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*PROCEEDINGS OF THE NATIONAL ASSEMBLY*

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The House met at 15:03.

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

**MINISTER OF PUBLIC ENTERPRISES BOOKED OFF SICK**

(Announcement)

The SPEAKER: Order, hon members. I have today received a letter from the Minister of Public Enterprises with regard to questions that are standing over on today's Question Paper. The Minister has been booked off due to ill health ... [Interjections.] ... from 24 November until 14 December. She will not be in the House to attend to the questions.

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While the Rules provide that the Minister may authorise her Deputy Minister or another Minister but due to the nature of two of the questions to deal with them personally, she would need to be here herself. This is according to her letter dated 22nd November.

As this is no longer possible and as today being the last question session in this annual session of the National Assembly, the replies will be tabled in writing in accordance with Rule 143(1). The additional 30 minutes set aside to respond to the questions will therefore fall away.

Mr T RAWULA: On point of concern, as the EFF, we think that the Minister of Public Enterprises' excuse must be investigated because ...

The SPEAKER: No, hon member. Hon ... [Interjections.]

Mr T RAWULA: ... we don't think that the apology or the sickness is real. We think that it is a fake given the fact that ...

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The SPEAKER: Hon member, there is no basis for that comment because I have read to you the Minister's letter and a medical certificate is available ...

Mr T RAWULA: We don't trust it. We don't think that it is real. Thank you very much.

The SPEAKER: No, hon member, that is not acceptable.

Question 330:

The MINISTER OF PUBLIC WORKS: Madam Speaker, the Department of Public Works carries the mandate to amongst other things, provide residential accommodation to members of the national executive. In this regard, the department applies and adheres to section 38(a)(b) of the Public Finance Management Act, Act 1 of 1999. These includes valuations associated with property acquisitions as per section 6(1)(2) of the Land Affairs Act, Act 101 of 1987. Thank you very much Madam Speaker.

Dr M J FIGG: Hon Speaker, the DA finds this extravagant spending by the Department of Public Works insulting to the ordinary

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people, of whom 9,4 million are unemployed and struggling to survive in this tough economic environment.

Outside of spending large sums of ministerial residences, it was revealed on Sunday reports that the Department has bought a Mercedes Benz GLE 350d at R1,23 million ... [Interjections.] ... and a Toyota Land Cruiser 200 at R1,26 million for use by yourself and your Deputy. Clearly, the department has little regard for the plight of ordinary South Africans. The question is: How can you justify spending R2,49 million on transporting you and your Deputy and how would the department reduce the overall costs associated with the bloated prestige portfolio of ministerial residences? [Applause.]

The MINISTER OF PUBLIC WORKS: Madam Speaker, I would basically split the follow-up question into two: Firstly, the part Dr Figg raised is about what legislative provision are we relying on in providing for ministerial residences and that has been clarified with regard to what the legal instruments are that we rely upon; and secondly, it's about transport and how much was spent on it,

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and that belongs to another question as opposed to this particular question. Thanks very much Madam Speaker.

Mr M N PAULSEN: Hon Speaker, one of those vehicles is going to the pseudo communist ... Minister, the EFF has always said that Parliament ... Speaker!

The SPEAKER: Please proceed!

Mr M N PAULSEN: I am just hearing noise here. The EFF has always said that Parliament should be moved to Pretoria as there should only be one centre of the government to save costs. It will also mean that Ministers only need one residence. Has the Minister's department conducted a feasibility study to see how much money would be saved if Parliament was to move to Pretoria, if not, why have you not done it? Thank you very much.

The MINISTER OF PUBLIC WORKS: Hon Speaker, much as that question belongs somewhere else, I suppose, but just to indicate that, indeed, we will agree with you that there will essentially be a saving as and when you had to move Parliament and concentrate it

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in one particular city of the country. It is a given. However, as the Department of Public Works, we are currently engaging with a number of different stakeholders with regard to that very same question. As and when we are ready to come back to Parliament and the public at large to report, we will certainly do so. Thank you.

Mr K P SITHOLE: Hon Speaker, and to hon Minister, it seems as if Public Works is the least concerned about being conservative with its budget - topping the list once again on the cost of new vehicles purchased for its Ministry as was reported in the *Citizen* on Monday, this week. My question to you Minister is: How much is spent on hotels and other rented accommodation for Ministers who are awaiting residence and how much is spent on refurnishing these homes for the new Ministers given the high turnover of ministerial appointments by the President this month - this amount must be extremely high? Thank you.

The MINISTER OF PUBLIC WORKS: Madam Speaker, I would request the hon members that if we want to be relevant and deal with the actual issues, let's then have the correct questions posed. The

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question before us is completely different from what hon Sithole has just raised and I would love to respond to it but do so comprehensively. So, I would suggest that at another given point in the sitting of this particular House, you come back with that question, sir. Thank you.

Mr M HLENGWA: Madam Speaker!

The SPEAKER: The hon Adams.

Mr M HLENGWA: On a point of order!

The SPEAKER: What is the point of order?

Mr M HLENGWA: With all due respect to the Minister, I do not think that it is a new question. For him to try and defer it onto to the member and say that the member must come back, I don't think that it is correct. Hon Sithole has posed a question that arose out of the question posed to the Minister. What he should be saying is that I don't have the information now, I can submit it later. Throwing it back to the member, I think is

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incorrect and I think Madam Speaker, you must protect members when asking questions because hon Sithole's question arise out of the question that has been posed.

The SPEAKER: I am going to ask the table to look into the extent to which it is true that it arose out of the answer or the original question and will come back to that issue again.

Mr F ADAMS: Hon Speaker, to the hon Minister, I wanted to find out whether you can confirm that when the estate agents hear that prestige unit in your department is looking for properties, the prices escalates immediately. Can you confirm that please?

The MINISTER OF PUBLIC WORKS: Madam Speaker, I have heard of this particular allegation. I don't know the extent its truth and its validity, it does remain to be seen, hon member. So, I would want to leave it at that for now. Thank you.

Question 338:

The MINISTER OF TRANSPORT: Speaker, the e-toll debt has not been written off and there is no intention for now to write off this

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debt. Sanral has applied accounting treatment principle to the debt, classifying the debt according to recoverability and thus incurring R3.6billion of the debt.

The e-toll scheme will not be scrapped based on impairment. Any decision on the future of the Gauteng Freeway Improvement Project, GFIP, and e-tolls will be taken by Cabinet. I thank you.

Mr T E MULAUDZI: Chair, people are not paying e-toll fees. People have rejected e-tolls and they have mobilised against government to reject the e-toll policy, it is not only EFF supporters doing this but also supporters of the ANC, DA, IFP and PAC. Why is government forcing e-tolls on South Africans who clearly do not want them? I mean people do not want them and you claim to be representing the will of the people and people are demonstrating in numbers that they do not want these e-tolls they are meant to basically rob the people, so we do not want e-tolls. Why are you insisting on them?

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The MINISTER OF TRANSPORT: Speaker, there are benefits to GFIP in the first instance: It has reduced the travel hours; millions of travel hours are saved thereby improving productivity and living conditions; improved incident management and; medical attention at incidences. The Gauteng Freeway Improvement Project has also unlocked a huge development opportunities such as the Waterfall City Mall, Mall of Africa, Lynwood Bridge and Menlyn road. So, you should not come here and talk fiction. You know the benefits of this project to the people of Gauteng and South Africa in general. [Interjections.]

It is unfortunate that the whole Chief Whip of the Opposition is encouraging people to default. [Applause.]

How can we have a lawmaker who become and instigator of people not to pay for e-tolls. [Interjections.]

The SPEAKER: Order. Order hon members!

The MINISTER OF TRANSPORT: It means that you are in a wrong place here.

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The CHIEF WHIP OF THE OPPOSITION: [Inaudible.]

The SPEAKER: Order hon members!

The MINISTER OF TRANSPORT: We can't have a lawmaker who comes here and instigates people to default. You are in a wrong place.

[Interjections.]

Mr C H H HUNSINGER: Good afternoon Minister, the ANC government's ill conceived e-toll system continues to be roundly rejected by Gauteng residents. [Applause.] Road users have become victims of highway robbery by Sanral. The current system has made it expensive for the poor to travel to work, it hurts small business, has striven up food prices and in general undermine job creation.

What alternative funding models are you considering to sustainably to upgrade and upkeep Gauteng roads?

The MINISTER OF TRANSPORT: Speaker, as a result of people like Mr Steenhuisen who is not paying e-tools ... [Interjections.]

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The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, Rule 85 is very clear.

The SPEAKER: Order hon Steenhuisen, on what point are you rising on?

The CHIEF WHIP OF THE OPPOSITION: Speaker, on Rule 85. Madam Speaker, I haven't said a word nor that I live in Gauteng so there is no way that I could pay e-tolls. Clearly the Minister needs to go and do his homework. I have said nothing of the sort and I ask him to withdraw the comment that he has just made about me.

The MINISTER OF TRANSPORT: yes, yourself and Mr walters. You were ...

The SPEAKER: Hon Minister, can you please focus on just answering the question. The hon member claims that you said something untoward that has no basis. Would you mind just withdrawing it because you have upset him gravely, I can see. He

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is very upset, please we are leaving tomorrow and we do not want people to go on holiday upset. Minister, please withdraw.

The MINISTER OF TRANSPORT: I withdraw. It was Mr. Walters.

[Applause.] Speaker, as we speak here I have spoken about the benefits of GFIP ... [Interjections.]

Mr T C R WALTERS: Hon Speaker ...

The SPEAKER: Who is calling me?

Mr M WATERS: Over here. Speaker, I also never said a thing about e-tolls and I have just been told by the hon Minister that I encourage people not to be pay e-tolls. I am member Walters.

The SPEAKER: Did he talk about you as well?

Mr M WATERS: I am member Walters.

The SPEAKER: Minister ...

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Mr M WATERS: Speaker, I am very upset as well. [Laughter.]

The SPEAKER: You look very upset, Minister please withdraw so that we have less and less upset people.

The MINISTER OF TRANSPORT: But they are encouraging people not to pay for e-tolls and this has serious impact on the debt repayment.

The SPEAKER: Please proceed ...

The MINISTER OF TRANSPORT: I withdraw. [Laughter.] [Applause.]

The SPEAKER: Okay, just proceed.

The MINISTER OF TRANSPORT: Thank you Speaker. The current debt that is owed to by the national institution by Sanral amounts to R48 billion as a result of motorists who are defaulting like those coming from the DA camp.

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As we speak, hon Speaker, we are collecting R65 million instead of R230 million. [Applause.] That in itself has got a serious impact because we are spending R2 billion from the non-toll portfolio to service the debt. Let me make it clear that there are 1.4 million tagged vehicles who are using GFIP. So, it is not correct that people are rejecting GFIP. There are 1.4 million tagged vehicles. Do not come here and tells us stories. We have audited figures and R65million is paid but as a result of people going on a campaign that people must not pay for e-tolls we are not collecting R230 million.

Actually, hon Speaker, we were supposed to toll the other three roads which are: PWV 14 linking R21 freeway from BoksBurg at the O R Tambo International Airport to N3 and M2 and; the PWV5 linking Tembisa through Roodepoort with Soweto and; PWV9 linking Mabopane freeway to main road. So, these were our intentions but in the current conjuncture there is no way in which we are going to continue with e-tolling and if we continue ... [Applause.]

We are not saying that in the future we are not going to e-toll but for now we have a debt that we have to service of

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R48 billion but the e-tolls have a good economic spin off for economic and the development of Gauteng in particular and South Africa in general.

*IsiZulu:*

Mnu K P SITHOLE: Somlomo, Ngqongqoshe, iqiniso lithi abantu base-gauteng abawathandi ama-e-tolls. Akufuneki ukuthi silibalekele iqiniso. Mhlazana i-e-toll iqala ukungena kule Ndlu ngasho ukuthi i-ANC izolahlekelwa ngamavoti, yawalahlekelwa ngempela.

Umbuzo uthi njengoba abantu bangazifuni izindaba zama-e-toll yini enye engenziwa ukuthi uhlelo elisetshenziswayo kungabi uhlelo lwama-e-tolls kodwa kube uhlelo lwabasebenzisi njengoba kwenzeka kwezinye izifundazwe. Uma uya KwaZulu0Natali uyabhadala bese uyadlula awubi nesikweletu esihleli ongazi nokuthi unesikweletu esingakanani. Ngoba imali yakhona ifika yehlukene futhi ifika iyiningi ngale ndlela obona ngayo ukuthi akekho umuntu ozoqhubeka ngokukhokhela lokhu. Umbuzo wami uthi iyiphi enye indlela engenziwa ngaphandle kwama-e-toll. Ngiyabonga.

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*English:*

The MINISTER OF TRANSPORT: Speaker, we have 1630 kilometres of tolled roads portfolio and in that portfolio people are complaint. It is only this portfolio of 150 or so kilometres where there is a problem of default. I do not know why Mr Sithole comes here and speaks for the ANC because he is not a member of the ANC. We have been winning elections of 1994 up to date. So, you can't be our spokesperson.

Hon Speaker, you remember that there has been a discount dispensation which the inter-ministerial committee led by the Deputy President and people have been responding. That is the reason why the figure has risen to the number that I have said before of 1.4 million tagged vehicles. Of course there are options that we are looking at with Sanral as an entity which we are going to submit to Cabinet. It is after cabinet's approval that we will come back here and report as to whether there are other options of e-toll payment that can be looked at. But for now we apply the user pay principle. I thank you.

*IsiZulu:*

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Mnu M P SIBANDE: Ngqongqoshe, njengokujwayelekile, abanye balaba ababanga umsindo yibo bokuqala abafuna ukuthi umngwaqo ulunge ubemuhle.

*English:*

I wanted to repeat this question so that it can be clear to some people. Has the department of transport explored various models of funding road infrastructure and if yes, which one will be the best suitable for South Africa? The ANC is the only organisation ...

*IsiZulu:*

... ekhokhela abantu ukuthi baphile impilo engcono.

*English:*

The MINISTER OF TRANSPORT: Speaker, of course there are other options like the fuel levy and others but it will not be right for me here to prescribe that this is the option. I have said that there are scenarios that we are looking at as the Department of Transport which we will submit to Cabinet. It is then that after Cabinet would have adopted one of those

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scenarios that we would come back and announce that this is the route we are taking. Of course if we take the fuel levy option it has got its pros and cons and for now that is not the only option. We will come back at a later stage and talk to the people of South Africa about the best option for repaying the R48 billion debt that we owe to financial institutions as a result of the GFIP portfolio. Thank you.

Question 314:

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Hon Chair, and Speaker, firstly, I would like to say to those members who are calling me Lindiwe ...

*IsiZulu:*

... anginikwanga yibona lelo gama. Abalazi nokuthi lisho ukuthini. [Ubuwelewele.] Ngakho ke mabaqale nje ngokuthi babe nenhlonipho yokuthi igama lami nguLindiwe Daphney Zulu. Siqala lapho nje. [Ubuwelewele.]

*English:*

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Hon Speaker, small and medium micro-enterprises, SMMEs as well as co-operatives have contributed to addressing levels of inequality by contributing to the steady, but slow employment coupled with a steady increase in employment course which translate to increasing income for workers.

Employment by both SMMEs and large enterprises, including private household have increased from 15 million in March 2014 to 16,1 million in September 2017 - these are statistics from Statistics SA. Sectors that contributed a significant share to employment growth are the communities and personnel services with 3,4 million jobs in 2014, increasing to 3,6 million in 2017, followed by trade from 3,1 million to 3,2 million, business services from 2,0 million to 2,4 million and construction from 1,1 million to 1,3 million.

Manufacturing saw a decline from 1,8 million in 2014 to 1,7 million by September 2017, which is very unfortunate. Agriculture has seen a marginal increase from 709 000 to 8010 000. Employment course or income earned by workers has also seen a steady increase from 1 trillion in 2014 to 1,2 trillion

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in 2016. The SMMEs accounted for almost employment course of 387 billion in 2017 increasing to 457 billion in 2016.

The sectors where SMMEs and co-operatives have a significant contribution to income earned by workers, is first in the trade sector, wherein SMMEs employment course amount to R101 billion in 2014 increasing to R129 billion. The construction sector also saw SMMEs employment course amounting to R36 billion in 2014 increasing to R46 billion in 2016, while large enterprises accounted for R33 billion in 2014 and increasing R36 billion in 2017. The business service sector employment course amounted to R100 billion in 2014 increasing to R120 billion in 2016, while personnel services sector costs amounted to R26 billion in 2014, increasing to R30 billion in 2016. Employment costs of SMMEs in the manufacturing sector amounted to R79 billion in 2014 while those of large enterprises amounted R146 billion. In the year, twenty sixteen SMMEs employment course and manufacturing reached R94 billion, while large enterprises contributed R164 billion. I thank you.

*Xitsonga:*

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Nkul X MABASA: Xipikara na Holobye, xana hi swihi leswi ndzawulo yi nga swi endla tanihi ntirho wa yona ku antswisa nhluvukiso wa ikhonomi ya le matikoxikaya?

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you very much, hon member ...

*IsiZulu:*

... hhayi ke mina ngaphekwa ngeke ungithinte. Ngimzwile kahle. Ngikhuluma izilimi eziningi kabi zaseNingizimu Afrika. Ngakho ke ngimzwe nje kahle. [Ubuwelewele.]

*English:*

Hon Speaker, ...

*IsiZulu:*

... futhi nje kufuneka sibatshele nabanye abahlezi ngale ukuthi nabo kufuneka bafunde ukukhuluma izilimi zabanye abantu - bayeke ukukhuluma isiNgisi sodwa.

*English:*

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Hon Speaker, yes, the department within the three years that we were formed as a Department of Small Business and Development and Co-operatives have contributed significantly, but not enough to the advancement of rural areas in particular. What we have done, hon Speaker, in order for us to make sure that there is a proper co-ordination between national, provincial and local, we are ensuring that in the rural areas we use our local economic development structures; hence, recently, we hosted the ...

*IsiZulu:*

USOMLOMO: Qhuba sisi.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: We hosted the Local Economic Development Summit on the basis that we are trying to ensure that there is proper co-ordination between the three spheres of government, particularly, supporting small and medium enterprises, but more than anything else, it is about the government of the African National Congress approach to rural development. [Interjections.]

*IsiZulu:*

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Ungathi we! Ngiyilungu le-ANC uyafuna awufuni awuzungishintsha lapho.

*English:*

So, the government of the African National Congress ensures that there is a broader plan which is a government plan for infrastructure development in the rural areas, as well as supporting the entrepreneurship and enterprises in the rural areas so that economic development can happen and does not only centre around in towns and cities. I thank you, Chair.

