat.

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, take your seat!

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, take your seat.

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, take your seat. Hon Minister, over to you.

Ms T J MOKWELE: [Inaudible].

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, Please ...
[Interjections.]

Ms T J MOKWELE: I'm assisting you ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, look behind you, maybe that is why the arrangement. The hon Manopole is out, that is why the arrangement.

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Maybe she was going to leave the House. That is why I am saying; please allow the hon Minister to continue with the question.

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, take your seat.

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, take your seat.

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Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, we are going to continue. Hon Ncitha, I have seen the hand of Manopole trying to show ... [Interjections.] Yes! She did that. You will take over the question of the hon Manopole. Continue hon Minister.
[Interjections.] Okay, hon Mokwele, I recognised you and said I will give you a chance to speak after the hon Minister would have said something.

Ms T J MOKWELE: Can you just listen to me for one minute?

The HOUSE CHAIRPERSON (Ms M C Dikgale): I will listen to you ...
[Interjections.]

Ms T J MOKWELE: No, no listen to me ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): ... I will give you two minutes.

Ms T J MOKWELE: [Inaudible].

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The HOUSE CHAIRPERSON (Ms M C Dikgale): I will give you two minutes, please take your seat. Hon Minister, continue. [Interjections.] Hon Mokwele, take your seat.

Ms T J MOKWELE: [Inaudible].

The HOUSE CHAIRPERSON (Ms M C Dikgale): Which is?

Ms T J MOKWELE: What you are just doing now ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): What is that?

Ms T J MOKWELE: When the question was raised, hon Manopole was in the House. She left the House because she was not ready to take the supplementary question ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): She delegated her responsibility to hon Ncitha. [Interjections.]

Ms T J MOKWELE: ... and there is no arrangement. [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Manopole has delegated her responsibility ... [Interjections.]

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Ms T J MOKWELE: There is no proper arrangement that has been done by the said member.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele?

Ms T J MOKWELE: That is why you took a decision not even noticing that Manopole is in the House.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, take your seat.

Ms T J MOKWELE: Chair, don't do that. I'm cautioning you, don't do that.

Ms N P KONI: You are going to jail!

The HOUSE CHAIRPERSON (Ms M C Dikgale): Please take your seat.

Ms T J MOKWELE: Don't do that. Don't do that, Chair.

[Interjections.] That is illegal. This question of Manopole must not be taken because Manopole was in the House ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Must not be taken?

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Ms T J MOKWELE: ... and you said it yourself that Manopole is not in the House. We made you aware that Manopole is in the House. You allow the Minister to answer the question when Manopole has left the House.

The HOUSE CHAIRPERSON (Ms M C Dikgale): I did not dispute that because ... [Interjections.]

Ms T J MOKWELE: So, what are you going to do? She is not here. You said she is not here when she was here. Chair, don't do that. Stop what you are doing. [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, allow us to continue. Continue hon Minister, Hon Ncitha will take a follow up. [Interjections.]

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, indeed, the question as raised by the hon member, the department's Annual Performance Plan 2017-18 highlights some challenges in achieving constructive relations between departments and between the spheres of government and reluctance to manage the system on a day to day basis which has created tension and instability.

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The Department of Public Service and Administration has a plan to deal with these challenges. The revised Public Service Regulations 2016 identified various gaps [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): I have clarified that and I am not going to allow you hon Mokwele, to continue like that. If you have a complaint you know what to do. Please keep quiet and allow the House to ... [Interjections.] Take your seat, hon member. Continue, hon Minister.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon House Chair, the revised Public Service Regulations 2016 identified the various gaps and we now institutionalising the strategies which the legal provision provides to work collaboratively with all line departments and provincial administrations to put in place a comprehensive organisational performance evaluation system for the public service.

The Department of Public Service and Administration has drafted and has currently consulted with national and provincial departments on the draft strategic framework on public administration norms and standards. This draft framework provides commonly accepted structures, processes and systems for the setting and prescription

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of minimum public administration norms and standards which measure conformity with specific requirements for public institutions.

The public administration norms and standards are to be applied across all spheres of government. Specifically, section 16(2) of the Public Administrative Management Act provides for the Minister to prescribe minimum norms and standards in so far as the promotion of values and principles prescribed in the founding provisions, and also referred to in section 196 of the Constitution of the Republic of South Africa. I thank you.

Ms Z V NCITHA: Chair, let me first say that it is unfortunate that the presentation by ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Sorry, hon Minister, please take your seat. There is a point of order. Hon Mokwele raised her hand first and then hon Essack will follow with a point of order.