Mr R W T CHANCE: Hon Speaker, it is evident that yourself and the hon Lindiwe Daphney Zulu are wearing distinctive canary-coloured outfits today. Is it perhaps an early warning system of things to come in the lead up to electoral conference happening in the few weeks time? Just a thought ... [Laughter.] ... an emerging slate perhaps? Minister, the Department of Small Business Development has bought a Mercedes Benz E 400 ... [Interjections.] ... valued at R1,1 million for you, Minister, and your Deputy got a Lexus GS 350 valued at R900 000 [Interjections.] and a BMW 5 series for R1 million - these three

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cars valued at R3,1 million. Surely, in the light of the current challenges faced by small businesses in South Africa, how can you justify this exorbitant expenditure on these luxury cars and, surely, has also increased the gulf coefficient between you, personally and the department and the small businesses that you are meant to be satisfying?

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you very much, hon Speaker, it would have been very important for hon Chance who, by the way, I have respect for. However, it would have been very important for you, hon Chance, to ask the journalist who wrote the story, to give you the real facts and not what he thinks. First and foremost, I do drive in a Lexus, which only costs R580 000. [Interjections.] So, let's start from there. [Interjections.]

Secondly, yes, yes, Mr Chance, I am saying to you. I had a conversation with the very same journalist who wrote the story yesterday and I said to the journalist, we, this side of the ANC, fought for the freedom of the press. [Interjections.] We fought for the freedom of the journalist to be able to write the

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facts. [Interjections.] That journalist did not bother himself to get the facts. That car did not cost the millions that you are talking about - the Lexus. Quite frankly, I find it to be very stupid for somebody who should be knowing how much a Lexus cost - a Lexus of that nature. Even a child would know that that Lexus will never cost a million rand. [Interjections.]

Thirdly, hon Chance, I do not have a BMW in my possession bought by the government. That's again another nonsense, which is being done by people who have other intentions. [Interjections.] The Deputy Minister drives a car which was inherited from the Department of Trade and Industry, DTI, to the previous Deputy Minister and to this Deputy Minister. So, if you don't mind, respectfully, go back to that journalist and tell him that the freedom that they have, was a costly freedom. Therefore when they write without investigating and getting all the facts, they are creating hatred - they are creating animosity - they are creating a situation which is untenable if they continue doing what they do. There is no R990 000 Lexus car, there is no R1 million [Interjections.]

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*IsiZulu:*

Wena uthule oseceleni kwakhe. Uhambe uyogqoka kahle futhi.

[Uhleko.]

*English:*

There is nothing like that. So, Mr Chance, as I close, I did call the journalist because I wanted us to have very good working relations. [Interjections.] Otherwise, I would go to the Ombuds because it is not correct for any journalist to write what he wants and not write the facts. So, go back and tell him. Some of us will not take kindly to some of the things that they write without investigating, avoiding the principles of investigative journalism. [Interjections.] I will have lunch with him to teach him those principles because I am a journalist by profession. [Applause.]

Mr M L W FILTANE: Speaker, referring to the hon Minister one of the requirements of small businesses is adequate, appropriate infrastructure; it does help them and their businesses. This is particularly the case in the pavements of the South Africans towns as well as the rural areas. Now, in order for their

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businesses to pick up, they need this: To what extent does your department assist with the provision of infrastructure? I am asking this, particularly, because we have the Minister of the Public Works and I know that Public Works has got many, many buildings that are lying empty? Is there any relationship between yourself and the Minister of Public Works to make sure that those small businesses thrive well using the unused space of Public Works? That is the question of the day for me.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Speaker, yes, I fully agree with the importance of adequate infrastructure for small and medium enterprises. If I may also add, it is also about the informal businesses because the informal businesses are on the streets with the sun and the rain and everything, and they have to keep running up and down. As I answer the earlier question with regard to infrastructure development, which is the government's overall plan as a department. We have had a relationship with not only just a Department of the Public Works, but we also signed transversal agreements with other departments so that we can have a focused approach to assist small and medium enterprises.

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As a department regarding the issue of infrastructure, we have put this on the table at national level. That is why with the Minister of Economic and Development, we keep very close with them because we believe that it must not be left to the Department of Small Medium Enterprises to deal with the issue of infrastructure. We believe that when plans are being made even right down at the city level, those who are planning that infrastructure must take into consideration that there will be small and medium enterprises and informal business that will need that infrastructure.

As a department, we have put this item of government on an agenda in so far as the overall nine-point plan. For instance, we have said all those plans must always consider the fact that there are small and medium enterprises in South Africa. More than that, hon Chair, is the fact that your small and medium enterprises and the informal sector have a face of black people, and the majority of them do not have the infrastructure - and they are not exposed to that infrastructure. So, as a department, we work very closely. We think that national, provincial and local co-ordination will be able to assist small

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and medium enterprises by improving the infrastructure, because without infrastructure their lives become very miserable.

Prof N M KHUBISA: Hon Speaker, we have heard some outcry from small and medium enterprises and other emerging businesses whereby they say they do find that there are departments who would come to them like the Department of Labour and Department of Health for them to comply, but that they feel very little is done with regard to them being assisted to access funding or get the necessary training so that they could grow their businesses. Could the Minister appraise us as to what is it that the department is doing in this regard.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you very much hon Chair, ...

*IsiZulu:*

... laba ababanga umsindo basitshela ngodololo baletshwe yithi la ePhalamende okokuqala nje. Uma bekungekona ukuthi i-African National Congress nabanye abahlezi ngapha babalwela bebengeke

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baze bahlale la behlezi khona. Abamyeke udololo abangamazi nokuthi uchazani.

*English:*

Hon Khubisa, thank you very much for your question. Yes, the whole issue of compliance, firstly, we believe compliance is a necessity, compliance must happen, but the challenge is these small and medium enterprises are given too many compliances. Those compliances are something that takes them too long to adhere to. So, as a Department of Small Business and Development, we have been calling on our departments, including ourselves to improve and change the compliance and make sure that things are made easy for small and medium enterprises.

Of course, with regard to other departments' one of the reasons why we signed the transversal agreements, it is simply because we want to make sure that we are able to monitor, follow up using a legal framework of some sort. That enables us to speak to Tourism, Public Enterprise, and Defence as well as to speak to everybody with one purpose. A purpose of ensuring that we try and make sure that the situation is improved for SMMEs. Firstly,

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they don't have to be running around too long, looking for one and the same thing - that must be shortened. However, we also would like to pass the message that compliance is important because we also holding taxpayer's money. We are using taxpayers' money. So, the compliance must help us in ensuring that where money has to come back, it must come back. Where we have to see the value of growth, we must see that value of growth. I thank you.

Question 309:

The MINISTER OF PUBLIC WORKS: Madam Speaker, in 2011, the Department of Public Works embarked on a project to address the completeness of immovable assets under its custodianship. The Office of the Auditor-General has audited the department's Immovable Asset Register and confirmed that it is complete. The Department of Public Works has 29 322 land parcels, as we speak, and 93 931 properties, as at 31 March 2017.

In 2016, we established and initiated the Operation Bring Back programme to identify properties unlawfully disposed of since 1994. We have processed 54 such cases of state properties that

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were allegedly illegally disposed of. Of the 54 properties, 34 related to the department, 18 having been allegedly illegally transferred and 16 having been allegedly illegally occupied. The department is presently undertaking a process to recover 16 of the 18 properties proving to have been unlawfully alienated from it, and has referred the remaining 20 properties to the relevant state custodians for further investigation.

The Department of Public Works has also commenced with an interrogation of the electronic deeds records since its inception to identify state properties that were possibly illegally disposed of. So far, this detection review has identified in excess of 2 068 transactions that warrant further investigation to satisfy the requirements of illegal sale. A similar desk-top review of 5 289 suspicious Immovable Asset Register-related transactions is also ongoing. Thank you very much, Madam Speaker.

The SPEAKER: The hon Shaik Emam?

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Prof N M KHUBISA: Hon Speaker, may I take the question on his behalf? Hon Minister, with regard to those properties that you have identified abroad and within this country that have been illegally disposed of, is there anything that you have done, working with the Department of Police, to ensure that those who got these properties illegally are prosecuted? Thank you.

The MINISTER OF PUBLIC WORKS: Hon Speaker, we are working with various agencies, as regards the properties that have been clearly identified to have been transferred illegally. So, it will be the police and the criminal justice sector, as a whole, in terms of recovery of those particular properties.

In certain instances, where there are issues of whatever technical nature that would have to be ironed out, and so on, we would also embark on a similar process in terms of trying to regularise that which would have been identified as being irregular. Thank you very much, Madam Speaker.

Dr M J FIGG: Hon Speaker, hon Minister, according to a reply by yourself to a DA parliamentary Question, over 1,9 million

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hectares of land owned by the department, to the value of R12 billion, is currently unutilised. Has any of this land been identified for alternative uses, such as redistribution of land or for housing for the poor, or for settling outstanding land claims, such as Claim A921, where Public Works has advised the successful claimants, the Adriaanse family, that they do not have the resources to comply with the ruling of the Land Claims Court?

The MINISTER OF PUBLIC WORKS: Speaker, let me give the hon member an example. In Groblersdal, we have used our land that was available for agricultural purposes, and so on, in the area. So, in that regard, we have small and upcoming farmers benefiting from such an approach. Here, in the Western Cape, we are in discussion with the provincial government and some local municipalities in relation to the issue of Grabouw and them wanting to access our land for the purposes of human settlement, and so on.

Now, the broader question, which I think is quite valid from what the hon member is raising, is the following issue, which

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the Department of Public Works is undertaking. We are looking at the whole question of how we utilise not only these land parcels but also properties, some of which are standing empty, dilapidated, and so on. How do we use them for developmental purposes, and so forth? Once we reach finality on that particular issue, we will be able to pronounce adequately from a policy point of view, in terms of what approach will then be undertaken. Thank you very much.

*IsiZulu:*

Mnu K P SITHOLE: Siyabonga Somlomo, mhlonishwa uNgqongqoshe, kunenkinga yokuthi izakhiwo emadolobheni amakhulu zithathwa ngenkani kangangokuba kukhona laba abasebelimaza nakhona lezi abazithathayo. Umbuzo okhona wukuthi, ngabe ikhona yini indlela noma mhlawumbi uhlelo olungenziwa ukubheka ukuthi lezi zakhiwo zizonqandwa kanjani ukuthi zingathathwa ngenkani? Nanokuthi-ke, ikhona yini indlela yokuthi kubekhona abantu uma sezitholakele lezi ezithathwa ngenkani kufakwe onogada abazokwazi ukuwavikela nanokuthi abantu abahluphekile abafuna izindawo zokuhlala bakwazi ukufakwa kuzo? Angithokoze kakhulu.

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*IsiZulu:*

UNGQONGQOSHE WEMISEBENZI YOMPHAKATHI: Siyabonga kakhulu Somlomo kuJobe ngalo mbuzo awufakile. Cishe impendulo izocishe ifane nalokhu ebesike sakuthinta phambilini ukuthi, saqala uhlelo lokuthi akubuyiselwe izinto okungezethu kuHulumeni. Ngakho lowo mkhankaso kusewumkhankaso okhona namanje ngoba iqiniso lisekutheni, kuzodinga ukuthi amalungu omphakathi wonke akwazi ukuthi aqwashiswe ngalolu daba bakwazi ukusizana nathi njengoHulumeni mayelana nesimo sokuthi kutholakale lezi zindawo esezidliwe zadliwa ngenkani. Kwesinye isikhathi-ke kwezinye izinhlelo ezihambisana nohlangothi lezomthetho siyakwazi ukuzithola lezi zindawo sizibuyisele emuva emabhukwini kaHulumeni. Sisaqhubeka-ke nalo mkhankaso wethu wokuthi izindawo zikaHulumeni zingadliwa ngabantu ngendlela engekho emthethweni kodwa futhi okuncikene nalokhu wukuthi izindawo zikaHulumeni njengamabhilidi siwasebenzisa kanjani ukuthuthukisa ngawo umphakathi. Singathuthukisa ngawo, ngiyafanekisa, osomabhizinisi abancane, singathuthukisa ngawo ukubhekana nesimo sokuthi ezindaweni la kunamanyuvesi khona izitshudeni ziyayidinga indawo yokuhlala nani nani, nangezindlela ezahlukene esingakwazi ukusiza ngazo abantu bakithi kodwa ngoba beseke ngasho

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ngaphambilini, ngikusho ngolimi luka-George, ukuthi, kudingeka ukuba sihlaziye eyethu ingqondo siwumnyango ikakhulukazi ukuthi, mayelana nalezi zinto, okuyizinto zikaHulumeni, sisiza kanjani mayelana nokuthuthukisa umphakathi sisebenzisa zona ngokunjalo. Siyabonga.

*English:*

Dr S S THEMBEKWAYO: Chairperson, we know for a fact that a lot of white people benefited from houses that did not belong to them, farms, state businesses, including FlySafair, along with dams and other public property. [Interjections.] This must be expropriated without any compensation. Has the Minister looked at all Ministers who were in Cabinet before 1994 to see if they benefited from any of these properties; and if not, why not?

The MINISTER OF PUBLIC WORKS: Madam Speaker, no. We have not done so. All we did was to look at things like our records and the overall register. It is in that context that we also established this campaign, this Operation Bring Back programme, and so it continues.

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It really doesn't matter, in the sense that if it does so happen that perhaps a former Minister or whoever it might be also benefited illegally, then the law will take its course and we will then be able to redress the specific issue. Of priority here, however, is the question of recovering the state assets that have been illegally taken. Thank you.

Question 320:

The MINISTER OF TRADE AND INDUSTRY: Speaker, given South Africa's historically high levels of structural unemployment which in fact date back into midnight in seventies, the creation and sustainment of decent work is of course a critical objective of this government's economic policy. In this regard, it is important to note that according to Stats SA the South African economy created 2,45 net new jobs between the third quarter of 2010 and the second quarter of 2017.

However, approximately 4 million people entered the labour force at the same time and consequently the level of unemployment has not declined. The specific contribution of the DTI is to move our economy towards a higher value added growth path through

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supporting industrialisation and resisting the threat of deindustrialisation.

The DTI provides an enabling policy environment to support and develop already operating enterprises in the manufacturing space and it is important to note that over 1,7 million workers are employed in the sector. To support these enterprises, the DTI provides centres which support investment, competitiveness, enhancement and job creation.

We also unapologetically have intervened to save thousands of jobs in the clothing and textile sector, the poultry sector and the steel sector amongst others.

In the last few years we have been providing targeting incentives focused on mostly labour absorbing sections of manufacturing which includes the clothing and textile sector, agro-processing, where we have developed a new incentive this year component manufacturing and we also have programmes in business process servicing and the tv sector.

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A number of our regulations including under the broad based black economic empowerment act support enterprise development and skills development. One way of measuring all of these is to say that the DTI supported the creation of about 11600 new jobs in the financial year 2016-17 which was a tough year for this economy.

Given that manufacturing jobs are linked very closely to service jobs and that it is estimated that the employment multipliers are at least one to four. This could mean that we have supported about 50000 new jobs being created in this economy last year.

Looked at in another way we can say that we have supported and sustaining in 1,7 million jobs in manufacturing alone. Of course that is not enough, we need to do more. We need to do better but I do want to say that this figure show that our programmes are moving in the right direction. Thank you very much.

Ms J L FUBBS: Minister, the DTI interventions have been absolutely proven to work and it has a track record but the scale of intervention remains below the optimal. Indeed,

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Minister you know that it is in auto, clothing and textiles which you have referred to and to some extent agro-processing. You have told us a lot of what has been done, what you are currently doing. Can you share with us some few cheap progressions as to where you see fresh interventions a taking place? Thank you.

The MINISTER OF TRADE AND INDUSTRY: Speaker, let me say that I think that if we look at the employment record of manufacturing around the world generally, we can see that there is a trend line towards adoption of new technologies and towards lesser labour absorption than they were in the past. This is a fact of life as we enter into the new technologies associated with the digitally industrial revolution.

As South Africa, we are preparing very honestly for that. We are doing that because we have realised that any jobs that are going to be created in manufacturing are going to require high levels of skills and also that the service sectors are not going to be unaffected by this trends.

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So, I think it is becoming an issue now where we have to accelerate the rate of growth in manufacturing and industrialise our economy but also to seek out and give special emphasis to the more labour absorbing parts in manufacturing and also the linkages to service sectors that are related. That is the direction. We also see very much our own industrialisation efforts just linked to that of the African continent and is for that reason that we have been strongly supporting integration on the African continent and also as we assume the chair of SADC, we have been working energetically to make sure that the SADC programme of regional industrialisation becomes a reality during our tenure as the chair of SADC. Thank you very much.

Mr T RAWULA: The key to ensuring job creation is nurturing and protecting South Africa's industries in line with global development trends and the fourth industrial revolution. One of the pillars is mineral resources petroleum development Act for local beneficiation and downstream expansion in mining sector, yet it has not been passed and there is lack clarity. Is that is why all you policies have failed to address unemployment?

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The MINISTER OF TRADE AND INDUSTRY: Well, first of all I will dispute the last part of the question but I would also say that even as we await the amendment to NMRPDA, we have been working quite energetically on beneficiation.

Let me give just give one example, we are world's largest producer of platinum and the frontier industry in the platinum value chain is fuel sell industries. We have been supporting and there are now manufactures of fuel sells in South Africa fuel sells that used to power small power stations and also underground mining vehicles. We are moving in that direction and we continue to work to ensure that we add more value to our mineral products and other value chains as well. So, one of the reasons why we have intervened to ensure that we continue to retain steel sector in South Africa while addressing the issues of competitiveness and ensuring that everything we have done to support the steel industry also supports job retention in that important sector. Thank you.

Mr D W MACPHERSON: Minister, we know that unemployment now is at the record of 28%, so, clearly your interventions are not

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working. We know that to absorb the high number of unemployed people, we need to create more businesses. Now, in the high level panel report compiled by former President Kgalema Motlanthe one of the recommendations that they suggested to lower the costs of doing business for small and medium size enterprises is exempt them from the minimum wage and BEE legislation. Do you support this recommendation from the high level panel and former President?

The MINISTER OF TRADE AND INDUSTRY: well, firstly I will dispute the assertion that the interventions are not working. I will try to argue the interventions are working but they are not at the scale and the level that they need to be at and that means is working progress to expand the scale and the impact of the interventions.

Let me just say that the BEE legislation which does fall under our department does differentiate between smaller enterprises and larger enterprises with regard to what they are required to do. The Small enterprises are very considerably to extent are exempted from the requirements.

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I don't know the extent to which that panel looked in detail of those matters but actually there is a much smaller requirement on small enterprise and indeed smaller enterprises are beneficiaries of BEE because one of the pillars where large enterprises have to reach some minimum score cards in on enterprises supply and development.

As I have already said, enterprise and supply development is where many more jobs can be created. The level of investment per job is much lower in those industry that standard are upstream more capital intensive industry. Thank you.

MR J A ESTERHUIZEN: Minister, after everything you mentioned, there is not only about creating new business, once you agreed that fixing the country is the recursion system and aligning the skills store as skills demanded. It is critical not only for the manufacturing sector but for economic growth and also make job creation. Would it not be prudent in this regard then for the DTI to look at partnering with private companies and reopening apprenticeship schools?

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The MINISTER OF TRADE AND INDUSTRY: well, of course skills development is the medium term constraint parallels along with those that we have to address. It will make our economy grow faster and I agree with that. In fact as a department we are involved in skills development in a number of way even though it is not our core function.

Let me also just say that one of the things that we are supporting very energetically is mentorship programmes because it is becoming apparent to me as one of the programmes we support that you have a two and half times better chance of holding onto a job in manufacturing if you have actually had a period of internship after some form of post school education.

I do know that the technology changes, meaning that workers are more likely to be wearing white coats and pressing buttons in digitised processes even in South Africa although we are not the frontier then they are to be wearing overalls and doing heavy lifting. That is the future and let those requires skills development and training and we as the department argue for that and contribute to that practically as well. It is also one of

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the objectives of the BEE legislation. You have to earn points in skills development if you want to qualify for your score card not to be taken down place. Thank you.

Question 315:

The MINISTER OF TELECOMMUNICATIONS AND POSTAL SERVICES: Madam Speaker, my department is co-ordinating infrastructure roll-out to public institutions and communities in line with the National Development Plan, NDP, and SA Connect. What we have achieved so far in the country is that, almost 200 kilometres of fibre has been laid down; 99% of population coverage in 3G has been achieved and 75% of LTE or 4G coverage has been achieved.

In terms of universal service obligations where we are connecting schools and clinics, 3884 sites out of just over five and a half thousand sites has been connected. Universal Service and Access Agency of South Africa, Usaasa, has connected all 609 sites in O R Tambo District, which we are now in the process of handing over.

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It is important that this projects also use the Small, Medium and Micro-sized Enterprises, SMMEs, to establish these networks, empower the local SMMEs and entrepreneurs, and also to transfer skills to local yields. We have also funded 272 free Wi-Fi sites to complement the Metro LCT Wi-Fi Programme.

Already, the Gauteng government has connected 1000 sites and the Western Cape, 1900 sites. The KwaZulu-Natal and Limpopo governments have also started their programmes. The aim of this budget is to increase infrastructure, working with the private sector and at the same time, supporting SMMEs and the communities, particularly in terms of skills development and enterprise development. Also, 30% has been set aside for procurement.

With regard to Phase 1 in eight districts where we are supposed to connect 6000 sites, on 4 August 2017 we signed a master agreement with State Information Technology Agency, Sita, and Broadband Infracore, BBI. We are following a two-pronged approach. The first one is that, we are currently upgrading the current connectivity which is the flow speed.

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We are upgrading them to 10 megabyte per second in 426 sites most of which are Telkom connected site. As an example, Sita has connected Tsolo College of Agriculture and Dr Malozo Mpehle Memorial Hospital to 10 megabyte per second in the Eastern Cape. The second part of pronged approach is that one of BBI roll-out of resilient infrastructure.

The planning and project preparation is at 90%, the high levels designed for fibre has been completed in these sites and the evaluation of access network tender has been completed. So, we are about to issue and start rolling out in those areas. In addition, two out of twelve sites have been completed. We are the department that is assisting BBI to expedite access to other ports to can bring infrastructure through them in those communities.

Some of the challenges we are experiencing is that, lack of electricity is a major problem. For example, 52 of 105 schools who have been visited have got no electricity. The second challenge is the lack of security at those facilities.

Currently, we are working to address these issues by working

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with line departments like the Department of Basic Education and Health to address those challenges we are facing as we implement the project. I thank you, Madam Speaker.

Ms D R TSOTETSI: Thank you Minister for the intense response. However, it is on fact that planners have a tendency to plan beyond their means, meaning being too ambitious. In light of that, does the department have a required capacity and, are there any anticipated obstacles which might delay the plans? If yes, has the department started to set for strategies to mitigate the anticipated obstacles? Thank you.

The MINISTER OF TELECOMMUNICATIONS AND POSTAL SERVICES: Hon Speaker and hon Tsotetsi, as I have said, some of the obstacles we are facing are of accessing site to put our infrastructure. Last year we passed the Rapid Deployment Policy and currently, we have got a Bill which has gone for public consultation after going through Cabinet, to really address those issues, so that we can have quicker access to site to put our Information and communications technology, ICT, infrastructure.

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The other problem we are finding in our planning is the lack of supporting infrastructure, like I've said. The challenge of lack of electricity, particularly in rural areas, is a major concern because all the equipments we are putting there require power, even if it's low power. Concerning the mitigation we are doing, we are expediting the Rapid Deployment Policy through the Electronic Communications Amendment Act which we hope that it will come to this House by March next year.

At the same time, we are not stopping to work with our coordinating structures in the province, the local level and the line departments to address the identified obstacles. Thank you very much.

Ms M R SHINN: Speaker, the roll-out on intercommunications infrastructure to public institutions cannot proceed with this rut speed because is happening piece meal, so it's the failure of the folly constructed SA Connect tender. What has been done, in so far, is way behind target. State-owned company, Broadband Infracore, which could not have survived without taxpayer handout, has been put in charge.

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Another challenge is failure of the government to migrate from unlock broadcasting to digital technology, to free up the necessary airways that are critical to widespread internet in rural and marginalised areas where e-government services is at least what they needed.

Also, there's an issue of the money. Depending on the poor technology use, nationwide broadband connection to 42 000 sites will cost anything from between R33 billion and R85 billion. Minister, where will the money come from and when would it be available?

The MINISTER OF TELECOMMUNICATIONS AND POSTAL SERVICES: We are not handling this issue in a piece meal. We are co-ordinating with the private sector and the state entities. That is why we have foot for the Phase 1 BBI to lead together with Sita; not just BBI and Sentech. They are all working together as state entities to increase our capacity to co-ordinate and rollout infrastructure particularly, to the underserved areas where they may not be economically viable for current operators.

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Concerning the money, we are not estimating that we will need R83 billion. We are looking at innovative ways of deploying infrastructure, and that is why we are using our own SMMEs because they are much cheaper, therefore, the costs won't be R83 billion. It may be half or quarter of that amount, if we use SMMEs.

In addition, we are using our collaboration with the private sector. For instance, in Alfred Nzo District, we are working with satellite providers to provide connectivity and increase the activities by entrepreneurs to sell some of their satellite connectivity in terms of increasing local economic development. I thank you.

Mr T RAWULA: Speaker!

The SPEAKER: Yes hon member, on what point are you rising, because you are definitely not hon Ketabahle?

Mr T RAWULA: No, I'm not! Is it parliamentary in the House for a person to come five minutes to campaign? Nkosazana Dlamini-Zuma

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has just come here moving from desk to desk campaigning by telling them ... [Interjections.]

The SPEAKER: No hon member, take your seat!

Mr T RAWULA: So, Nkosazana Dlamini-Zuma must not come here to campaign and then leave! This is not allowed in the House! It's not allowed!

The SPEAKER: Hon member, please take your seat! Take your seat!

Ms T KETABAHLE: Speaker, while the rolling out of telecommunications infrastructure is fundamental to ensuring that telecommunications contribute to economic growth and social development, data and access to the internet is the petrol of the information age.

Yet, in South Africa, the high cost of internet and data remains the biggest barrier for people, particularly poor people, for using the internet for economic activity. Does government have any plans to fast-track all investigations into data and

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internet prices, and in the meantime during the investigations, what is the department doing to address this?

The MINISTER OF TELECOMMUNICATIONS AND POSTAL SERVICES: Madam Speaker, as the hon member may know, Independent Communications Authority of South Africa, Icasa, and the Competition Commission are doing the investigations on this high cost of data. We are eagerly waiting for their results because that is what will help us to put intervention to assist with the public outcry.

Currently, the reason why we are spending money as the state to bring this infrastructure, particularly the resilient infrastructure closer to our communities, we feel that in that way, if we can have fibre in every community, people can then distribute it to the rest of community through cheaper method like Wi-Fi system.

So, if we can bring a fibre to the school, the community can have access to that fibre so that it can do other secondary activities. Those are some of the major issues we are trying to

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reduce because of communication while we are waiting for the results.

Question 331:

*Xitsonga:*

HOLOBYE WA SWA VUTLEKETLI: Inkomu Manana Xipikara. Eka nkarhi lowu mfumo wa Afrika-Dzonga a wu na makungu ya ku yisa emahlweni ku endla mapatu yan'wana ya ti "e-toll" eGauteng. Inkomu.

*English:*

Mr M S F DE FREITAS: Hon Speaker, the Auditor-General's report for 2016-17 raised concerns about the sustainability of the SA National Roads Agency Limited, Sanral, as an ongoing concern and attributing to the poor collection of e-tolls because as a result Sanral is racking up of average of R200 million a month in debts with just the e-tolls. How far and what is a recovery plan in this regard? You have admitted that you are not getting an income of over R200 million as it is. Therefore, what is your plan or will your head continues to be in the sand? Thank you.

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The MINISTER OF TRANSPORT: Hon Speaker, I understand the question to be saying whether Sanral intend to expand the area covered by the e-tolls as part of the Gauteng Freeway Improvement Project, GFIP. We are putting it categorical clear here that there is no plan to expand that area. Any decision on future faces of GFIP and whether there will be tolled or not will be made by government. Gauteng provincial government requires future 150 km of new freeways and they are the following: The Pretoria-Witwatersrand-Vereeniging, PWV 14, PWV 5 and PWV 9.

In regard to that repayment, I've made it very clear that we owe R48 billion to lenders and we are using R2 billion from our fiscus because we are not able to collect enough to pay for the debt. I've made that point very clear. Your colleague, Hunsinger, has asked that question. I don't know why do you keep on asking the same question.

*Xitsonga:*

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Kasi xiphiqo xa wena i yini? Ndzi ta vulavula xilo xin'we onge ndzo va rhekhodo ... [Nkavanyeto.] ... Yena a ya kwihi naswona a ya lava yini?

Mr M L W FILTANE: Hon Speaker, I've just been to your Table to request that my name be taken off. I pressed the button incorrectly. Sorry for that.

*IsiZulu:*

Prof N M KHUBISA: Ngqongqoshe, ngicela ukubuza ukuthi mhlawumbe nike nalwenza ucwaningo olumayelana nabantu abakweletayo kodwa bengakwazi ukukhokhela ama-e-tolls. Ngiyabonga.

*English:*

The MINISTER OF TRANSPORT: Who is talking nonsense?

The SPEAKER: No, hon members, we don't use that language here in the House to one another.

The MINISTER OF TRANSPORT: Yes, De Freitas.

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The SPEAKER: We don't use that language, hon members. You don't say to another hon member that you are talking nonsense, please, hon member. Go ahead and answer hon Minister.

The MINISTER OF TRANSPORT: Thank you, hon Speaker. The national government through Sanral and Gauteng provincial government have a programme to encourage motorists to pay for the e-tolls. As I've said before 1,2 million motorists have responded and they continue to respond. The roads that we have in South Africa are amongst the best in the world. I think that must be made very clear. Therefore, to maintain those roads moving forward is going to cause the R5 billion per annum, those GFIP roads. Therefore, there is no way in which every cent to maintain those roads would come from the fiscus because there are other competing needs.

This government is not a government of GFIP. It takes the interests of all the citizens, whether be it in education, health, social development and other areas. We call upon people of South Africa to pay for the toll road portfolio in general and e-tolls in particular. What they are doing they have just

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started campaigning, more especially for Gauteng province. There is no point that they are raising here. The facts are here and I've mentioned them again and again and again ...

*Xitsonga:*

... kambe loko va nga twi mina ndzi ta endla yini? Ndzi endla yini hikuva ndzi le ku va byeleni leswaku laha Afika-Dzonga ku hava swakudya swa ni nhlekanhi swa mahala? Ku hava swakudya swa ni nhlekanhi swa mahala laha ...

*English:*

... the user must pay. That is what we are emphasising. Thank you, hon Speaker.

Mr M P SIBANDE: Minister, South Africa is a unitary country, people must be reminded the other side that Western Cape was the first proponent of e-tolls as part of their Reconstruction and Development Projects. Minister, when the funnel steps to improve infrastructure development are implemented in Gauteng, is Western Cape also going to benefit in the same arrangements. Thank you.

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The MINISTER OF TRANSPORT: Hon Speaker, Western Cape government rejects e-tolls. [Applause.] However, they come around to my office and want money from us to improve their freeways including the Huguenot Tunnel. There is no way in which you can improve Huguenot Tunnel without tolling that road. It is going to cause a lot of money. I don't know what they want. What they are saying here is not what the member of executive council, MEC, Grant and their Premier Zille say when I meet them. Therefore, if you want better roads in the Western Cape, we are going to start with the consultation process here and make sure that we follow all the procedures, because last time we were caught off on the consultation process. Why do you want us the national government to improve the Huguenot Tunnel and the entire road for free? Where do we get money?

HON MEMBERS: From the taxes.

The MINISTER OF TRANSPORT: Which taxes? You have never run a government so you don't know what you are talking about.

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The SPEAKER: Order, hon members! I think you are done hon Minister. Hon Khawula!

*IsiZulu:*

Nks M S KHAWULA: Umbuzo wami uthi uma lo hulumeni efuna ukuqhubeka ngalolu hlelo lwama e-toll, uhulumeni noma umuphi umuntu omele abantu okhethwe ukumela abantu, abantu bakuleli zwe bakubeka kwacaca ukuthi abalufuni lolu hlelo: eGoli bakhulumile; Free State bakhulumile, KwaZulu-Natali bakhulumile, eNtshonalanga Kapa bashile, eNyakatho neKapa kanjalo bathe qha; eMpumalanga bathe abalufuni; eMpumalanga Kapa naseLimpopo, eNyakatho neNtshonalanga basho ngazwi linye kuhulumeni ukuthi abaludingi lolu hlelo lwakhe. Uma ngabe yena ebaphoqa, abaluthathe bayolibeka ngasemzini wabo noma emzini kababa kaDuduzane le eNkandla.

*English:*

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, your time is up. Hon Minister! Hon member ...

*English:*

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The MINISTER OF TRANSPORT: Thank you, hon Chairperson. I don't know when last the member consulted all those nine provinces because what she is saying is not factual. The national government has the programme to lay out new infrastructure in terms of the road infrastructure ... [Interjections.]

Mr T RAWULA: House Chairperson, point of order, Mma Khawula has just spoken in IsiZulu here. She does not understand.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon member Rawula, can you please take your seat there are translation services. Therefore, all 11 languages can be spoken by members. Thank you. Proceed, hon member.

*Xitsonga:*

HOLOBYE WA SWA VUTLEKETLI: Inkomu Mutshamaxitulu, namuntlha ku vulavuriwa Xitsonga na Xizulu laha.

*English:*

The HOUSE CHAIRPERSON (Ms A T Didiza): You can speak any of the 11 languages.

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*Xitsonga:*

HOLOBYE WA SWA VUTLEKETLI: Se ku vulavuriwa Xitsonga laha Palemende. Mhaka leyi mhani lava va yi vulaka a hi ntiyiso. A ndzi swi tivi leswaku va tsumile nkarhi muni na swifundzhankulu leswi swa nkaye kutani va ta vula leswi va swi vulaka hikuva hina hi le ku endleni ka mapatu. Hi Muggivela lowu landzelaka hi ta famba na Presidente eDurban leswaku hi ya pfula patu ra Dumisani Makhaya ra pfulela u tshika.

Nakambe kona eDurban ku le ku endlweni ka ku cincana ku kulu ka mapatu-nyingi ya Edgecombe kutani vanhu va le KwaZulu-Natal lava va vulavulaka hi kona va tsakile. Mi ta lahaya hi yaka kona hi Muggivela. Swilo leswi va swi vulaka leswaku vanhu va le ku lweni na mfumo hi mapatu ya ti "toll" na swinw'ana a hi swona, i ku politika. Mi nga vulavuli mhaka leyi mi nga yi tiviki mhani. Laha hi vulavula hi mhaka ya mapatu lama vanhu va nga ku matsakeleni, ku katsa na kwala Kapa Vupeladyambu.

Mavhiki manharhu lama hundezeke a ndzi ri na MEC Grant leswaku hi ya vona projeke leyi nga eka N1 laha hi nga va nyika mali ya ku antswisa N1. Hikokwalaho, hala mi lava mali kutani hi mi

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nyika, kambe hi hala tlhelo mi byeletela vanhu leswaku va nga hakeli ti "tollgate".

*English:*

Why do you apply double standard?

*Xitsonga:*

Ndza khensa, Mutshamaxitulu.

Question 321:

The MINISTER OF PUBLIC WORKS: I know. [Laughter.] Thank you very much Madam Chair.

Public Employment Programmes are intended by designed to be a short term employment measure to address high levels of unemployment.

The Expanded Public Works Programme has a similar approach. It embedded training in Small, Medium and Micro Enterprises development as crucial elements of the programme.

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It is envisaged that the training and SMMEs development will assist participants to acquire further employment once their participation in the programme ends; or they would be in a position to be self employed or start a business either way earning an income.

Many EPWP projects have been designed to create longer term employment opportunities that absorbed a large number of participants.

Such projects or programmes include amongst others the rural road maintenance programmes such as Zibambele in KwaZulu-Natal; the Household Contractor programme in the Eastern Cape; the Community Work Programme implemented by the Department of Co-operative Governance and Traditional Affairs; and the Working on Fire and the Working for Water programmes implemented by the Department of Environmental Affairs.

Skills and training acquired by participants through the EPWP prepare the latter for absorption into the formal economy.

Statistics SA's quarterly labour survey has sought to assess the

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success of programmes within the EPWP with regard to pathways into employment or self employment.

In 2015 of those surveys and whom had participated in the EPWP-type programme, it was found that 12, 4% were in permanent work; 4, 8% has set up own businesses; 47. 8% had found temporary work and a further 14% were in further training; 79% of former participants had found a pathway to some improvement in their lives.

These statistics further give weight to the recent IMF working paper entitled SA Labour Market Dynamics and Inequality, which on the bases of a sample of 1, 3 million individuals found that people with prior work experience have an almost 50% better chance of finding a job than those without experience. Thank you very much Madam Chair.