Mr F ESSACK: But I was before her.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Can you take your seat so that we allow ... [Interjections.]

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Mr F ESSACK: I was before the member.

The HOUSE CHAIRPERSON (Ms M C Dikgale): No ... Hon Essack, please take your seat. Hon Mokwele, over to you.

Ms T J MOKWELE: Thank you for recognising me, Chair. With due respect, I am standing on my point of allowing a question from hon Manopole to continue in the House. May I please address you on this matter?

When you allowed the hon Minister to answer to the question, hon Manopole was in the House. Then you said there is an arrangement made for the question to be taken by hon Ncitha. We made you aware that hon Manopole is in the House; there is no way that an arrangement can be made because the hon member responsible for that question is in the House. That is why we allowed the hon Faith Muthambi to take that question.

As hon Faith was busy trying to answer the question, hon Manopole left the House because she was not ready. I then stood on a point of order to ask you not to allow the Minister to answer that question because the member responsible for that question has just left the

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House. You used the note that was given to you by someone we don't know.

I am appealing to you Chair, if you allow this - I don't care and I don't mind if you allow supplementary questions, you must listen to me carefully. If you allow it, you must know that we are also going to do the same. If you allow this question to go on in the House is not a problem but we are going to do the same and we will want you or any other presiding officer to take the decision that you have taken. Thank you very much. That is my submission House Chair, with due respect.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you hon Mokwele. Hon Essack, what is your point of order? [Interjections.] Okay, thank you very much. Hon Manopole did come back to the House and occupied a wrong seat, I could not notice because I had a note. On this basis, then let me take your point of order. I sustain the order. Hon Minister, I am not going to take follow up questions on this one. We will then continue. [Applause.]

Ms N P KONI: You listen to us, unlike the others!

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The HOUSE CHAIRPERSON (Ms M C Dikgale): You are not going to do that because now ... yes, we are ruling. [Applause.] Let's go on to Question 163. Hon members, please keep quiet. Please, hon Mokwele and hon Koni! We are now on Question 163, asked by the hon Chabangu.

Ms T G MPAMBO-SIBHUKWANA: Chair, sorry! Sorry, sorry!

The HOUSE CHAIRPERSON (Ms M C Dikgale): The hon member Mpambo-Sibhukwana?

Ms T G MPAMBO-SIBHUKWANA: May I address you, Chairperson?

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Minister, let me allow the hon member to raise her point of order.

Ms T G MPAMBO-SIBHUKWANA: I raised my hand, and you noted me for the supplementary question. When you addressed the EFF, made your ruling, and all that, it should not affect us. I had a follow-up question from the beginning on ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, you cannot do that. I am still listening to the hon member's point of order.

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Ms T G MPAMBO-SIBHUKWANA: Chairperson, you noted me. You nodded your head to show that you noted me for a supplementary question. Does this - what has happened with the EFF - affect my supplementary question? It is not fair. It is not fair! [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, don't respond to her point of order. I chair the session. Keep quiet, please. Are you done?

Ms T G MPAMBO-SIBHUKWANA: I am done, Chair.

The HOUSE CHAIRPERSON (Ms M C Dikgale): I made the specific ruling because the point of order is valid. So, the point is closed. We continue. [Applause.] Hon Minister, it is Question 163. She was not ... hon Mokwele!

Ms T J MOKWELE: You have taught us how to read these Rules! We didn't know them!

Question 163:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, the information at our disposal reflects that only three heads of department has been investigated for disciplinary reasons.

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, do you want to go out?

Ms N P KONI: No, Madam Chair.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Please, let's listen to the hon the Minister.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: The breakdown of the three is as follows. The Director-General of Agriculture, Forestry and Fisheries has been placed on precautionary suspension whilst being investigated for various charges. The Director-General of Water and Sanitation has been suspended pending various charges. The Director-General of Rural Development and Land Reform was found guilty on various charges of financial misconduct.

With regard to the recommendation - the other part of the question - no recommendation has yet been made regarding the Department of Agriculture, Forestry and Fisheries, as the investigation is still ongoing. On the issue of the Department of Water and Sanitation, no recommendation has been made as yet. The matter is still proceeding. I must report that the first hearing was held on 8 September, and the matter has been postponed to 30 October, as agreed to by both

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parties. With regard to the Department of Rural Development and Land Reform, dismissal was recommended, and the matter has now been taken to the Labour Court for review.

Mr M M CHABANGU: Chairperson, let me "irreterate" the fact that the Minister is hardly ever here. I am happy that today ...

The HOUSE CHAIRPERSON (Ms M C Dikgale): The hon Chabangu, please take your seat. There is a point of order. Hon Stock?

Mr D STOCK: Chairperson, on a point of order: I would like to know whether the word "irreterate" is parliamentary? Thank you.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Perhaps it was a slipperiness of the tongue. Continue.

Mr M M CHABANGU: Let me just explain.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Chabangu. I am in the Chair. I am responding to the point of order raised.

Mr M M CHABANGU: The suspension of heads of department for corruption and other forms of misconduct is necessary and must be

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pursued without fear or favour. However, we also know that most of these officials are mere ground forces of corruption. They follow instructions from their political principals - the same way Eskom and Transnet executives paid over large sums of money to the Guptas' companies and the same way Thokozani Magwaza was fired by Bathabile Dlamini for refusing to do Bathabile's groundwork in corrupting the SA Social Security Agency. Hlaudi Motsoeneng was protected by you, Minister. He is in a mess today because of you. In English, it is said that if the head is sick, the whole body will fester with sores.

What is your department's take on dealing with the source of corruption in the Public Service rather than just dealing with officials? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, chapter 13 of the National Development Plan deals with the issues the hon member raised, and then an interministerial committee has been established to prioritise the matter of corruption. I must also say that our department's role was to resuscitate the National Anti-Corruption Forum that ceased to exist in 2011. I want to report that we have since re-established ...

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Ms T J MOKWELE: It is not functional! You know that!

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele! No!

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: ... corruption forum, and it is working. We are also members of the anti-corruption interministerial committee. So, the department is hard at work, engaging and dealing with the matters. I thank you.

Mr O S TERBLANCHE: Chairperson, it was very difficult to keep track with what was said here, so I am going to ask this supplementary question: Minister, how many of these heads of department were formally charged for these disciplinary transgressions, and what was the outcome in each case? Thank you.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Minister, when it comes to issues of numbers, if you don't have them now ... you have them? Alright.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chairperson, as I have said, the question was about the number of heads of department to have been investigated for disciplinary reasons. I have reported that, according to the information at my disposal, this number is

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three. Then, I have reported that the Director-General of Rural Development and Land Reform was charged and dismissed, as the matter is now in the Labour Court in an attempt to have the dismissal set aside.

For the Department of Water and Sanitation, I reported that the disciplinary committee process has started. They sat on 8 September, last week Friday. They have dealt with all preliminary issues. The matter has been postponed for hearing, as per agreement by both parties, to 30 October. The other matter still pending is the matter relating to the Director-General of Agriculture, Forestry and Fisheries. On this matter, the director-general faces charges relating to misappropriation of funds and failure to comply with the Public Finance Management Act, as well as for insubordination in relation to suspending other department officials and contravening the Marine Living Resources Act. As it stands, the matter has been set down for hearing, and it will proceed.

Mr M KHAWULA: Chair, through you to the Minister: One of the processes you have referred to is in-house measures. I would like to find out in case of those who would be found guilty, especially where it relates to embezzlement of funds and similar issues, is

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there any intention to institute criminal charges and have those funds recouped? Thank you.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair and hon member, when you read, I think it is section 80 or 82 of the Public Finance Management Act, it gives the accounting officer the responsibility ... section 86. It talks about offences that can be committed and penalties. It also empowers the accounting officer. If there is any criminal act, you don't have to wait for the outcome of a disciplinary committee hearing. These are parallel processes that can take place on both sides. The issue is that it is also dependent on each and every accounting officer to say that whenever there are criminal officers, the accounting officer is empowered to open a criminal charge.

Nevertheless, there are also instances where, in the outcome of the disciplinary committee hearing, the disciplinary committee will recommend, in cases where no criminal action was taken against the employee, that criminal action be taken. Yes, it has to happen. I have attended another meeting of the anti-corruption platform where there were reports of people who were prosecuted for committing financial misconduct in terms of the Public Finance Management Act.

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Question 156:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, yes, in line with the functions as provided for in section 3(1) of the Public Service Act as amended, regulations and determinations have been made. The subordinate legal instruments and strategic framework are related to the following functional areas as also provided in section 3 of the Public Service Act. Firstly, it is the functions of the public service, the organisational structure and the establishment of the department and other organisational and government arrangements in the Public Service. Secondly, it is the condition of service and other employment practices for the employee labour relations in the Public Service and information management in the Public Service, electronic government, integrity, ethics, conduct and anticorruption in the Public Service. Thirdly, it is transformation, reform innovation and any other matter to improve the effectiveness and efficiency of the Public Service and its service delivery to the public.