Mr F ADAMS: Thank you House Chairperson. Minister, thank you for the reply on the question; the EPWP has done wonderful work as well as the Community Works Programme but I think Minister, the government alone can't solve everything through its programmes.

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These graduates, - the work that you are doing in your department in terms of assisting these people, the graduates as such; but then we found that the graduates after graduating are still unemployed and looking for employment.

Now my question to you is Minister, has public companies been approached; has the private sector been approached to assist these graduates; to assist because the EPWP alone cannot carry and handle them. Can you please give us information if the private sector has been approached and what is their attitude towards these graduates? Thank you.

The MINISTER OF PUBLIC WORKS: Thank you very much Madam Chair. Indeed, we fully subscribe to the thinking by hon Adams that the issue of unemployment can't be resolved by government alone.

We do need to find a collaborative effort across all sectors and levels of society, for an example to find a lasting solution to the issue of unemployment. Where it is practicable for us we do approach private institutions to also assist.

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However, generally I think the limitations are also with regards the issue of absorption of young people and graduates into the labour market; and that the general challenge for the South African society. Thank you very much. Uphi?

Mr C H HUNSINGER: House Chairperson, I'm not using this but I might just want to use the opportunity to remind Minister Joe Maswangani that his question was about funding models and the recovery planning so that when we get back to him that he can think. Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): I think that is not for you, eh, maybe you are tabling a question for next time as a reminder. So ... [Interjections.]

Mr I M OLLIS: Chairperson, we did actually have another DA speaker who actually did push the button for this question.

The HOUSE CHAIRPERSON (Ms A T Didiza): Unfortunately this is the one that I have.

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Mr K P SITHOLE: Thank you House Chairperson. The EPWP is an important platform for the creation of temporarily employment as it seeks to deal with the increasing challenge of mass unemployment; but it is failing in achieving minimum standards for length of job as well as training targets.

How do you intend to address these challenges going forward; a job for one week should not count as a job; and how are you going to eradicate the overwriting use of an ANC membership card as solid criteria for getting a job with the EPWP and CWP? Thank you, Chair.

The MINISTER OF PUBLIC WORKS: Thank you very much Madam Chair. Earlier on hon member we had effectively indicated that all research reports are beginning to indicate the amount of progress that is being made as a spin of out of this particular intervention of the EPWP.

For an example, 79% of participants in EPWP programmes they also find a way into some kind of employment and so on; and that is very encouraging. All we need to do is to intensify our efforts

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in ensuring that, that 79% for an example grows into a different sort of a level - on to a different level all together.

So we can only take advantage of these particular positives in ensuring that this particular effort is intensified.

Now the issue of the ANC membership, I don't know how it really comes into the programme. The programme is a South African programme. It is for all people; and it evolves at all various levels for execution and implementation; and in it there is no criterion for any party political membership, for an example.

So I don't know how I can really assist you with regards to that particular concern. Thank you very much Madam Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon Khawula, hon Khawula, can we allow the member to ask his question.

Mr M L W FILTANE: Thank you hon House Chairperson. Hon Minister, whilst the percentage of 79% is quite commendable, the situation is that with such a high rate of unemployment in the country we

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do not want to see even one single job loss. We know how painful it is for someone to suddenly find themselves without an income the following month. So we are moving from there.

May we challenge you today to make sure that somehow you create an ongoing employment for those people once they are on the programme? I will give you a hint; a lot of buildings of the public works are in a very bad state of repair.

Why don't you bring about a policy matter to say a lot of the budget of the department will go towards the maintenance of the buildings, then you have got an ongoing employment for those people? Thank you. [Time expired.]

The MINISTER OF PUBLIC WORKS: Thank you very much Madam Chair. There are two issues to the follow up question that hon Filtane has raised. The first is that as a department for an example we follow the stated sort of target for us in terms of recruitment and meeting a certain number for 2019-20; and that stands at about 6 million kinds of jobs through the EPWP programme. So we will follow that on and that's what we are pursuing.

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I think it is around this issue because it also relates to previous question that one has spoken to earlier on. The question of how do we use our assets base for development and purposes - I think that's the broader question; and these suggestions for an example falls into that category.

Earlier on I have said that we are undertaking exactly this policy thinking, you know, amongst ourselves in the department. The whole question of what do you do with land parcels, but what you also do with properties as we have them; and what we do with all sorts of other facilities that are out there, largely looking at young people, looking at women, looking at the question of small business development and looking at the question of a contribution around the issues of agriculture and so forth. That's really the issue.

I think given that you are a member of the portfolio committee, it would be very interesting that in the near future we begin to engage and interact around this particular policy discussions.

Thank you very much.

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Question 312:

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chair, the answer to the question is yes. The Departments of Rural Development and Land Reform and Agriculture, Forestry and Fisheries are in agreement that post settlement support is essentially a function of the Department of Agriculture, Forestry and Fisheries. However, the Department of Rural Development and Land Reform will finalise all current commitments in terms of the recapitalisation and development programme. It will also provide on-farm infrastructure and maintain support for all new farms acquired through the Agricultural Land Holding Account and restitution until the Department of Agriculture, Forestry and Fisheries has built the necessary capacity. Thank you, Chair.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Mnguni or the one who is taking the question, over to you.

Ms P C NGWENYA-MABILA: Hon House Chairperson, according to the Departments of Agriculture, Forestry and Fisheries and Rural Development and Land Reform when is the former going to start

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implementing the recap? As you have indicated that people were supported and smallholder farmers were receiving the post settlement support from the Department of Rural Development and Land Reform, what is the plan? Since you are engaging on this process when will the Department of Agriculture, Forestry and Fisheries start to implement this recap programme? Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Daff is the Department of Agriculture, Forestry and Fisheries, over to you Minister.

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: I really do not know how long it will take. You must remember hon Chairperson of the Portfolio Committee on Rural Development and Land Reform that we did not receive a budget from Treasury for this programme. Once we handed over land to the people and we realised overtime that nothing happened. In other words, productivity died. We took 25% of the baseline budget of land reform and created this programme. So, the Department of Agriculture, Forestry and Fisheries will have to negotiate with Treasury to find the necessary resources because we will not

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give them the money. We will give them the empty shell of a programme. Thank you very much.

Mr T C R WALTERS: Minister, the committee report referred to as ineffective and indictment of how the department has been operating until now with huge resources being funnelled into keeping projects alive that is failing. It is also in your responses and you referred to that. It also shows that opportunities per large scale corruption can be created with many silos, as being referred to in the report, creating gaps in overall oversight.

Given the large number of forensic reports that have been done showing exactly that systemised corruption siphoning of taxpayers' money, when is the department coming to report to the committee as has been requested and how the recommendations of these forensic audits are being followed including criminal charges? Don't you think that with reference to inter alia consortiums like South African Fruit Exporters, Safe, and Bono Holdings it is time to include land reforms as part of the broader investigation into state capture?

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The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Thank you hon Chair, state capture is very fashionable actually. The hon member knows exactly that he is supposed to bring to this House a Substantive Motion and he has not done that. I will be happy to respond to it when he does so but I think for now I will only keep to the point here. We are doing a lot of work in villages and I still have to see the hon member in a village. I am inviting the hon member now as I am standing here on Friday on 01 December to Keiskammahoek. We are launching a cheese factory there for the rural villages. It is dairy parlour and they are milking everyday. If you were to go to them now, you will find 250 cows being milked there. Now we are launching a cheese factory there. Please come with me.

Last week Friday, I was in a village at Hewu.

*IsiXhosa:*

Besihleli nabantu abadala kwaye akukho nto imnandi njengokuhlala nabantu abadala ezilalini. Abantu abadala sibanike amakhuba neeteletele okulima umhlaba. Bandichazele ukuba abanazo iinkomo

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koko bafuye iigusha kuphela. Bebebhekisa kula nkqubo yesebe ethi...

*English:*

... one household, five sheep and we agreed.

*IsiXhosa:*

Siyasebenza thina. Enkosi.

*IsiZulu:*

Usolwazi N M KHUBISA: Angibonge Sihlalo, mhlonishwa Ngqongqoshe, okunye okuhlalukile kumbiko ye-High Level Panel namhlanje ekseni wukuthi, kudinga siqale la kufanele siqale khona. Enye into ekuyiyona evimbayo ukuthi le ndaba yokuthuthukisa ukuba kube nokudla nezindaba ezithinta ezolimo wudaba lokuthi, umhlaba omuningi awubuyele kubantu noma bafaka izicelo kusukela ngo-1998. Bathi lokho-ke kuyakhubaza kakhulu ukuthi kuthuthuke ezolimo kanye futhi nokuthuthukisa i-food security. Ngabe Ngqongqoshe ungathini kulokho ngoba engathi lokho kuyisiqalo okufanele kuqalwe khona? Ngiyabonga Sihlalo.

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*IsiXhosa:*

UMPHATHISWA WEZOLIMO, AMAHLATHI NEZOKULOBA: Lungu elihloniphekileyo, yiyo le nto sinale nkqubo ethi...

*English:*

... one household, one hectare.

*IsiXhosa:*

Siqale le nkqubo kuba sizama kangangoko ukulwa nendlala phaya ezilalini. Siqalise le nkqubo kuba iza kwenza ukuba nomhlaba lo weenkosi utsho ulinywe. Siye koomasipala sathethisana nooSodolophu kwezo ngingqi ukuba bakhokele kwezi nkqubo ezinika umzi ngamnye iinkomo ezimbini ezisengwayo.

EPort St Johns sakhe indawo yokusenga, sadibanisa Amadlelo Agri nabantu belali sibancedisa nge-100 leenkomo. Bayasenga phaya ngoku ndithetha nawe kwaye ubisi luthengiswe lonke. Besisa yiyila ke lena into kwindawo yabo yokusengela, ngeenkomo zabo ezikhupha ubisi lwabo kwaye baluthenga ngokwabo luphele.

Zimbini ezi nkqubo kwaye ziquka ukulwa indlala.

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*English:*

These are one household, one hectare and one household two dairy cows.

*IsiXhosa:*

Njengoko ndisitsho ukuba phaya kwilali yaseHewu bathe baneegusha kuphela kwaye bacela ukuba umzi ngamnye ubeneegusha ezintlanu, savana kweso sicelo. Ndithetha nawe nje ngoku banama-350 eegusha kwaye baza kucheba uboya baze babuthengise ukuze bafumane imali.

*IsiZulu:*

Inkosi R N CEBEKHULU: Ngithokoze kakhulu Sihlalo, mhlonishwa, kuyiqiniso elingeliphikwe ukuthi umnyango uphansi phezulu ukwelekelela ukukhulisa izinhlelo zokuthi kwandiswe ukudla emakhaya emhlabathini abantu abanawo kodwa-ke umbuzo wami uzothi, yini umnyango eliwenzayo ukunikeza ulwazi namakhono kubantu abakhona emakhaya ukubalekelela ukuthi bakwazi ukusebenzisa umhlabathi? Njengamanje uNgqongqoshe ukhuluma ngogandaganda, abantu emakhaya namanje bayadonsana ngoba uhlelo loMnyango Wezolino olwalukhona lokunikezelwa ngogandaganda abangamashumi ayisikhombisa nambili isifundazwe ngasinye lugcine

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lungaphumelelanga ngenxa yokuthi izifundazwe ziphumile emigomeni. Yini-ke umnyango wakho mhlonishwa oyenzayo ukunikeza amakhono ukuthi labo bantu abalaphaya emakhaya bakwazi ukusizakala ezinhlelweni zonke umnyango ozilethayo? Ngiyathokoza.

*IsiXhosa:*

UMPHATHISWA WEZOLIMO, AMAHLATHI NEZOKULOBABA: Sihlalo weNdlu, saqala kwaZulu-Natal i-...

*English:*

... animal handling facilities...

*IsiXhosa:*

... apho abantu bathengisa iinkomo zabo okanye iibhokwe. Ndandiqala ukuzibona mna iibhokhwe ezincinci ezimnyama zithengwa ngola hlobo. Zathengwa ngeyona ndlela emangalisayo kwaye phaya kwaZulu-Natal le nkqubo ihambela phambili kakhulu. Sisebenzisane kakhulu nabantu bakwaZulu-Natal sibambisene ne...

*English:*

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... National Agricultural Marketing Council, Namac.

*IsiXhosa:*

Sisebenzise eli bhunga ukuqeqesha amafama ukuba akwazi ukwenza iindawo zokutyisa imfuyo [feeding lots]. Zininzi ezi ndawo sazenzayo zokutyisa imfuyo phaya kwaZulu-Natal nangona kusithiwa zenziwa liSebe lezoLimo, amaHlathi nezokuLoba. Siqeqesha abantu ngeli bhunga iNamac, kuquka nokunikezela ngezakhono zokunkcenkceshela kwiindawo ezifana nooTugela Ferry. Leli sebe lethu eliyelavuselela eza zikim zokunkcenkceshela phaya eTugela Ferry. Enkosi.

Question 324:

The MINISTER OF TRADE AND INDUSTRY: Hon Chairperson, the preferential procurement regulations of 2017 empowers the Department of Trade and Industry to designate specific sectors, subsectors and all products for local production in the public sector's procurement system. This new regulation takes over the arrangement that came into force in 2011 and is a critical lever to raise aggregate domestic demand and support the key industrial value-chains across the economy.

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Twenty one products have been designated for local procurement with stipulated minimum thresholds of local content and more are in the pipeline. Once a sector or a subsector or a product has been designated for local content under these regulations, the National Treasury circulates instruction notes or circulars which regulate the environment within which government departments, state-owned companies and public entities must procure designated products. The instruction notes have minimum local content thresholds.

For local content the regulations require that all organs of state purchase only locally produced products at the prescribed level of local content. For the local content of a certain products that are not yet designated for local production, there is an enabling clause which is clause 8,4 and this allows the local procurement of not yet designated products from local sources.

In monitoring tenders designated for local content, the Department of Trade and Industry, DTI, works with a number of other government departments such as the Economic Development

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Department, the Department of Planning Monitoring and Evaluation, and others, but also with Proudly South Africa which is putting in place information and technology systems that scans tenders for compliance purposes.

For tenders who are not compliant the procuring entities are notified and asked to amend or cancel those tenders that are noncompliant.

We are also working closely with the office of the Auditor-General, to assist the latter to audit expenditure on the procurements of the designated products. This office has started providing audit opinions on the compliance with the local content regulations and this work is ongoing to prioritise tenders based on the value and the volumes of procurement.

Regulation 14 has been amended and strengthened to deal with remedies for noncompliance with localisation as well as with Black Economic Empowerment, BEE. This regulation has been enhanced with a number of subregulations to give bidders an opportunity to make submissions on allegations of noncompliance

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to inform the relevant Treasury in writing of actions taken against the bidder of a procuring entity. The responsibilities of Treasury after receiving documents from the organ of state are also identified.

For post-tender awards on local content verification, we have been working with the SA Bureau of Standards as an agency to verify post-tender and this has been happening although there are challenges and the challenges are around who is responsible for the costs of this. However, this process has identified that between March 2015 and June 2017, almost R60 billion, R59,57 billion to be exact has been locked into the country as a result of the local content policy. Thank you, very much.

Mr D W MACPHERSON: Hon House Chair and hon Minister, we now know that Transnet has given you and the DTI the middle finger when it comes to local content and designation in the 1 064 locomotive deal after they and the SA Police Service, SAPS, is unable to scientifically measure and confirm that local content targets and designation in fact were met.

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However, we also know that there were no penalty clauses in Transnet's agreements with suppliers for failure to meet this targets and that the only people who actually secured local content was Duduzane Zuma and the Gupta family, after they scored R6 billion in kickbacks from the locomotive deal.

[Interjections.]

Why is it that in July, I brought this to the committee's attention and now we are starting an enquiry into local content in January of 2018? How can you have not done any thing about it and set on your hands and watch this unfold? [Applause.]

The MINISTER OF TRADE AND INDUSTRY: Well, we had a discussion on this in the portfolio committee yesterday and the hon Macpherson was not there. I indicated that at this time particularly, we cannot expect there to be a new huge resources to support our incentive programmes. It is extremely important that this policy tool of localisation operates effectively.

I take no comfort from instances where we can see that there has been noncompliance and I welcome the work which the portfolio

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committee has been doing which has identified a number of issues. What I have indicated in the main answer to the question, is a number of remedies which we are putting in place to monitor, enforce and ensure that there is some consequence management. This remains still work in progress, but I think that what we are committed to doing is to ensure that this policy tool works much more effectively and that we make sure that we get ... [Interjections.]

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

The MINISTER OF TRADE AND INDUSTRY: ... value for money.

However, I did indicate we have already got some value for money out of this policy tool.

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

*Siswati:*

A Rawula. UnguMhlongo nyalo wena?

*English:*

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Mr T RAWULA: No, I have pressed his button by mistake, Chair.

*Siswati:*

SIHLALO WENDLU (Mk A T Didiza): Ohho, chubeka ke.

*English:*

Mr T RAWULA: Hon Minister, as a matter of fact the state-owned enterprises are failing to comply with designation and local content requirement. For the R50 billion Transnet locomotive deals, none were assembled in South Africa. The SA Airways, SAA, does not even want to own its own aeroplane and instead want to rent German manufactured and owned planes. Whilst Eskom outsources engineers and various employees from across the world despite South Africans having the necessary skills set. Has state capture played the role in the failure of the state-owned enterprises to comply with localisation and designation regulations?

We expect a huge answer from you, because you are a communist, hon Minister. Thank you.

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The HOUSE CHAIRPERSON (Ms A T Didiza): I am not sure where the communist is coming to the question. Hon Minister, you can answer.

The MINISTER OF TRADE AND INDUSTRY: I am trying to say and I repeat that where we see that there are credible instances where there has been noncompliance of localisation, we want to see that corrected. That is why we are moving to try to introduce more effective monitoring and more effective consequence management.

However, it is not the case that nothing has happened and that there is no value has been created in this economy. I can give a couple of examples. The Gibela Rail Transport Consortium is building in a local mega commuter trains. There is a black-owned company called United Industrial Cables which has benefitted from the localisation of a cable manufacturing in one of our designations and I can go on. There are quite a number of them who benefitted.

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Now, I think that one of the issues that all of those that want to say there has been shortcomings in the implementation and I acknowledge that they are, all of them, I want to hear and unfortunately I cannot ask questions, but I can only answer questions, but there is a protocol on government procurement in the World Trade Organisation, WTO, which once you sign that you will sign away this policy tool. At the recent consultation on the WTO, I signed that we would not sign that together with labour. The business representatives there said that they would seek a mandate to do the same.