The policy framework is intended to fulfil the provisions of section 197 of the Constitution whereby within the public administration there is a Public Service for the Republic which must also function and be structured in terms of national legislation and which must be

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loyal to execute the lawful policies of government of the day as required by section 195 of the Constitution.

Section 16 (1) of the Public Administration Management Act of 2014, mandates myself as a Minister to prescribe minimum norms and standards for minimum functional areas also listed in the Acts. The department has since drafted a strategic framework on public administration norms and standards and is currently consulting with stakeholders on its contents, application and appropriate organisational form of the proposed office of standards, compliance and also the technical assistance you need on the ethics and integrity within the Department of Public Service and Administration, DPSA.

The department is also currently reviewing the existing White Papers on Public Service and aligning them with both the 1996 Constitution as well as the social vision of the National Development Plan. We are also currently giving effect to section 195 (2) of the Constitution, wherein it raised the issue of principles to apply administration in every sphere of government. We are therefore currently addressing the national administration as the strategic centre of public administration and how it should be appropriately

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configured to give effect to the constitutional intention. Thank you, House Chair.

Ms Z V NCITHA: Chairperson, let me thank the Minister for the response. I would like to know from the Minister, what measures is the department going to introduce aiming at promoting ethical behaviour in the Public Service to ensure that we deliver quality service to our communities?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Chairperson, what we will do is to strengthen the implementation of the financial disclosure framework which requires senior managers and certain finance officials to disclose their interests. While the Public Service Commission scrutinises the declaration of financial interests of senior managers, individual departments will be required to analyse and take into account cases where there is possible or actual conflict of interest. The Public Service Regulations have also been amended to prohibit public servants from doing business with the state. The Public Service Regulations were further strengthened to address the financial disclosure framework, the designation of ethics officers and the management of other remunerative work by employees in the Public Service. I thank you.

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Ms B T MATHEVULA: Chairperson, does the department has any plans to pursue the establishment of minimum educational and qualification criteria for all employees of the department employed in technical, managerial or director positions?

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: House Chair, indeed, the department has guidelines to that effect. I thank you.

Ms T G MPAMBO-SIBHUKWANA: Hon Chairperson, it is good Minister that I hear you promising in true Afrikaans words "belofte maak skuld" [Promise makes guilt]. All these wonderful promises, but yet looking at the DPSA website it is very hard to ascertain if any work is being done by your department.

Hon Minister, there are four programmes that this department has been busy with for the past few years. First, is the African Peer Review Mechanism which had lasted up until 2015; second, is the Batho Pele programme which had lasted up to 2015; third, is the Public Service Research Forum which had lasted up to January 2015; and, fourth, is the Community Development that also lasted up to January 2015. This clearly shows that you really run your department where the nucleus structure is lax without any change or improvement in our people's lives. I want you to make another promise. Today,

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what do you commit to undertake to reverse this dire trend that is prevailing in your department? Thank you, Chairperson.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon member, you are very spot-on on the issues and these are the issues that we have picked up as we joined the department. I must say upfront that I have since directed the officials with regard to the Community Development workers to develop the programme. You are very right that is where these projects ceased to exist. We have also prioritised the filling of critical positions on all these aspects that you have indicated.

Regarding the Batho Pele principles, that area has also been delegated to the Deputy Minister. This is what we do almost on Fridays. Each of us, the Deputy Minister in particular, must make unannounced visits to service delivery centres to check whether people are adhering to the Batho Pele standards. As I have indicated earlier that we are also busy reviewing the White Paper on service delivery on Batho Pele to also align it with the National Development Plan, NDP, vision. When you check, the NDP vision talks about public servants who are committed to serve the nation, and when they serve they contribute to the people's taxes. We also want

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good clinics and hospitals. We are only able to do that if we have public servants who are responsible to that call.

On that one I must say that there is a plan. These are the issues that we are prepared to share with you as we present our annual report when we come to Parliament - the progress we are making regarding the four programmes. I am very excited that you have picked up the critical programmes that have not been implemented lately by the department. I thank you.

Mr M KHAWULA: Chairperson, I also would like to commit the Minister to another promise. Another area which is a challenge, which the chairperson of the Select Committee on Education also knows, is in respect to the lecturers in technical vocational education and training, Tvet, colleges where another streamlining has not successfully taken place. This has been going on for more than five years. Some of the protests and instabilities we have in the Tvet colleges are due to this issue of the conditions of service which has not yet been streamlined in the Tvet colleges. Can the Minister also commit to that one because it is really very unfair that they do the same work but the pay packages and the conditions of service are not the same. They have not been achieved up to this day. Thank you, Chair.

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The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon member, you are very right. That is the matter which we are engaging with the Minister of Higher Education and Training. The other issue of late that I would share with the hon member is also the issue to say which trade union organised them. Is it the teachers' organisation or the other workers' organisation. To that effect now there is a court judgment that will be implemented and it also provides clarity. In terms of this matter I will be able to give its progress report when we come for annual report. This is the other matter of priority that we are engaging with the Minister of Higher Education and Training so that we close it. Thank you.

Question 170:

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon House Chair and hon member, firstly, it should be noted that the Code of Conduct for public servants as per Public Service Regulation in Chapter two, deals with all these matters as raised. It requires of public service employees only to act on lawful instructions. In particular, regulation 11(a) calls for public service employees to be faithful to the Republic and honour and abide by the Constitution and all other laws in the execution of their official duties. Regulation 11© also requires public servants to loyally execute the lawful policies of the

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government of the day in the performance of their official duties. Regulation 11(d) in particular requires public servants to abide by and strive to be familiar with all legislation and other lawful instructions applicable to their conduct in their official duties.

Therefore, in the event of a public service employee who is tasked by any person including a Minister to perform any illegal activity, that employee has the right to inform the requesting party that the activity is illegal. You can't take an unlawful instruction. The employee should do this in writing and in cases where it deals with financial implications, there is Section 64 of the Public Finance Management that applies. This section of the Public Finance Management requires that the accounting officer must promptly file a copy of the document of that unlawful instruction to the National Treasury and the Auditor-General, and if the provincial department is involved, then that should be lodged with the provincial treasury.

In essence what we are saying is that there is no Minister who is entitled to give an official an unlawful instruction because public servants are expected to do lawful things in terms of the law. I thank you.

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Mr J W W JULIUS: House Chair, I think that I agree with the Minister that no Minister will be entitled to that but it happens. It doesn't mean that the law says it cannot happen; it does not happen. It happens. Most, if not all of the reported irregularities in this department obviously came from officials, from the inside and these includes the family members that travelled to Cape town where they spent almost half a million, the 27 support staff that was hired, the Minister's uncles, cousins and even the daughter of Hlaudi Motsoeneng as an administrative assistant. The stripping of powers of the DG that is what they say. These officials are safeguarding our tax money, they are faithful law abiding citizens. They want this department to work. I want to know from the Minister, will the Minister commit not to purge these faithful public servants and also investigate these allegations? Thank you.

Mr W F FABER: Straight question; straight answer.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Faber, no.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Houser Chair and hon members, it is very true what the member is saying. Nobody is going to be purged but I think I need to set the record straight here, given the opportunity. Firstly, the issue of the structure,

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there is an approved structure in the department which also the predecessor utilised before I joined the department. I did not go beyond the structure. If you read the Public Service Regulation, section 65 it is very clear. I believe that all colleagues will agree, you have never seen a position advertised for the ministerial support staff. This is done in terms of section 65 of the Public Service Regulation, which is also gazetted. What is of interest on the same matter is that that matter is processed through administration. I am at the receiving end at the end.

Coming to the issue of the family members or whoever I transported, I have no doubt that all of you here are Members of Parliament and that you are also catered for. You have the so called Parliamentary related travel expenses, I have been a Member of Parliament and I have never abused that but I think that I will implore you to also go and read chapter three of this Ministerial Handbook (9.9.1). It is very clear on these benefit because the tickets that I used ...
[Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): No, hon Mokwele.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: ... are called privilege tickets in particular when you read chapter 3 (9.1.2) in

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the Ministerial handbook. It is very clear that I have 30 tickets that I can utilise. These are the tickets that each and every Minister utilises to bring guests to Parliament. So, I did not go beyond that. Apart from that, as we have indicated, section 38 (2) of the Public Finance Management Act gives the accounting officer not to commit a department to any liability for which money must not be appropriated. Earlier we have dealt with the issue of section 64 on the duty to report.

There is a report that the Director-General has issued when we saw those media reports to say was there any wrong doing? I have a report in hand, I never sit and approve any budgetary allocation, it is not within my purview. If there was any wrongdoing, then by now that matter would have been reported to the relevant authority. It is good but I do not know what was the intention of the whistleblower on that matter but I think it is very worrisome because ... [Interjections.]

Mr W F FABER: So you admit ...

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Faber, even if the truth hurts, please listen. Listen to the hon Minister.

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The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: ... the department is the custodian of this Ministerial handbook and I will implore hon members of Parliament to go and read that.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you very much hon Minister for clearing that. Hon Faber unfortunately I do not have a space for you to come up with a follow-up question, so I am not going to allow you to raise a question whilst you are seated there. And I am not going to give you a chance to speak because this is a time for hon Mokwele, please.