I think all parties in this House should indicate: Do they support us not adhering to that policy in the WTO because if they do not, then I think they would be not willing to hold on to the fundamental policy tool that enables us to localise. As long as we are here we will ensure that that policy tool is available and implemented and where there are shortcomings, we will act against those. Thank you. [Applause.]

Mr J A ESTERHUIZEN: Madam Chair, Minister, in your opinion, are there minimum threshold targets for local content requirement

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efficient or enough to justify the huge range of investment incentives this department and government offers not only to attract foreign investment, but for state-owned entities, SOEs to comply?

Secondly, are there ever consequences for SOEs and their boards that do not comply?

The MINISTER OF TRADE AND INDUSTRY: Well, I was saying that the designations are actually rigorously developed. So, we do not put in things that are completely unachievable. We work in a very open and transparent and inclusive ways to develop those. So, these are targets that can all be achieved. The point is that once they are put into a designation under the Public Finance Management Act, regulations and once a practice notice issued by Treasury is no longer an option, it is no longer just asking someone, it is now an instruction to people to carry that out. Where we see in instances that this does not happen, as I said already, we are building a stronger consequence management and a stronger identification and enforcement measure. The new regulations give us more tools that we had before and the work

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of the Auditor-General will assist as well. I am acknowledging that there have been slippage and we want to make sure that that slippage does not happen in the future. Thank you. [Applause.]

Ms J L FUBBS: Hon Chairperson and hon Minister, look we accept that there remain a number of challenges in this area, but what I think you can tell us a bit more ... [Interjections.]

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

Ms J L FUBBS: ... is about the verification process as you indicated SAPS, you have now appointed them officially and you have now also developed with the Auditor-General a system where this will be audited and a regular report provided.

However, what we do not want Minister are these reports coming a year later. We would like these reports more realistically on and in time. So, if we can just check on that verification process you have instituted.

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The MINISTER OF TRADE AND INDUSTRY: Yes, there are a number of challenges that we got around the verification and indicated that one of them is about who is going to bear the costs of these? That is one of the issues that we have going to address and are addressing. For I think what we want to do is to be able to use this as a tool where SAPS is able to sign off and say that yes, this particular tender did achieve a level of localisation as required. That is what we want to see. I think that as and when we achieve progress, I am sure that we will be more than happy to report back to Parliament and the portfolio committee and indeed at National Economic Development and Labour Council, Nedlac, and other places. Thank you.

Question 313:

The MINISTER OF TRANSPORT: Thanks Chairperson. Following the approval by Cabinet on 10 May 2017 of the Comprehensive Maritime Transport Policy, CMTP; the aim of the CMTP is to facilitate the growth and development of South Africa's maritime transport system in support of the socio-economic development of the country, whilst contributing in international trade.

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The Department of Transport is currently laying the foundation for the implementation of the policy, and one of the steps being taken is the institutionalisation of the maritime strategy and planning by the creation of the Maritime Transport Sector Development Council with five chambers as follows: Merchant shipping, Revitalisation, Industry foundation programmes, Broad-based benefits, Environmental safeguards and innovating financing mechanisms. The council has a responsibility of supporting the Minister in the championing of radical economic transportation of the maritime sector.

The vision of strategy 2030 being finalised is that of transforming and inclusively growing the maritime transport economy that leverages South Africa's competitive advantage in geographic location, nature heritage supported by the people, innovative infrastructure and service excellence

The mission to support the achievement of this vision is the increase in the direct contribution of the maritime transport sector to the economy through collaborative planning and the

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implementation of agreed priority actions to achieve inclusive growth.

Mr M P SIBANDE: Minister, given the fact that maritime transport has a strategic role for economic development, what are the economic benefits for communities and small businesses in the sector?

The MINISTER OF TRANSPORT: Thanks hon Chairperson. I can indicate that the total oceans economy sector contributes approximately 4,4% of South Africa's gross domestic product, GDP, with the largest contribution coming from the value chains. The oceans economy has the potential to contribute R177 billion to the GDP and create over one million jobs by 2033.

The Transnet National Ports Authority has initiated a transformation strategy on the oceans economy to bring blacks in general and Africans in particular into the mainstream of the oceans economy.

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There are other programmes like the Aquaculture work stream where a significant number of rural communities, especially the marginalised coastal communities, are assisted. I think my colleague hon ...

Mr M N PAULSEN: Rubbish!

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! Who said rubbish? [Interjections.] Order hon member! That's really unparliamentary. It just can't happen in this House.

[Interjections.] Order! Hon Minister, can you proceed?

[Interjections.] Unfortunately I didn't see the hon member who said it. [Interjections.] Hon Paulsen, did you say rubbish?

HON MEMBERS: Yes!

The MINISTER OF TRANSPORT: Hon Chairperson, he must ... Its hon Paulsen.

The HOUSE CHAIRPERSON (Ms A T Didiza): Can you please stand up and withdraw? [Interjections.]

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Mr M N PAULSEN: What should I do?

The HOUSE CHAIRPERSON (Ms A T Didiza): Withdraw that.

Mr M N PAULSEN: Okay, he's not talking rubbish; he's talking nonsense! [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon member, can you please take your seat? Order hon members! Let's really try to be respectful towards each other. Let's really try. Hon Minister, can you proceed? [Interjections.] I will come to that, hon members. Hon Minister, can you proceed?

The MINISTER OF TRANSPORT: Thanks hon Chairperson. I can further indicate that South Africa is a maritime country endowed with over 3 200km of coastline. So far, 24,6 billion has been invested and more than 6 500 jobs have been created. The biggest contribution comes from infrastructure development and all this benefits coastal communities.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you hon members. Hon Paulsen, if you look at your Rules in terms of the language, rubbish is unparliamentary. Can you please withdraw?

[Interjections.] Order hon members!

Mr M N PAULSEN: Chairperson, I thought I had withdrawn ...

[Inaudible.]

The HOUSE CHAIRPERSON (Ms A T Didiza): You didn't withdraw. You just changed the word.

Mr M N PAULSEN: Okay, I will withdraw it and emphasise the fact that that Minister speaks nonsense! Small-scale fishers are suffering and you come and speak about jobs that you didn't create!

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you. Order hon member! Can we now move to hon Hunsinger? I'm sure your Question ... You can ask your Question now. [Interjections.]

Mr X MABASA: Chairperson, point of order.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon member, can you ... Hon Hunsinger, just a moment sir. What is the point of order?

Mr X MABASA: Chairperson, according to Rule 84, there is what is called unacceptable or unparliamentary language or gestures. It is important that as members of the House we respect each other to show respect to the nation. I will suggest that the member withdraws unconditionally and without really holding the whole House to ransom.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you hon member. I will come back to hon Paulsen because, indeed, I noticed the gestures that he used, which is out of order and the member knows. Hon Hunsinger, when you are finished and the Minister has answered I will go back to hon Paulsen.

Mr C H H HUNSINGER: Thank you Chair. Minister, it's all fair and well, but the fact is that 96% of our exports are carried by foreign ships, largely because over the past 25 years you have

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managed to register only three ships under our South African flag.

How long will the current situation prevail and when will we see our products on our ships handled by our own maritime crews?

The MINISTER OF TRANSPORT: Thank you Chairperson. As I said before, the Transnet National Ports Authority is coming up with a transformation strategy. Amongst others, an issue to be addressed is the apartheid legacy whereby the oceans economy ... [Interjections.] ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! Can you please proceed Minister?

The MINISTER OF TRANSPORT: ... whereby the oceans economy is controlled by our white counterparts and foreign operators that bring ... [Interjections.] ... big vessels ...

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

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The MINISTER OF TRANSPORT: ... from all over the world.

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Ollis and hon De Freitas, you can interject but you can't actually drown out the speaker. Hon Minister, can you respond? [Interjections.]

An HON MEMBER: Chuck them out!

The MINISTER OF TRANSPORT: This government is also investing in a ship building plant in the port of Durban, The project is worth more than R1 billion. This plant has created almost 500 direct jobs.

Also, as part of the vessel industrial complex in the port, this plant or complex will be the single largest boat building facility in Southern Africa, producing more than 150 boats annually. We visited this project with the President ...

[Interjections.]

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order! You know hon members, when you ask a Question you require an answer. You can't dictate how an answer must be given.

An HON MEMBER: They don't want an answer.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon members! Minister, you can proceed and conclude.

The MINISTER OF TRANSPORT: Yes Chairperson. As I was saying, we are establishing a KwaZulu-Natal boat building park as part of the maritime vessel industrial complex in the port. It will be the single largest boat building facility in Southern Africa, producing more than 150 boats annually. These are some of the projects that will go a long way in enabling South Africans to own the vessels.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you Minister. Hon Paulsen, can you please go to the microphone and withdraw unconditionally, including the gestures you made. Don't give me

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a speech. Just withdraw, because you know that in terms of Rule 84 what you did was out of order. Can you withdraw?

Mr M N PAULSEN: Okay, I withdraw.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you. Take your seat. Hon Sithole?

Mr K P SITHOLE: Hon Minister, what steps are you taking to ensure that our maritime environment is not adversely and detrimentally affected by ... [Inaudible.] ... to increase the maritime transport sector? Are you working with your counterpart in Environmental Affairs on this issue? Thank you.

The MINISTER OF TRANSPORT: Thanks hon Chairperson. Operation Phakisa is the responsibility of all government departments. Amongst those departments is the Department of Environmental Affairs which is responsible for the National Environment Management Policy and Act to ensure that the vessels that are there at our ports comply with this policy, to avoid pollution

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of the oceans. There are regulations as set out by the department to ensure that the vessels do not pollute the oceans.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you. Hon De Freitas? De Freitas? Are you no longer asking the Question? Thank you very much. So there is no other supplementary Question. We now move to Question 318 asked by hon L C Theko to the Minister of Trade and Industry. Hon Minister?

Question 318:

The MINISTER OF TRADE AND INDUSTRY: House Chairperson, it is a considerable overlap between the content of the answer to this question and the earlier one. So, all I will really add at this point is to say that state owned enterprises reports through appropriate line to the departments and the Minister in the Department of Public Enterprises in the case of Eskom and Transnet. We don't have direct line responsibility for those entities. However, as I said earlier, the designations are legally binding under the Public Finance Management Act, PFMA, and Preferential Procurement Policy Framework Act new regulations which had been introduced this year.

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It is the responsibility not just of the Department of Trade and Industry but also of other line departments to ensure that those regulations are implemented. Because we don't have line responsibility for all of them, it is been for that reason that we have been working with the Department of Performance, Monitoring and Evaluation to try to understand some of the issues at stake, and as I indicated earlier, introduce stronger monitoring, stronger consequence management because it is in our interest to ensure how the localisation is enforced and implemented. Thank you very much.

*Xitsonga:*

Man L C THEKO: Ndza khensa Mutshamaxitulu.

*English*

Minister, recently the department identified failure to localisation as a contributor to low Gross Domestic Product, GDP, growth. What is the department suggesting to ensure compliance with localisation?

*IsiZulu:*

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USIHLALO WENDLU (Nk A T Didiza): Mhlonishwa Nggongqoshe ingathi ubusuwuphendulile lo mbuzo kodwa phinda.

The MINISTER OF TRADE AND INDUSTRY: The hon member is indeed right. If we don't localise we don't achieve industrial development and this impacts on jobs and economic growth. If decisions are taken for one reason or another to favour imports over local content, we export jobs, as simple as that.

As I indicated earlier, we have in the industrial policy action plan watch the National Industrial Policy Framework that proceeded that, identified the domain of about 13 or so interventions that government could deploy to support industrial development, but two stick out above all others. The one is incentive programmes that we provide to support industrial development and the other one is localisation.

In a context where we cannot expect additional funding for the incentives, I think that we must make sure that the other major policy tool is more reflectively applied. It is for that reason that we tightened the regulations or Treasury has done it

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through the new regulations on the Preferential Procurement Policy Framework Act, PPPFA, while we are working with Proudly SA, while we are working with the Auditor-General, while we are happy to hear of any instances or allegations where this is not happening to ensure that there is strong implementation and stronger consequence management where we find that this doesn't happen. It is all we are trying to do. Thank you.

Mr J A ESTERHUIZEN: House Chair, Minister this is the basically same question as the previous. Minister, could it be that there are enough measures in place; there is enough legislation and not even the gap in legislation but the effectiveness or the lack of Oversight Committee's ability to apply or enforce effective localisation. Thank you.

The MINISTER OF TRADE AND INDUSTRY: I think we sat and I said it in more details in the Portfolio Committee yesterday. We need more localisation and we are rolling out more designations. But at the same time, we need to ensure that the ones that are in place and the new ones that we get them better implemented and better monitored and ensure that there is a stronger consequence

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management. It is exactly what I have been saying repeatedly. Those are exactly the measures that we have been developing to try to ensure that. So, it is not good just to proclaim more designations when we are not satisfied with the level of application on the existing ones. We need to get better return for the ones that are already in force as well as the new ones that are coming. Thank you.

Mr D W MACPHERSON: House Chair, Minister, a massive textile manufacturer in South Africa is said to shut its doors this year and retrench 700 workers because government departments and State-owned Enterprises, SoEs, has sought to undermine them and buy fabrics for military and police uniforms from overseas suppliers, particularly China with SA Bureau of Standards, SABS stamp on it.

There have been no repercussions for this except for the company workers. Clearly your measures are not working and costing jobs. We don't need you to be do-nothing Davies, we need you to be do-something Davies. What are you actually going to do to arrest this situation?

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The HOUSE CHAIRPERSON (Ms A T Didiza): Hon MacPherson, there is no do Davies, it is Minister Davies.

Mr D W MACPHERSON: Sorry Chair, I actually said do-nothing Davies. So I withdraw that.

The HOUSE CHAIRPERSON (Ms A T Didiza): Indeed, there is no do-nothing or do but just withdraw and say Minister.

Mr D W MACPHERSON: Chair, I withdraw do-nothing Davies, it is do-to-little. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Withdraw unconditionally.

Mr D W MACPHERSON: I apologise.

The MINISTER OF TRADE AND INDUSTRY: Madam Chair, I have been savaged by a dead sheep. The hon member clearly doesn't have the manners of a pig. [Interjections.]

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Mr M WATERS: House Chairperson, the Minister has just referred to hon MacPherson as a pig. He said the manners of a pig and I believe that is unparliamentary, he should be made to withdraw. Thank you. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Minister, did you do say that?

The MINISTER OF TRADE AND INDUSTRY: I said the hon McPherson does not have the manners of a pig. I am happy to withdraw and say he has the manners of a pig. [Applause.] But I withdraw all of that simply say to the hon MacPherson that we have been working quite a lot with the Trade Union sector, who have been drawing our attention to instances and cases where there is noncompliance particularly with the clothing and textile procurements. Wherever we find that to be the case, we use whatever tools that are available to us.

If you have further information, please provide it to us because we will follow it up and use whatever it is that is available to us to ensure that there is not what you say that there are

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important products being used when in the case of clothing and textile is very clear designation that says all work wear should be procured from local manufacturer sources. So, if there is a case, we happy to deal with it. Thank you.

Question 335:

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Hon Chair, a total of 13 110 nonpayment instances were captured by the small, macro and medium enterprises, SMME Payment Assistance Hotline since its inception in 2009, a total 12 950 nonpayment instances were closed. The difference of 160 which amounts to 1% instances consist of unresolvable cases due to lack of information, inability to contact SMMEs with the provided contact details, instances reported by subcontractors, cases referred by SMMEs to legal and escalating to Presidential Hotline. I thank you.

Mr R W T CHANCE: Thank you for those statistics hon Minister but your department is supposedly the guardian of small businesses but when was the last time you personally visited the late payment so-called hotline on Small Enterprise Development Agency, Seda's website. Did you know, in a fact, that this so-

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called hotline does not exist as a phone number to call but as a clumsy, bureaucratic online questionnaire which most small businesses would battle to complete? Minister, the question is simple; can you please provide us with a telephone number, the hotline itself that SMMEs can phone when they have late payments and other problems?

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Hon Chair, I can not walk around with that hotline number in my head, [Interjections.] that is a fact and I am not going to say anything because ... [Interjections.]

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

The MINISTER OF SMALL BUSINESS DEVELOPMENT: ...I am not the one who is responsible for sitting by the hotline and listening. There is an institution which you yourself have named as Small Enterprise Finance Agency, Sefa and I know as a matter of fact that I have got people who are sitting behind the telephone lines listening to people and processing their instances. Now, if you want to come here and behave like as if you were to be a

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Minister, which you will never be, you would have been walking around with that number in your head then you are very wrong. Secondly, I also want to say, yes we are custodians as the Department of Small Business Development to all the needs of small and medium enterprises. We are custodians. In that responsibility of being custodians we have got institutions which we give budgets to who have people behind the desk who are supposed to do their work. If you were saying to me, those people who are sitting behind the desks are not doing their responsibilities then I will be able to deal with that. So, Mr Chance ...

*IsiZulu:*

... ngicela utshele lapho lento ehleli eceleni kwakho enomsindo  
... [Ubuwelewele.]

*English:*

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

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Yes.

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The HOUSE CHAIRPERSON (Ms A T Didiza): You can not refer to someone as "lento". [a thing] Can you withdraw that one?

*IsiZulu:*

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE:

Akangizwa nokungizwa ukuthi ngithini.

*English:*

... that is the problem.

*IsiZulu:*

USIHLALO WENDLU (Nk A T Didiza): Cha! Ngikuzwile mina.

[Ubuwelewele.]

*English:*

Order!

*IsiZulu:*

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE: Akezwa

nokuthi ngithini. [Ubuwelewele.]

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The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Hon Minister ...

*IsiZulu:*

... mina ngikuzwile njengoSihlalo.

*English:*

Just withdraw that word.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Okay ...

*IsiZulu:*

... njengoSihlalo ngiyahoxisa kodwa akangizwa ukuthi ngithini  
... [Ubuwelewele.]

USIHLALO WENDLU (Nk A T Didiza): Cha!

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE: Awubheke  
namanje ungiqhuntsulele amehlo ngoba akangizwa ukuthi ngithini.

*English:*

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

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*IsiZulu:*

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE: Yindaba yena angafaki leyanto endlebeni, ezwe ukuthi kuthiwani?

*English:*

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Minister, do not argue with the Chair, you have withdrawn. If you have answered your question you can sit down.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: I have answered my question Chair. Thank you.

Mr N CAPA: House Chair, hon Minister, given the statistics that you have given and we have listened to and which were appreciated by hon Chance, now, what steps will be taken immediately by the department to ensure that this lack of information is overcome so as to be sure also that this problem is resolved and does not happen in future I thank you.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Thank you very much hon Capa ...