Ms T J MOKWELE: Chair, you know, sometimes when you seat here and listen to responses from Ministers, especially Ministers like the hon faith Muthambi, you ask yourself a question ...

Setswana:

... gore a fa batla kwano go tla go araba dipotso, a ba nagana ka tsona pele ...

English:

... because we know very well that officials are oppressed by political leaders. They give officials illegal instructions to implement, we are aware, some of us were officials before we came to

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Parliament. We know how you operate. You know why the swimming pool was called fire pool by the Minister. We know why the SABC is where it is today. We know why the Gupta jet landed in Waterkloof, we know why those traffic officers ...

Setswana:

... le gore ba ne ba eteletse ba rra Gupta kwa pele.

English:

We know the instructions given and you come here as a Minister and tell us about the legislation that you know you do not respect. We acknowledge the legislation that is there, but you know very well Minister that you do not respect ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, my apologies ... [Interjections.] ...

Ms T J MOKWELE: What is the commitment that you do as a Minister that will make sure that you advise your colleagues that they do not give officials illegal instructions? Thank you.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Minister, most of the comments were an attack to you, but I am going to give you an

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opportunity to respond to what she said as well as the question.
That was an attack.

The MINISTER OF PUBLIC SERVICE AND ADMINISTRATION: Hon House Chair, truth be told, you might know that but the reality is that there was a question that I answered and I believe that I have answered it fluently in terms of the law. I indicated that if there is any official that gets a situation like you have experienced, hon member, whilst you were still an official, you could have then reported it because you are covered by the Public Finance Management Act report whoever is giving you that ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon members, hon Koni and hon Mokwele, my apology hon Minister. Hon Koni and hon Mokwele, why are you attacking the Minister? You were supposed to allow her to respond but you are not giving her that chance. Hon Mokwele if you want to leave then leave the House in peace.

Ms T J MOKWELE: [Inaudible.]

Ms N P KONI: [Inaudible.]

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The HOUSE CHAIRPERSON (Ms M C Dikgale): I see she is packing and she is disturbing the House. I did not allow you to speak hon Mokwele. [Interjections.] I did not give you a chance to speak. Hon Koni, hon Faber please wait. Yes, I have recognised you hon Koni.

Ms N P KONI: Chair, hon Minister, I am going to ask you a very short question and I expect you to answer faithfully so. Did you as the Minister of Communications show or inform anyone discussions and decisions occurring in the Cabinet?

The HOUSE CHAIRPERSON (Ms M C Dikgale): It looks like a new question. Before you come in hon Minister, let me recognise the hon Motara.

Ms T MOTARA: Chair ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Yes, it is a point of order ... [Interjections.] ... you are not seeing her lips.

Ms N P KONI: [Inaudible.] I am reading her lips here.

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The HOUSE CHAIRPERSON (Ms M C Dikgale): I am reading her lips here. Hon members, I am read your lips when you speak. Hon Motara, over to you.

Ms T MOTARA: Chair, the question we are dealing with today are to the Minister of Public Service and Administration and I do not think the rules allow for questions to be asked retrospectively when a Minister was in another department or responsible for another department. So, questions must only be asked to the Minister of Public Service and Administration. Thank you.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Order hon member! Hon Koni ... [Interjections.] ... hon Koni please take you seat I am addressing you.

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): No, I am addressing you on the follow-up question that you just raised to the hon Minister. Take your seat.

Ms N P KONI: [Inaudible.]

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Take your seat! Take your seat, hon Koni! Hon Koni, Take your seat! Well, I was going to say that the hon Koni knows very well that that is a new question but it is to the Minister. If ever the hon Minister will be able to respond to the question, but truly speaking, that was a new question. Hon Minister, over to you. [Interjections.]

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): You accept my ruling? Then take your seat. I said hon Koni because I wanted to address you.

Ms N P KONI: But I do not agree with that.

The HOUSE CHAIRPERSON (Ms M C Dikgale): It is a new question.

Ms N P KONI: It is not, Chairperson.

The HOUSE CHAIRPERSON (Ms M C Dikgale): You know very well.

Ms N P KONI: I know which core you are in, that is why you are protecting her.

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The HOUSE CHAIRPERSON (Ms M C Dikgale): No, you see now, you are becoming out of order. It is totally out of order. Let us check with the Minister if she is ready to respond to that question. Take your seat. You see now, most of you are standing and the rules do not allow that. Thank you very much. Hon Mokwele what is your point of order?

Ms T J MOKWELE: The point of order that I am standing on is with respect to what the hon Motara has just said.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Ah, now you are out of order.

Ms T J MOKWELE: I am requesting you to rule on the matter because the rule that she and other members of the ANC mentioned that it deals with the formatting of questions. You mentioned Rule 91, it is not the proper rule that they had too. [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): She is protected, hon members, allow her to say whatever she wants to say.

Ms N P KONI: Call them by their names because you also call us.

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Ms T J MOKWELE: I am not scared of you.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, allow the hon member to finish what she is saying. [Interjections.]

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, hon Koni ... you are disturbing us. Continue hon Mokwele.

Ms N P KONI: I will end up ... [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, allow the hon Mokwele from the EFF to finish what she is saying. Hon Mokwele, please finish.

Ms T J MOKWELE: Thank you Chair, I am requesting that you rule on the matter that was raised by the hon Motara. It is within your right as a chairperson to allow the executive ... [Interjections.] ... I do not know what you are saying there with your table, but whatever you are saying I think it doesn't concern what I am ... [Interjections.]

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, I have ruled on the matter. I have ruled on the matter. Hon Mokwele, you heard me when I ruling on the matter I even asked the hon Minister ...

[Interjections.] Listen hon Mokwele. Hon Mokwele! [Interjections.]

Hon Mokwele, if you are quoting the rules ... [Interjections.] Hon Mokwele, you are irrele... [Interjections.]

Ms T J MOKWELE: It is questions and answers.

The HOUSE CHAIRPERSON (Ms M C Dikgale): I am not going to allow that hon members. I see members are standing on their feet and it is time for the hon Minister to give a response on the new question that was raised by the hon Koni. [Interjections.]

Ms N P KONI: It is not a new question.

The HOUSE CHAIRPERSON (Ms M C Dikgale): It is a new question but it is over to her. Please take your seat.

Ms N P KONI: You have already concluded.

Ms T J MOKWELE: Did you inter... [Interjections.]

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Please go out. Hon Mokwele, go out of the House. Hon Mokwele, you are not ready to ...

[Interjections.] Hon Koni, please take your seat. Nobody asked you to speak. I have noticed you hon member, please take a seat and let me deal with the hon Mokwele first. Let me talk to her first.

Hon Mokwele, the hon Motara rose on a point of order and I ruled on it. I said that it is up to the hon Minister to see to it that ...

[Interjections.] ... can you take your seat, I am addressing you.

[Interjections.] I am not off ramping.

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Now it is a debate. You are now debating, hon Koni. You are now debating. Hon Koni, please go out.

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, firstly I did not allow you to speak, you are interrupting, please hon Koni, go out. Go out, hon Koni.

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Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): No, nobody allowed you to speak.

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): You apologise and you keep on speaking.

Ms N P KONI: I am down and out.

Mr A J NYAMBI: We are all Members of Parliament.

Ms N P KONI: Yes, we are, all of us.

UNIDENTIFIED MEMBEER: You are making this about ...

Ms N P KONI: No, but wena with your ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, you are to apologise and continue.

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Ms N P KONI: ... he said you will beat me. It is because I am a child he will beat me? He must come now.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni.

Ms N P KONI: Let him come, let Mfundisi come.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Koni, what you are doing is totally out of order. It is totally out of order.

Ms N P KONI: Is it because I am a child? There is no child in this House.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Yes, there is no child. You were supposed to rise on a point of order. Hon Mokwele, can I allow the hon Minister to respond.

Ms T J MOKWELE: With due respect sir, I have been respecting you from the beginning.

The HOUSE CHAIRPERSON (Ms M C Dikgale): I also respected you.

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Ms T J MOKWELE: And what I am doing, I have never ever disrespected. You see now, you see.

The HOUSE CHAIRPERSON (Ms M C Dikgale): What is the problem?

Ms T J MOKWELE: It is fine. I have never disrespected your ruling and I am requesting Chair, with the rights and powers that you have as a chairperson sitting on that chair, to make sure that you take proper decisions.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Can you also ... hon Mokwele ...

Ms T J MOKWELE: I am still ... with due respect chair. I have been respecting and I am also asking you with due respect to allow me ...

The HOUSE CHAIRPERSON (Ms M C Dikgale): I have heard you hon Mokwele, can you take your seat.

Ms T J MOKWELE: ... to allow me to speak and then after speaking.
[Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): You spoke hon Mokwele.

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Ms T J MOKWELE: But I am not done with my submission chair.

The HOUSE CHAIRPERSON (Ms M C Dikgale): You are repeating.