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*IsiZulu:*

... ngiyabonga kakhulu ngombuzo wakho.

*English:*

I would like to say Chairperson that, in our own system we have got monitoring and evaluation. In my own department I have made sure that there is a unit - albeit a small unit - to do the follow-up in terms of monitoring and evaluation but I think the bigger issue here is about us ensuring that the people who are working either in the department, the agencies, truly respond to the needs and the felt needs of SMMEs and I do want to say that sometimes we struggle with that because at the end of the day you are one Minister and there are millions of SMMEs who are waiting out there to be serviced and therefore what is important is, in the monitoring and evaluation what steps do we take to make sure that the people who are getting the calls really respond adequately and put through the requests which are asked by SMMEs to the relevant structures. [Interjections.]

*IsiZulu:*

Nithule nithi du niyeke ukubanga umsindo.

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*English:*

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

*IsiZulu:*

Ngqongqoshe, kahle ngamatshe.

Dr S S THEMBEKWAYO: House Chairperson, the government has destroyed many genuine businesses by failure of paying them on time yet we have companies like Oakbay and Trillian which get paid when no work is required. Is it common that companies involved in state capture are paid faster than genuine businesses Minister? [Applause.]

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Hon Chair, thank you very much for the question, the bottom line is that we understand fully when SMMEs are not paid on time, the impact thereof. It is for that reason together, working with the Department of Planning, Monitoring and Evaluation through Minister Jeff Radebe, we have set systems at that high level of monitoring the payments to small and medium enterprises. If I may add, we are an example as the Department of Small Business

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Development. We pay within the 30 days and of course we have continued to make the calls to all our colleagues, government structures, to pay SMMEs on time.

Not only are we doing that, we have also made sure that for accountability purposes, director-generals, as accounting officers, the issue of nonpayment to small and medium enterprises is included in their performance agreements because we are trying to find the best ways of resolving this issue. Lastly, we do believe that if we continue to have what the Minister of Planning, Monitoring and Evaluation has, as in naming and shaming departments which are not paying, it will go to a large extent of assisting us. But overall, the issue of payment of small and medium enterprises on time is both within government and outside of government. We also call on the SMMEs themselves to make sure that they submit all the necessary documents because sometimes they complain that they were not paid on time only to find that in the process there are too many things that they have not done. That is why earlier on I spoke about the importance of compliance because compliance also

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assists us to make sure that the payments are done as quickly as possible. Thank you, hon Chair.

Mr I M OLLIS: Chairperson! Sorry to interrupt.

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

Mr I M OLLIS: Chairperson, on a point of order: Perhaps we could help the Minister. We looked up the number; it is 0800-nine-point plan.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon member Ollis! This question now is not about that or from the person who asked the question.

Mr H C C KRUGER: Thank you Minister for telling the House that you are the custodian for small businesses. As of March 2017, national departments had over 17 000 invoices that were not paid after 30 days ... [Interjections.] to the value of R1,3 billion. At provincial level Minister, more than 15 000 invoices were

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paid after 30 days totalling a whopping R1,1 billion. Minister, small businesses can not survive with the bullying tactics by government. So please, can you tell us - and not referring us to Minister Radebe - what will small businesses, your department, do and what steps can we expect in the future? Thank you Minister.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Chairperson, I think I have largely covered that question.

*IsiZulu:*

Angazi ukuthi sekufuneka ngithini ukuze ngizwakale ukuthi ngithini ngoba phela ukukhokhelwa kwama-SMMEs namasibambisane uHulumeni. Kwumsebenzi wethu sonke siwuHulumeni.

*English:*

All departments at the three spheres of government ...

*IsiZulu:*

... silokhu sikhulumisana nabo. Sizama ngakho konke okusemandleni ethu ukuthi bakhokhelwe. Ungawabiza-ke wonke

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lamakhulukhulu okhuluma ngawo, sikwazi lokho, siyakuqonda lokho kodwa-ke, into esiyenzayo wukuthi, lempendulo ngiyiphendule kuqala ngasho ukuthi izinyathelo esizithathayo siwumnyango ziphelela la. Into esingayenza nje wukuthi siqhubeke ngokucela iminyango yonke ukuthi ikhokhele o-SMME ngesikhathi. Okushodayo-ke sekungaba wukuthi mababoshwe-ke abangakhokhi. Nokuze baboshwe abangakhokhi kufuneka kubekhona inqubo esilandelayo. Ngicela ukuthi sizwane mhlonishwa u-Kruger ukuthi thina siwumnyango ngempela kusukela siqalile ukusebenza ...

*English:*

... three years ago, you can see the difference. Firstly, in the ...

*IsiZulu:*

... unganikina ikhanda ngoba vele ...

*English:*

... it is either ... okay[Interjections.]

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

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*IsiZulu:*

Bheka mina Ngqongqoshe, uphendule ... yebo ... yebo.

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE: Cha phela angikwazi ukuphendula, ukubheka wena, umuntu ebuze umbuzo ngapha.

USIHLALO WENDLU (Nk A T Didiza): Hhayi! Bheka mina kuphela ngoba uyakuphazamisa.

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE: Mina ngiphendula yena engithi. Ngiphendula yena manje unikina ikhanda.

*English:*

The HOUSE CHAIRPERSON (Ms A T Didiza): Order hon Minister!  
Proceed with your answer.

*IsiZulu:*

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE: Inkinga ekhona ... [Ubuwelewele.] Sihlalo, ibuhlungu lento yomuntu

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ukuthi akubuze umbuzo uma uthi uyamphendula alokho enikina ikhanda. Manje uyazibuza ukuthi, uyayifuna le mpendulo noma uzele enye into. [Kwaphela isikhathi.] Sizophendulana kwikomidi futhi mina naye.

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

*IsiZulu:*

Kuzobuye kuqhubeke-ke ukusho, ukuthi seniyoqedela ukuphendulana ekomidini, Awu Nkosi yami! Uthoko kumele eze.

Question 339:

The MINISTER OF TRANSPORT: Chairperson, the Department of Transport is currently subsidising the taxi industry through the taxi recapitalisation programme which is a form of capital subsidy. Operational subsidy will be accessible once the taxi industry is integrated into the public transport networks in terms of network plans.

*IsiZulu:*

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USIHLALO WENDLU (Nk A T Didiza): Siyabonga Ngqongqoshe. Ilungu elihloniphekile u-Mulaudzi? Uphi u-Mulaudzi?

Nk M S KHAWULA: Nangu!

USIHLALO WENDLU (Nk A T Didiza): Hhayi! Akekho u-Mulaudzi. Kulungile, mhlonishwa uSithole? - basafuna u-Mulaudzi.

Mnu K P SITHOLE: Siyabonga mhlonishwa Sihlalo, ngicabanga ukuthi uNgqongqoshe umbuzo akawuphendulanga ngendlela. Umbuzo oqonde la uthi, uma uxhasa amatekisi awuxhasi abanikazi, uxhasa abagibeli njengoba kwenzeka emabhasini, kwenzeka ku-Metrorail. Umbuzo uthi, bayoxhaswa nini abagibeli bamatekisi? Ngoba ekugcineni abantu abasizwayo wuhlelo le-recapitalisation ngabantu abangabanikazi bamatekisi hhayi abantu abangabagibeli bamatekisi.

The MINISTER OF TRANSPORT: Chairperson, the long-term objective of this government is to subsidise all public transport, and for now government is subsidising the bus sector as well as the commuter rail. However, in regard to taxis the only programme

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that we have for operators is the taxi recapitalisation programme. Taxi industry - we acknowledge - is the biggest sector in the public transport because it transports 68% of the commuters in South Africa. We are reviewing this programme as government and, as I have said, our long-term objective is to make sure that all the three; bus, commuter rail, and the taxis are subsidised.

However, we believe that the current programme that we are implementing through Taxi Recapitalisation Programme, TRP, provides a relief to taxi operators.

Mr M S F DE FREITAS: House Chair, the Minister has just confirmed, the majority of people in South Africa are moved by mini-bus-taxis, and he has also confirmed that it is the taxi owners that are being subsidised; he hasn't spoken about - although he has in general terms - how the commuters are going to be subsidised. So, I am asking very specifically if he has got timelines on how the commuters are going to be subsidised; because it is all very general.

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Other forms of public transport are being subsidised, what is he doing and where is he with subsidising commuters? Thank you.

THE MINISTER OF TRANSPORT: House Chairperson, with regard to the bus industry, government is reviewing the subsidy scheme and as of April 2018 government is going to implement the new scheme where we are looking at subsidising commuters vis-à-vis operators. So, government has a plan, we have a policy and we are going to implement it as of next year.

As I have said with regard to taxi, of course, we don't have a full comprehensive subsidy scheme for the taxi industry but we are looking at it as government. However, for now TRP is an intervention programme to relieve the taxi operators off the burden of the expense that they pay especially on the new taxis.

So, we have started with the programme with the taxi operators, the manufacturers, the taxi association and councils to relook at this programme and we believe that government will come with a comprehensive programme, also for the taxi industry. Thank you.

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The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, I think the Minister did answer on commuters, he might not have said the timelines but he did. So, let us now ask hon Thembekwayo ...

*IsiZulu:*

... Sewuyophendulela no-Mulaudzi-ke kulowo mzuzu onawo.

*English:*

Dr S S THEMBEKWAYO: Thank you, House Chairperson. Hon Minister, millions of South Africans depend on mini-bus taxis as their mode of transport; and they form an important part of the economy, government is failing to intervene in a more sustainable manner to prevent the deterioration of taxis allowing them to get old and become dangerous while also allowing Uber to come into their space without being regulated, showing the ANC's love for the white monopoly capital.

If government does not intervene in a sustainable manner more people will die from accidents; how many people must die for government to put in a long-term plan to support that taxi industry?

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The MINISTER OF TRANSPORT: Chairperson, this government has got a policy and a legislative regime to regulate public transport. The National Land Transport Act provides for the regulation of meter taxis, buses, tourists transport and all sorts of transport. There is nowhere where we allow any form of transport to operate illegally.

Uber knows that very well that there is no space in South Africa to operate illegal. I met all the e-hailing operators, Uber, Taxify, Zebra, and so on. I made it very clear to them that for them to operate they have to meet the requirements as set out in the National Land Transport Act, NLTA.

With regards to this programme of TRP we will continue with this programme, comrade Chairperson, until all taxis are fully integrated into the mainstream public transport. It is the objective of this programme to intervene and make sure that we have safe, reliable and affordable taxi business in South Africa. So, when you bring your own taxi we give you an allowance which goes a long way in depositing for a new vehicle. Thank you.

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*Siswati:*

SIHLALO WENDLU (Nkt A T Didiza): Siyabonga, Ndvuna. Nyalo-ke lona sewekugcina, Sibande, mntfwanamake.

Mr M P SIBANDE: Chairperson, I think, hon Minister, why this question was brought to this august House is that some people believe that there are people who benefited with the traditional subsidies of transport. For example, companies like Golden Arrows, and Port Authority Transit Corporation, Patco, etc. Now, may the hon Minister take us on board whether the department is going to subsidise the public transport cutting across as a mode of transport.

*Siswati:*

SIHLALO WENDLU (Nkt A T Didiza): Eysh! Uyasebenta lamhla nje Ndvuna. Bayakubuta bo, yitekisi, yibhasi, nguko konkhe, ngishiyela kuwe, Ndvuna.

*Xitsonga:*

HOLOBYE WA SWA VUTLEKETLI: Mutshamaxitulu, hina hi nyika nseketelo wa swa timali eka xifambo xin'wana na xin'wana lexi

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khandziyisaka vanhu. Ku nga ha va ku ri bazi, xitimele, kumbe xihahampfhuka. Kun'wana na kun'wana laha munhu a khandziyaka kona na hina hi kona. Loko i haha emoyeni ha ku nyika nseketelo wa swa timali. Na kwala mathekisini se ha nghena hina va mfumo wa ANC. Hi lava ku nyika mathekisi nseketelo hi swa timali.

Phurogireme leyi hi taka na yona ya Taxi Recapitalisation Programme, TRP, leyi hi nga bizi hi yona na vanhu va nhlango wa mathekisi, yi ta va pfuna swinene hi nseketelo wa swa timali. Hi ta endla leswaku hi xava hi vunyingi leswaku va tshoveriwa mixavo ya tinsimbhi, ndzindzakhombo na swin'wana na swin'wana leswaku va vevukeriwa.

Bindzu ra mathekisi i bindzu leri vinyi va rona ku nga vantima laha Afrika-Dzonga hikwalaho mfumo wa ANC wu tiyimiserile ku tirhisana na vanhu va mathekisi hi ku nghenelela leswaku emaheteleleni hi va seketela hi swa timali. Ndza khensa, Mufambisi.

Question 317:

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The MINISTER OF TRADE AND INDUSTRY: Chair, the special economic zone operator permits, SEZ operator permits, are issued in terms of the Special Economic Zone Act 16 of 2014. The permits are issued on the recommendation of the Special Economic Zone Advisory Board, SEZ Advisory Board, approved by the Minister. Section 32(1) of the Act states that only a holder of a special economic zone operator permit can develop, operate and manage an SEZ."

The operator permit authorises the development of the special economic zone, SEZ, including the infrastructure development and the investment attraction. In the case of the energy and metallurgical zone of the Musina-Makhado SEZ, the operator permit has been approved and issued to the Shenzhen Hoi Mor Resources Holding Company Ltd as the operator.

It is envisaged that the operator will bring along a number of investment projects to anchor the development of this particular SEZ. These investment projects consist of at least eight catalytic projects, with the total investment value over time of

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about \$3,8 billion and projected to create up to 21 000 direct jobs.

All stakeholders involved in this SEZ development committed to the establishment of a training academy for the community in and around the Musina-Makhado areas. There is also a plan to establish an incubator to support the development of SEZs.

The appointed operator has also committed to the skills development initiatives to address skills gaps and promote supply development programmes for entrepreneurs. Thank you.

Ms P T MANTASHE: Minister, as the Musina-Makhado SEZ will expand, the manufacturing sector and mineral beneficiation, and this will require technical skills: Are there skill development plans in place by both the investor and the DTI to develop the required skill, especially from young people around Makhado and Musina?

The MINISTER OF TRADE AND INDUSTRY: I did indicate right at the end of my answer that in fact skill development is a very

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critical part of this. The Musina-Makhado SEZ as a whole consists of two parts. There is a logistics part and also there is a metallurgical zone. The logistics one will hopefully come into more flourish as we see stabilisation and some improvement in the economic performance by our neighbour, Zimbabwe.

I was up there earlier this year. There are few issues around the transfer of land that had to be gone through. Otherwise, the hon member is absolutely right that the metallurgical projects that are envisaged here are projects that are going to require skills development. That is why skills development has been one of the commitments that had been sought along with enterprise development and SMME development by the operator and investors in this zone.

Ms V KETABAHLE: Minister, a guarantee was made by the chairman of Shenzhen Hoi Mor Resources Holding Company Ltd, the company which was given an operating licence to operate in the Musina-Makhado Special Economic Zone, that 21 000 jobs will be created. Can you commit that no labour brokers will be used in this project?

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The MINISTER OF TRADE AND INDUSTRY: Well, all programmes, all projects and all incentives that we provide as the Department of Trade and Industry are only available to companies that comply with SA Labour Law. So, the law that regulates labour brokers will be applicable to this operation as well as any other operator or any other economic activity in South Africa.

Mr J A ESTERHUIZEN: Minister, the petrol chemical complex is still on a planning phase. The metallurgic complex alone is expected to create more than 20 000 jobs. This would mean approximately 80 000 or more people to the myriad area or the community.

My question is: Are you engaging with your ministerial counterparts in ensuring that there will be sufficient housing, education, health facilities and the entire infrastructure for such a huge project in place?

The MINISTER OF TRADE AND INDUSTRY: Of course, the special economic zones are run by entities appointed by provinces and local authorities. Part of the process of establishing the

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viability of the SEZ is precisely to look into all of those questions. So, those have been part of the planning process.

The recommendation came from the SEZ board and we continued to work to ensure that it happens, as I said. When I was up there earlier this year, the issue of the land was an outstanding matter but I am hopeful and confident that all of this will happen to the benefit of the people of that part of the world.

Mr G CACHALIA: The hon Minister has pointed out that the Chinese have come to the party in Musina to the tune of some R50 billion. In view of this: Can the Minister share any plans for the beneficiation of minerals; and how progress and efficiency of this will be monitored and evaluated, especially around issue concerning governance and past failures in beneficiation?

The MINISTER OF TRADE AND INDUSTRY: There are also successes of beneficiation that we can speak to as well. I mentioned one earlier on: The work that has been done on the platinum fossils, which is the frontier industry in that particular area.

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Look, I think the importance of Chinese investors is that it was about five years ago that China stopped being a net recipient of foreign direct investment and became a net provider of foreign direct investment.

We have seen in a number of cases where Chinese investors have come into our economy. They have grown jobs quite considerably. I can mention one here in the Western Cape: The *Hisense* television manufacturers. This particular investment has gone through very closely with investors in all of the various aspects.

I think that we are committed to try to ensure that we get value for money out of it and facilitate it in supporting the province and the local authorities to make this SEZ a success. Thanks.

Question 310:

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chair, the Agri-parks programme which we have launched in all the 44 district municipalities is a case in point in terms of this question. Each of these districts will host a single Agri-hub

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where agro processing will take place. Already if you went to Springbokpan in North West province, you will see that we have renovated the maize milling facility there. It is already happening; now we are busy constructing warehouses, etc; farmers are producing including sunflowers. So, that is what we have started doing. I can talk about others as well - the Wistenberg in the Western. The hon member would not know Wistenberg. The establishment of agro processing facilities at Agri-hubs will serve as catalyst for industrial development in the villages and rural towns.

The Agri-hubs are generally located in villages and rural towns that are growing in terms of gross domestic products, GDP, and population; where such social and economic infrastructure does not exist, it would be provided. We will focus on roads, electricity and so on. That is the idea around the Agri-parks.

The Department of Rural Development and Land Reform working with other stakeholders is currently investigating the development of new or existing incentives to support investment into the Agri-parks. Seventy percent of Agri-parks will be owned by producers,

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government will only own 30% which it can use to leverage the private sector and in fact that the crux of the question. Thank you very much.

Mr S C MNCWABE: Thank Chair, Mncwabe will take the follow-up question. Thank you Minister for that response but Minister you will note that in most cases we normally receives concerns from our rural village dwellers that when the government brings the programme or any kind of development in the area there is a poor communication in other words they are not properly consulted. So, my question is: Is there any role to be played by the local traditional leaders in these programmes and local people? If there are, what is the role that they expected to play when you bring those programmes? Thank you.