Ms T J MOKWELE: Please can you allow me to finish the last sentence that I want to say to you.

The HOUSE CHAIRPERSON (Ms M C Dikgale): One second.

Ms T J MOKWELE: Thank you very much. I am saying to you chair, with due respect that as the EFF members in this House ...
[interjections.] Am I protected?

The HOUSE CHAIRPERSON (Ms M C Dikgale): You are protected. I am listening to you.

Ms T J MOKWELE: But you must tell them to keep quiet.

The HOUSE CHAIRPERSON (Ms M C Dikgale):

Continue hon Mokwele.

Ms T J MOKWELE: But I can't hear myself

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The HOUSE CHAIRPERSON (Ms M C Dikgale): I hear you, you are on the
...

Ms T J MOKWELE: Can you allow ANC members to keep quiet.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, please go out.

Ms T J MOKWELE: For what?

The HOUSE CHAIRPERSON (Ms M C Dikgale): You are tired. You are tired
hon Mokwele.

Ms N P KONI: No, you mean you are the one who is tired.

Ms T J MOKWELE: Chairperson, Chairperson, with due respect can you
allow ANC members to be quiet. Chairperson, can you allow ANC
members to be quiet because you have given me the right. Hon Lewis
does not have the right to speak. Lewis doesn't have the right to
speak.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, can I be
assisted to take the hon Mokwele out. [interjections.]

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Ms T J MOKWELE: Louise doesn't have the right to speak. Lewis cannot address you, he has pointed me. [Interjections.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Lewis, please take your seat. Hon Nzimande, take your seat

Ms T J MOKWELE: Who recognised Nzimande. Who recognised this illegal member? Who recognised this illegal member to speak? Who allowed you that? You gave me the chance ...

The HOUSE CHAIRPERSON (Ms M C Dikgale): And you are abusing the chance given.

Ms T J MOKWELE: ... and you have never me a chance to talk.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Please go out.

Ms T J MOKWELE: It is fine Chair, that is what you are good at.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, you are also good at disrupting the House. We are not going to allow you. The hon Mokwele is refusing to go out. Can I ... Okay, thank you very much for going out. I am not going to allow anybody. [Interjections.]

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Ms T J MOKWELE: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, then leave the House in peace. Can I allow the hon Minister to respond to the question.

Ms T J MOKWELE: They will never touch my blood, never ever.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Mokwele, you are out. You are no longer in the House. You are out. Please go out Hon Mokwele.

Ms T J MOKWELE: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Minister, say whatever you want to say in the mic, please. Did you respond to that question? [Interjections.] Okay, the last person to rise on a point of order was the hon member Makwebu and he is now out of the House. I did not receive an indication ... [Interjections.] Hon member you want to rise ... do you have a response ma?

Ms L L ZWANE: No, I do not have a response. I am rising on a point of privilege.

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The HOUSE CHAIRPERSON (Ms M C Dikgale): Point of privilege?

Ms L L ZWANE: Yes.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Okay.

Ms L L ZWANE: I mean the House has actually degenerated into chaos. All of us here are public representatives and the public is looking at what is happening in Parliament. We cannot allow a situation where everybody is speaking at the same time, shouting and you can hardly hear the responses. We can hardly hear the points of order because everybody is raising a point of order at the same time. This kind of chaos is going to cost us a lot to the viewers. We really implore hon members to behave in a manner that is becoming of hon members.

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you very much hon member.

Ms N P KONI: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): No, you can't do that hon Koni. No, I cannot allow that debate. Please take your seat. Take

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your seat hon Koni! I did not allow you to speak. Hon Koni, we are not going to allow that. [Interjections.] Okay, we are done.

Actually we are done with the responses and I really want to take this opportunity. I am not going to allow anybody to speak now. I am not going to allow anybody to speak, hon Chabangu. What the hon Zwane was saying really carries weight and we need to respect what she said.

Hon member from Limpopo please take your seat. Hon members, I really want to take this opportunity and thank those who wanted to disrupt the House, because their intention was to disrupt this house and I want to thank them and request them that next time let us make sure that we keep the decorum of the House. This is not correct.

Thank you hon Minister for responding very correctly to all the questions raised and you even went to the extent of responding to new questions. Thank you very much for that. There was a serious attack but you were so cool in responding to everybody who was raising that. Thank you very much mama, even next time when you are requested to come and respond to questions please continue to do that. On a lighter note, I know you read your books; you are even a lawyer, so there is nothing difficult to you. This House is adjourned.

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Debate concluded.

The House adjourned at 17:27

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