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: The member is correct. We have appointed all local municipal mayors as political champions of our programmes, especially the four programmes I was referring to earlier on. Yesterday I was invited to the forum of mayors here in Somerset West for that reason exactly. They were saying exactly that. The idea of

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having local mayors being political championing is to ensure that when we bring programmes or projects in a municipality, we meet with the mayors so that the mayors, because they are political champions, will themselves say to the minister exactly that. I see your people came here and I don't what they were doing here. There was no consultation.

Secondly, where there are traditional institutions we are establishing stakeholder councils. Remember, the stakeholder councils already exist but now the purpose has been expanded to ensure that traditional leaders participate there. We are exploring a possibility - we hope they will agree - that they will chair or appoint a person to chair these stakeholders so that government - coming with programmes whether it is rural development of anyone - would sit there and discuss. Traditional leaders will be aware of what is happening. That is the programme we have started.

When we talking earlier on - I am excited now -about one household and one hector. There were traditional who were saying that if one could introduce this stakeholder council that is

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going to be a vehicle through which all of us would be kept informed, etc. Thank you Chairperson.

Nks N P SONTI: Chairperson, proper rural air development would entail investments in the development of rural infrastructure to enable a seamless interaction between hectors in the rural economy. We need proper roads connecting farmers to the markets; we need proper markets to purchase products from rural small-scale producers. We know that existing markets are biased in favour of more established white producers. Would you consider logging your counterparts in the Cabinet for a policy that forces all spheres of govern including hospitals and schools to purchase at least 70% of their products from small-scale rural based farming enterprises? Thank you

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chair that is a good question from the hon member. Hon member, in KwaZulu-Natal they have got some programme they referred to as Radical Agrarian Social Economic Transformation, Raset. What is happening here is that the government says to us, produce there but we will ensure that The Department of Correctional Services,

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Education and Health will procure from these producers. This is what at moment is happening and we hoping that that will work and achieve that objective.

Secondly, I earlier on referred to Keiskammahoek; if you really look at it, the reason we place the cheese factory in a village and a big diary parlour modern facilities is to ensure that we create this infrastructure in the village including roads, electricity and water. One cannot have cheese factory without water, electricity and roads because the milk that they produce there, they sell it as far as Port Elizabeth. That will milk is sent-I hope now it will stop - to Coega in the Eastern Cape in Port Elizabeth for processing. Now, we have created that factory where they produce milk. That is based on infrastructure development; it takes a bit of time but that is the way we doing it. Thank you very much.

*IsiXhosa:*

USIHLALO WENDLU (Nks A T Didiza): i-Keiskammahoek ke Mama uSonti iseQoboqobo kwanto zophukayo.

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Mr M L W FILTANE: Thank you Hon Deputy Speaker.

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon House Chair. Yes, proceed.

Mr M L W FILTANE: Thank you, hon House Chair. Hon Minister the key operative word of the question was relocating. Now, you have gone to town talking about new establishment. The idea behind the question was to find out if you have got plans to pull certain sectors from where they are currently located, urban area as an example, to rural areas in order to stem the tide of urbanisation. Which sectors as are you targeting for relocation from urban to rural areas? Not new ones. Thank you. That is the question.

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: That is a very dangerous thing to do.

*IsiXhosa:*

Yingozi leyo uyithethayo, mhlonipheki. Khona ngoku phaya e-Western Transvaal apha ngase Vereeniging ... [Interjections.]

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The HOUSE CHAIRPERSON (Ms A T Didiza): West Rand.

*English:*

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: West Rand  
thank you.

*IsiXhosa:*

Kukho i-Agri-park phaya ...

*English:*

... beautiful storey and it is operational; you will find the mining towns around. Instead of doing what we want them to do, procuring from the Agri-park, they want to procure directly from farmers. They want to turn the Agri-park into a white elephant so to speak. That is exactly what is happening.

*IsiXhosa:*

Ukuba asinakho ukuyenza ngokwethu, izalwe sithi phaya elalini kuba le ndithetha ngayo phaya eKeiskamahoeke naseNcorha yenzeka phaya elalini. Amadlelo e-Agri-park adibaniselena nabanini

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mhlaba thina sithenge iinkomo sibakhele i-dairy parlour. Badibane bona basenge iinkomo kuthengiswe ubisi. Aba bantu ngabantu belali akukho mntu osuka elokishini aye elalini. Mhlonipheki ndiyakumema uye phaya eKeiskamhoek uye kubona i-cheese factory le siza kuyivula ngolwesihlanu, ngomso omnye. Enkosi.

Mr K P ROBERTSON: Chairperson, I heard the Minister speaking often about one farm and his cows but we all know what is happening out there in the lands; we all know what is happening and the failures in the department. Minister, given the devastating effect of corruption and mismanagement outlined by the forensic audits done in your department and harmful effects on rural development referred to in this question, what did the forensic audits reveal about the land reform projects with many different departments and different level of government involved in rural development and when are you outlining the steps you are going to take to prevent these from repeating? Thank you

*IsiXhosa:*

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UMPHATHISWA WESEBE LEZOPHUHLISO LWAMAPHANDLE NOHLENGAHLENGISO  
LWEMIHLABA: Akukho nto imbi ngathi ngumntu ongayiboniyo into  
entle. Ubuza umbuzo omtsha kodwa ndiza kuwuphendula.

Urhwaphilizo luphaya kuhlengahlengiso lwemihlaba, hayi  
kuphuhliso lwamaphandle. Ukuba uyaqaphela, Sihlalo, uya  
kukhumbula ukuba ukuqala konyaka besilapha nomnumnzana u-  
Abrahams sibuyiselwa iifama ezingama-29 ezikhutshwe  
ngorhwaphilizo. Ama-26 azo asuka kwaZulu-Natal, inye eMpuma  
Koloni, inye eFree State nase-North West. Ezo fama zibuyile;  
siyasebenza kwaye sinenqubo kunye ne-Special Investigating Unit  
[iCandelo loPhando oLulodwa], SIU. Xa usiva le nqubo nale  
isandul'ukukhutshwa, loo nto ithetha ukuba thina sinesivumelwano  
sokwenza i-scoping ukuze xa sigqibile, i-scoping sicebise  
ukwenziwa kophando emva koko iCandelo loPhando oLulodwa lunikwe  
iziphumo zophando ukuze libambe abantu. Siyabagxotha nabanye  
phaya esebeni, itsho le nto. Siyayenza loo nto asiyibalisi nje.  
Thina silulwa urhwaphilizo phaya esebeni. Umhlekezazi uyayazi  
uthetha into ayaziyo. Enkosi.

*IsiZulu:*

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USIHLALO WENDLU (Nk A T Didiza): Ngiyabonga, Ngqongqoshe ngiyezwa amalungu eceleni kwami kwesokunxele athi acela ushizi. Ngingasho ke ukuthi malungu ahlonipkekile unimmemile uNgqongqoshe wathi iyani kwaQoboqobo kwizinto eziphukayo niyobona leya mboni nithenge khona ushizi.

*English:*

Mr N SINGH: Chairperson, may I rise on the point of order or explanation from you?

The HOUSE CHAIRPERSON (Ms A T Didiza): Yes, sir.

*English:*

Mr N SINGH: Printed on the order paper, I supposed with the instruction of the hon Speaker because Rule 138 (5) allows that our question that stood over from last week when the Minister of Public Enterprise was not here, the rules...

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

*IsiXhosa:*

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Hayini, masimyekeni athethe ndiza kumphendula umhleleki.

*English:*

Order, hon member, you can proceed. Order! Hon Singh

Mr N SINGH: Sorry Chair, I wish you could address it because some of us have other commitments before we get into the House, but may be you can provide an explanation for us. Thank you.

The HOUSE CHAIRPERSON (Ms A T Didiza): Certainly, I'm sorry that you were not here when the announcement was made by the Speaker in the beginning of the process. That is why other members were like ...

*IsiXhosa:*

...Awu! uthini uSingh manje.

*English:*

Hon Singh I will just read what the Speaker said. Today I received the letter from the Minister of Public Enterprises with regard to the questions that are standing over on today's

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Question Paper. The Minister has been booked off due to ill-health from 24 November until 24 Dec 2017 and will not be in the House to attend to the question. While the Rules provide that the Minister may authorise her Deputy Minister or another Cabinet member to deal with the question. It was the wish of the Minister due to the nature of two of the question to deal with them personally.

This is according to a letter of 22 November as this is no longer possible and as today is the last question session in this annual session of the National Assembly. The replies will table in writing in accordance with Rule 143(1). The additional 30minutes set aside to respond to the question will therefore fall away. Therefore, that was the announcement hon member.

Mr N SINGH: Thank you very much, hon Chairperson. I think you will understand where we were detained dealing with member support until five to three this afternoon. Thank you.

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, I think what the hon Singh was attempting to do was to express some

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concern about members of the executive who are sick. Minister Lyn Brown is sick, Mr Zwane is sick and they have parliamentary duties to perform. It is amazing. It must be the Gupta virus.

[Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon Steenhuizen, hon Singh expressed himself, he did not need anyone to express what he wanted to say. However, I appreciate, Deputy President, some of these little irritations are arising in the House because I think members are really waiting patiently to receive a Christmas present. That is why they are waiting for the Christmas present and in your good office in its broad extended Presidency. That is where we are expecting some presents. That is why the members are you know - Now can we as part of my responsibility as a shop steward I must represent the workers you know very well as a trade unionist how it works.

[Interjections.]

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES - REQUEST FOR NATIONAL ASSEMBLY TO**

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INSTITUTE REMOVAL PROCEEDINGS AGAINST PUBLIC PROTECTOR IN TERMS  
OF SECTION 194 OF CONSTITUTION

There was no debate.

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

*Declarations of vote:*

Adv G BREYTENBACH: House Chair, the Portfolio Committee on Justice and Correctional Services was tasked with the consideration of a request to institute removal proceedings against the Public Protector in terms of section 194 of the Constitution.

The hon Steenhuisen submitted that the conduct of the Public Protector over the past 10 months demonstrated that she was not fit to hold office as Public Protector. Her conduct, as he referred to, included but was not limited to the following: that she grossly overreached her powers when she ordered the Constitution to be amended to alter the mandate of the

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SA Reserve Bank; that she grossly overreached her powers when she sought to dictate to Parliament how and when legislation should be amended; and that she has shown a poor understanding of both the law and her powers.

She sacrificed her independence and impartiality by consulting with the President and the State Security Agency on remedial action. The North Gauteng High Court found, *inter alia*, that the Public Protector had unconstitutionally and irrationally intruded on Parliament's exclusive authority and that she had gone about crafting her recommendations in a procedurally unfair manner.

The portfolio committee initially issued a statement saying that we would resolve to agree to a request to hold an inquiry into the Public Protector and her fitness to hold office. A date for a proper inquiry into the merits of the matter was set. Clearly, a thorough investigation of the merits was envisaged. The chairperson himself advocated for an ad hoc committee to deal with the issue. He was roundly criticised by his own members and

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subsequently outvoted. He had obviously not received the hymn sheet in time.

On the next date, the committee then backtracked with undignified haste, concluding there was no basis to institute an inquiry. The Public Protector had made a mistake, and she had acknowledged this. That was that - billions lost and no accountability. If the matter was not so serious, it would make great comedy. The Public Protector has not only contradicted herself in court papers but stands accused of trying to mislead the court and of a worrying lack of candour. When faced with the failure to secure a postponement, she offered punitive costs after withdrawing her ill-fated attempt - punitive costs that come out of an already strained budget and from taxpayers' money.

This is the Public Protector that the ANC refuses to interrogate. This is the Public Protector they want for you and me. They want her because she consults with the President and then amends her reports to accommodate him. They want her because she consults with state security before releasing her

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reports. She is a Public Protector who has not the slightest grasp of what it means to be independent, to be impartial and to conduct her functions without fear, favour or prejudice. The Public Protector is not independent. She is not impartial, and she is not fit to hold office. We reject this report.

[Applause.]

Shall I do the other one as well? The committee was then called upon to consider the remedial action of the Public Protector in the state capture report. On 14 October, the Public Protector released the State of Capture report. It reported serious concerns about alleged improper and unethical conduct by the President and other state functionaries relating to the improper relationships and involvement of the Gupta family in the removal and appointment of Ministers and directors of state-owned enterprises, resulting in the improper and possibly corrupt award of state contracts and benefits to the Gupta family's businesses.

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Breytenbach, I regret to inform you that the second part of your speech is part of the Second Order. We have separated the two.

Adv G BREYTENBACH: Alright. Thank you, then.

Mr T RAWULA: Chair, Parliament is supposed to represent the deepest aspirations of the people and to ensure that those elected and appointed to positions of authority exercise this authority with the utmost integrity, honesty and commitment to serving our people, not narrow interests.

The Public Protector, being an integral part of our democracy, is appointed by the people through their representatives in Parliament. She is supposed to be a model of our collective conscience and guard against abuse of public office by wayward individuals, such as uBaba ka Duduzane, Mr Bongo, Ms Bathabile Dlamini and others. Ms Busisiwe Mkhwebane represents none of these values. She has little integrity left. She has a very strange relationship with honesty, and, in the little time she has been in that office, she has proven herself to be anything

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but a Public Protector – a Public Protector that protects Mr Zuma par excellence.

It ought to be the responsibility of this House to correct the mistake we made by entrusting an office as important as that of the Public Protector to such a deeply compromised person. Her remedial action on the so-called CIEX report also demonstrated that, in her fixation with serving her masters, she is prepared to project her incompetent side. She wanted to instruct Parliament to change the Constitution, powers that even the courts do not have. By refusing to have the conduct of Ms Mkhwebane investigated, the ANC in Parliament has shown once more that they do not care about morality, law and order in this country. They only care about protecting their corrupt interests. Busisiwe Mkhwebane must think about her legacy and about the fact that Mr Zuma is going soon and resign to save the little integrity she has left.

This committee has done even more damage to its reputation by refusing to process the Public Protector's remedial action on state capture. The remedial action demanded that Parliament

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review the Code of Ethics for Members of the Executive to ensure there are no loopholes that can be exploited by unscrupulous individuals like our current President. At the insistence of Mr Zuma, the committee decided to defer the matter to the Minister of Justice and Correctional Services. However, the remedial action was directed to Parliament, not to Minister Masutha.

Parliament is therefore ignoring the remedial action, which happens to be binding, of the Public Protector. This is an unbelievable circumventing process that has become synonymous with Zuma and this Parliament. We reject the fact that the committee decided to abscond its duties to hold the executive to account. We reject the report based on the refusal to institute action against Ms Mkhwebane and based on the refusal by the committee to deal with the remedial action of the Public Protector.

In fact, when we appointed Ms Mkhwebane, the signs were there, but we decided to give her the benefit of the doubt. This Parliament must take a serious decision - that Ms Mkhwebane must be removed from office. Thank you very much. [Applause.]

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Inkosi E M BUTHELEZI: Chairperson, we had actually commented on both the reports, but I think I will first just concentrate on the matter regarding Adv Mkhwebane and come back to the other one later, or, if the Chairperson permits, I will do both and not come back later.

The request in terms of section 194 of the Constitution to look into the fitness of our Public Protector, Adv Mkhwebane, to hold office raises serious concerns. The fact that the committee concluded there was no basis to institute such an inquiry and that the Public Protector had made a mistake does not sufficiently mitigate these concerns. The Office of the Public Protector must be impeccable and devoid of any kind of blemish. Accordingly, the IFP would have preferred that an inquiry be held into the matter, as the matter raised by the hon Chief Whip of the Opposition in his correspondence to the Speaker raised issues that we feel definitely warrant further investigation into the fitness of Adv Mkhwebane to hold office.

In respect of the remedial action in her predecessor's State of Capture report into complaints about alleged improper and

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unethical conduct by the President and other state functionaries in relation to improper relations with the Gupta family and other alleged undue influence over the President in respect of Cabinet appointments and issues relating to corruption over awarding of state contracts, her remedial action called for a review of the ethics code and the Executive Members' Ethics Act. We note the announcement by the President that the administration of the Act is now under the Minister of Justice and Correctional Services. We call upon the Minister to fully interrogate and investigate this matter and report back to this House within the mandated timeframe on any possible shortcomings found in the legal framework.

The IFP therefore does not support the report. Thank you.

Mr S C MNCWABE: Chairperson, the NFP was part of the meetings which are reported on here today. As such, we are in agreement with the recommendations contained in both reports tabled here today.

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On the removal of the Public Protector, we submitted to the committee that the courts had dealt with the matter and that the Public Protector and her legal team had surely learnt their lesson on their faulty interpretation of the law. We have to bear in mind that even judges make mistakes and have their judgments overturned on appeal on the basis on how wrongly they would have interpreted the law. However, a mistake would not mean that they must be impeached immediately. If that is how we do things, then we won't have any judges left. The same applies to the Public Protector. Our submission is that we do not support the move to destabilise the Office of the Public Protector by removing the Public Protector on the basis of one matter.

We also need to bear in mind that our Constitution allows for anyone who is not happy with the findings of the Public Protector to approach the court for a review. It is important that concerns be raised in the correct forum, and the NFP believes that Parliament is not the correct forum to adjudicate on the content and findings of the Public Protector's report, unless Parliament has a direct interest in the matter where it

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has been directed by the Public Protector to take action. The NFP is of the opinion that the Office of the Public Protector is an important constitutional mechanism to ensure transparent and accountable governance, an institution which all South Africans must have absolute faith in.

It is therefore imperative that the Office of the Public Protector is respected and supported. Most importantly, we believe the Office of the Public Protector should not become politically contested terrain. It is unfortunate that recent political events have propelled the Office of the Public Protector into stormy waters. This dilutes the effectiveness of this important office. We fully understand the frustrations the Public Protector might have regarding the redistribution of our country's wealth. It is a fact that the SA Reserve Bank is privately owned and that the majority of its shareholders are not the citizens of this country. In effect, it means the Western bourgeoisie continues to loot this country in the form of dividends from Reserve Bank shares.

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We also submit it is true that the role of the Reserve Bank in the fight against poverty is not clear, nor is its stance on economic inequality in our country. There will be no radical economic transformation if the role of the Reserve Bank is not revisited. There will be no "New Deal", Deputy President, if the role of the Reserve Bank is not revisited. The Reserve Bank must change and play a key role in addressing the triple challenges facing our country. Thank you. [Time expired.]

*Declarations of vote (Contd):*

Mr S N SWART: Chairperson, the ACDP regrets the manner in which this matter was dealt with by the committee. We have a very clear recording and reflection: When we discussed this the first time, I suggested that the matter should be referred to an ad hoc committee because the Justice committee had too much work. I also said that the chairperson was named in the particular judgment and therefore was conflicted. The chairperson agreed that the matter should go to an ad hoc committee. However, the ANC members insisted and agreed that the inquiry would be held by the Justice committee.

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I was then most flabbergasted at the next committee meeting when the committee then said, "No, we haven't decided to hold an inquiry. We need to now look into whether an inquiry should be held at all." We debated the issue at length, but what was even more flabbergasting was that a point was taken that we may not even look at the letter of complaint because that was casting aspersions on the Public Protector. There is no basis to that. I almost said "nonsense". Maybe I should say it is nonsense, because how can you consider the merits of having an inquiry if you can't look at the base document? So, clearly, there was no basis to that. But if you then look at the letter of complaint and the annexures, they are a very severe indictment of the Public Protector.

One must note that the Speaker of this very House said, in severely criticising the Public Protector, that her order that the Reserve Bank be stripped of its primary function of protecting the currency seemed little more than a personal predilection, wholly unrelated to the improper conduct that she found in this case. Surely, that warrants, at the very least, an inquiry?

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The Governor of the Reserve Bank was more scathing in his criticism of the irrationality of the remedial action proposed, which had an immediate detrimental impact on the currency, bond and equity markets. Judge Murphy found "the attempt to pass off the remedial action as a mere recommendation is disingenuous." What does the word disingenuous mean? It means untruthful; it means you are lying. He added that the Public Protector would do well to reflect on her conduct of this investigation and on the criticism of her by the Governor of the Reserve Bank and the Speaker of this Parliament.

So, if this does not warrant at least an inquiry - the outcome of the inquiry is a separate issue - then I don't know what does. And, unlike judges, there is a mechanism in the Judicial Services Commission. The only body that can hold the Public Protector to account is Parliament itself and the Justice committee.

So, the argument about judges does not hold any water, yet the committee failed to allow even an inquiry to take place, having no regard for the comments by the Speaker, the Governor of the

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Reserve Bank and the judgment of Judge Murphy himself. The failure to even hold an inquiry cannot be condoned or supported, and the committee failed dismally in its constitutional oversight role. The ACDP will not accept this report or support it. Thank you.

Ms M C C PILANE-MAJAKE: Thank you, House Chairperson and hon Deputy President. Hon Swart, I am going to differ from you because you were misrepresenting the chairperson of the portfolio committee when you said that the chairperson had actually agreed to the establishment an ad hoc committee to look into the matter. I don't know why there is that confusion, because when we looked into the matter for the first time, what we were actually looking at was whether we were the right forum to consider the matter.

There was the same confusion in terms of what was actually communicated with the media, because all over the media there was this thing about the Portfolio Committee on Justice and Correctional Services having to establish an ad hoc committee that we didn't know anything about, because we were just looking

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at whether we were the right forum to look into the matter or not. And we agreed on that point: that we would look into the matter, and then subsequent action took place. So, I don't understand why now today you are actually turning this around, as if somehow the chairperson had an individual and separate view from all of us. [Interjections.]

The Speaker of the National Assembly received the letter dated 13 September 2017 from the Chief Whip of the DA. The hon Steenhuisen requested the National Assembly to institute removal proceedings against the Public Protector in terms of section 194 of the Constitution. The letter was referred to the committee for consideration. In his letter, the hon Steenhuisen submitted that the conduct of the Public Protector, Adv Busisiwe Mkhwebane, over the past 10 months demonstrated that she was not fit to hold office as the Public Protector.

The conduct referred to relates, but is not limited to, that she grossly overreached her powers when she recommended in her report, No 8 of 2017-18: the Bankorp report, that the Constitution be amended to alter the mandate of the SA Reserve

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Bank; that in doing the above she showed poor understanding both of the law and her powers; that she sacrificed her independence and impartiality when she consulted with the Presidency and the State Security Agency on remedial action to be recommended in the Absa Bankorp report.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, will you just take your seat please. Why are you rising, hon member?

Mr M WATERS: On a point of clarity, Chair. The hon Swart said that the Justice portfolio committee was not given the letter from the hon Steenhuisen, yet the hon member at the podium is quoting from the letter. How did she get the letter, if the rest of the committee weren't given the letter? [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, that is not a point of order. [Interjections.] Continue, hon member.

[Interjections.]

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Ms M C C PILANE-MAJAKE: How would we have actually deliberated on the matter when we never received the letter? I don't know what you are talking about.

I continue: that in doing the above she showed poor understanding of both the law and her powers; that she sacrificed her independence and impartiality when she consulted with the Presidency and the State Security Agency on remedial action.

On 25 October, the committee expressed the view that the request by the DA to institute removal proceedings for the Public Protector, Adv Mkhwebane, was politically motivated. From the outset, the DA was the only political party that did not support the appointment of the Public Protector after the conclusion of a lengthy ad hoc committee process. The committee concluded that there was no basis to institute an inquiry. The Public Protector had made a mistake she acknowledged, as happens in all three arms of state.

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There was enough prima facie evidence contained in the documents disputing the allegations that the Public Protector was influenced by contact with the President and the State Security Agency in reaching some of the conclusions in the Bankorp-Reserve Bank matter.

The impression that he was giving here was that: you know, in this country, it's as if there are certain things that you are not supposed to actually try to venture into. What the Public Protector's report was actually also looking at was how South Africa manages to deal with this abject poverty that South Africans are actually experiencing - and then the issue of the Reserve Bank was actually brought into play.

But, for now, we are actually just focusing on the fact that she overstepped her mandate to the extent that it actually closed a suggestion that was so good and that still needs to be explored. Can we, as South Africans, manage to actually also utilise an institution like the Reserve Bank to look at how we can deal with poverty in South Africa? We need to try to be honest when we deal with ... [Inaudible.] ... especially when it comes to

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issues of the development of South Africa. We know we continue to be faced with the triple challenge of poverty, unemployment and inequality. What are you saying?

Mr D W MACPHERSON: It's your fault.

Ms M C C PILANE-MAJAKE It's not our fault. What are you saying about it? I've never heard any suggestions whatsoever from my left-hand side as to how we can deal with poverty, unemployment and inequality. [Interjections.]

The economy of this country that is so skewed is unfair for South Africans. You need to start giving ideas as to how we deal with it. [Interjections.] How do we transfer the wealth in a balanced manner, so that South Africans who live in this country that is so wealthy don't find themselves living in abject poverty?

Having considered the request for the National Assembly to institute removal proceedings against the Public Protector in terms of section 194 of the Constitution, the committee resolved

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that there was no basis for Parliament to institute removal proceedings against the Public Protector. I thank you, hon Chairperson. [Applause.]

Division demanded.

The House divided.

[TAKE IN FROM MINUTES.]

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES ON REMEDIAL ACTION IN PUBLIC PROTECTOR'S  
STATE OF CAPTURE REPORT NO 6 OF 2016-17**

There was no debate.

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

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

*Declarations of vote:*

Adv G BREYTENBACH: Hon House Chair, on 14 October 2016 the Public Protector released the State of Capture Report. It reported serious concerns about alleged improper and unethical conduct by the President and other state functionaries relating to the alleged improper relationships and involvement of the Gupta family and the removal and appointment of Ministers and directors of state-owned enterprises resulting in improper and possibly corrupt award of state contracts and benefits to the Gupta family businesses.

Events have overtaken us and we now know that the report was both terrifyingly true and that the rot of state capture is much more insidious than anyone of us could have imagined. In a sickening parody of Robin Hood, the President and his band of thieves have been stealing from the poor and giving to the rich,

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the rich being himself and his corrupt thieving friends and the Guptas. Among the remedial actions ordered by the Public Protector was to review the Executive Members Ethics Act within 190 days. Parliament was required to provide better guidance regarding integrity and management of conflicts of interests. Parliament has of course done none of these things, the reason being that the President does not want these things done and the pawns that make up the ANC component on the justice committee are only too keen to give the President what he wants. The committee first dealt with the matter on 16 February 2016, despite the request and enquiries we did not see it again until 5 September 2017. This was mostly due to the constant cancelling of scheduled meetings due to the unavailability of the ANC members of the committee.

But even then the committee failed to deal with the matter. True to form, the majority kicked for touch and asked for an extension which was granted until the end of March 2018. In November the President announced that he had transferred the administration of the Executive Members Ethics Act to the Cabinet member responsible for the justice portfolio. Gleeful at

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having a new excuse to do nothing at all, the committee resolved that the Minister of Justice and Correctional Services is best placed to investigate any possible shortcomings in the ethical framework. The justice committee despite sporadic attempts by the chairperson to find some direction has become nothing but hirelings of the President and his acolytes. The DA does not support this report.

Ms M R M MOTHAPO: House Chair, hon Deputy President, Ministers, Deputy Ministers, fellow comrades ... [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Order hon members! Can you just quiet down.

Ms M R M MOTHAPO: ... and fellow South Africans ...  
[Interjections.]

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

Ms M R M MOTHAPO: ... the Executive Members Ethics Act was promulgated in 1998 to give effect to Section 96 of the

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Constitution which requires legislation to be passed to regulate the ethical conduct of the national and provincial spheres of government. At its 50th national conference, the ANC amongst others, to regard corruption - especially in government and the parastatals - not only as very serious, antisocial behaviour but in fact an attack on the very essence of our revolution. Again, to take an uncompromising stance against any form of corruption whoever may be involved, to urgently introduce further mechanisms of accountability and transparency to avoid corrupt practices but more importantly, to bring the full extent of the law to bear upon such culprits and again to provide for the most severe sanctions in the case of any dishonesty by a state official. It is not true what hon Breytenbach has just said to say the President does not want things done

Mr D W MACPHERSON: He does not!

Ms M R MOTHAPO: He does ... [Interjections.] the Executive Members Ethics; let me give you, introduction to law 101

AN HON MEMBER: I do not need it thank you.

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Ms M R MOTHAPO: You want it, the Executive Members Ethics Act; it's the Ad Hoc Joint Committee on Ethics which previously dealt with it. There was no member of the executive directly dealing with that hence the President saw it prudent to appoint the Minister responsible for Justice and Correctional Services to deal with this matter. Therefore as a committee we were busy with the process and therefore after the President, on 6 November 2017 announced in the Government Gazette that he has transferred the administration of the Executive Members Ethics Act to the Minister of Justice and Correctional Services then we found it proper that we do not run parallel processes and therefore the committee deliberated on the matter and resolved that we recommend that we request the Minister of Justice and Correctional Services to investigate possible shortcomings in the legal framework regulating the ethical conduct applicable to executive members. And you know very well hon Breytenbach that the remedial action in terms of the Executive Members Ethics Act was so broad that the Public Protector did not state categorically clear as to which sections specifically to be amended.

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You know very well and again the committee recommended that the investigation should include the specific aspects of the remedial action in paragraph 8,9 of the State of Capture Report as it relates to the Executive Members Ethics Act which may require legislative amendment and furthermore, given the need for this process to be concludes as speedily as possible, these amendments should be introduced to Parliament as a matter of urgency. And again, in addition to the Public Protector to the need for consideration to be given to a transversal code of conduct for all state employees on the basis that there may be value in identifying certain concrete principles which should guide public officials. The committee also recommends that, given the crosscutting nature of a transversal ethics code and the need to debate the necessity for greater alignment of ethics codes across all spheres of government. The National Assembly should refer consideration of a transversal code of conduct for all employees of the state to the appropriate body, in this case, the Ministry of Public Service and Administration for further investigation.

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Again, as the ANC, we fully support this report and ...

[Interjections.]

The CHIEF WHIP OF THE OPPOSITION: Of course you do! You're a Gupta!

Ms M R MOTHAPO: You are a Gupta yourself! We fully adopt this report and we hope that it will promote accountability and transparency. As for the 50th national conference which was held in Mafikeng from 16-20 December 1997, hon Mhlongo is not even part of this committee, the same applies to the one who was here representing EFF and also saying that the President was refusing to deal with the Executive Members Ethics Act.

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

Mr T RAWULA: Chair, on a point of order. I am not required to be a member of the committee to engage in a parliamentary debate.

So she must not come here to mislead the House. [Interjections.]

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The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you hon member.  
That is correct.

Ms M R MOTHAPO: I know Rules. You are feeling threatened, both  
of you. ANC ...

*Sepedi:*

... e tšwela pele - le rata goba le sa rate. Le etshwa mare gape  
le šišimišega, re tlo tšwela pele go thuša setšhaba sa gaborena.  
Ke nnete ... [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: What a joke!

Ms M R MOTHAPO: ANC ... What a joke! What a joke! You do not  
even know this language.

*Sepedi:*

O rata goba o sa rate, Mna Steenhuisen, Mna Walters le  
semangmang. Re tšwela pele. Le kgama ke pelo. [Tšhwahlelo.]

[Nako e fedile.]

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Motion agreed to (Democratic Alliance, Economic Freedom Fighters and African Christian Democratic Party dissenting)

Report accordingly agreed to.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES ON REQUEST FOR NATIONAL ASSEMBLY TO  
INSTITUTE AN INQUIRY INTO ALLEGED MISCONDUCT OF DEPUTY PUBLIC  
PROTECTOR**

The HOUSE CHAIRPERSON (Mr C T Frolick): I have been informed that a member of the committee will introduce the report. Where is that member? [Interjections.]

Could the Whips ensure that the members who are to introduce reports take up their seats in the waiting benches so that we do not delay proceedings in the House. [Interjections.]

Order, hon members!

Ms M S KHAWULA: Point of order, Chair.

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The HOUSE CHAIRPERSON (Mr C T Frolick): What is the point of order? [Interjections.] Yes?

*IsiZulu:*

Nks M S KHAWULA: Hayibo! Kodwa le nyanga kuthiwa eyabantu besifazane, uyabona uNDZ akakhululekile la ngenxa ka-DP ophumayo, siyavuma.

*English:*

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, that is not a point of order. Please take your seat. [Interjections.]

*IsiZulu:*

Nks M S KHAWULA: Ake udedele abantu besifazane.

*English:*

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon members, let's get back to the business of the House, and forget the entertainment value of that comment. Please continue, hon member.

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Mr M S MAILA: House Chair, the creation of institutions supporting democracy such as the Office of the Public Protector is a reflection of the ANC's position in transferring power to the people, as echoed in the Freedom Charter's call that the people shall govern.

It is the ANC which proposed the creation of an ombudsman office with powers to investigate allegations of corruption, abuse of power, and maladministration. This office has the power to provide adequate remedies and will be appointed and be accountable to Parliament.

The court, in the first certification judgement, held that the independence and impartiality of the Public Protector will be vital in effective, accountable, and responsible government.

The committee received a letter from hon Mike Waters from the DA. This letter was sent to the Office of the Speaker of the National Assembly, raising allegations of misconduct on the part of the Deputy Public Protector, Adv Kevin Malunga, and requesting the National Assembly to institute an enquiry. These

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allegations relate to the unlawful termination of an investigation into fraud and irregular expenditure by the former Executive Mayor of Ekurhuleni Municipality.

The Public Protector wrote to the Office of the Speaker of the National Assembly and assured the Speaker's Office and Parliament that the investigation in question was never terminated by the Public Protector or anyone in her Office, and that the investigation is at an advanced stage. She confirmed that there has been nothing untoward in respect of the investigation.

This then proves that the allegations by the DA levelled against the Deputy Public Protector are baseless and false.

Therefore, there is no basis for the National Assembly to conduct an enquiry into the Deputy Public Protector's conduct.

This frivolous allegation by the DA is nothing but a public stunt, proving that the DA is an opportunistic party, self-seeking and self-serving. [Interjections.]

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We call on the DA to do thorough research and get their facts straight before casting aspersions on the institutions supporting our hard-won democracy.

The ANC will continue to support the Office of the Public Protector and encourage it to continue serving the interests of the masses of our people, without fear, favour or prejudice, as it has always been doing.

The ANC supports this report. Thank you.

There was no debate.

Ms H H Malgas moved: That the Report be adopted.

*Declarations of vote:*

Adv G BREYTENBACH: Hon House Chair, the portfolio committee considered the request to institute an enquiry into the alleged misconduct of the Deputy Public Protector. The request was received from the Deputy Chief Whip of the DA, hon Waters,

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requesting an enquiry into the alleged misconduct of the Deputy Public Protector.

The committee considered the report on 28 September 2017.

The complaint was essentially that the Deputy Public Protector, Adv Malunga, had unlawfully terminated an investigation into fraud and irregular expenditure by the former Executive Mayor and Municipal Manager of the Ekurhuleni Municipality.

The Public Protector had written to the Speaker on 14 September 2017 responding to the alleged misconduct of Adv Malunga. In her letter, the Public Protector indicates that the investigation into the original complaint regarding the alleged fraud and irregular expenditure was ongoing.

It's fairly obvious from a very cursory observation of the timeline that the investigation was quickly reinstated, pursuant to the complaint laid by the hon Waters, and is now being passed off as an ongoing investigation in order to avoid the investigation.

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However, having been informed in writing by the Public Protector of the ongoing nature of this investigation, we will be keeping a close watch on the progress made and, more importantly, on the lack thereof.

Under the circumstances, we reluctantly support the report.

Mr M N PAULSEN: House Chair, in their over-zealousness to litigate their way to power, the DA often commits tragic strategic mistakes like assigning themselves the title of being fishers of corrupt black men, even when none exist.

It is this over-zealousness that made them approach Parliament to institute an enquiry into the alleged misconduct of Adv Kevin Malunga, the Deputy Public Protector, for allegedly terminating an investigation into corruption by Mr Mondli Gungubela while he was Mayor of Ekurhuleni.

However, they never bothered to follow the facts, and wasted our time in this House, forcing us to deal with a matter that is a non-issue.

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The Office of the Public Protector confirmed in writing that the investigation into these allegations of corruption is still ongoing.

We must always be vigilant in fighting against corruption wherever it rears its ugly head, but we must not be fixated on suspecting crime wherever there are black people we do not like.

The DA is so blinded by their mistrust of anything black that does not fit their expectation of what a civilised native should look like, that they are prepared to leave no stone unturned to find these corrupt black men and women.

We reject their attempt to have us investigate a non-issue. We urge the few people of integrity in the Office of the Public Protector to fast-track the investigation of the alleged corruption in Ekurhuleni during the time of Mr Gungubeli.

We welcome this report. Thank you.

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Mr E M BUTHELEZI: Chair, in terms of section 9(2) of the Public Protectors Act ... [Inaudible.] ... nothing [Inaudible.] ... forbid discussion in Parliament of a matter being investigated or which has been investigated in terms of this Act by the Public Protector. In this particular matter, it was subsequently found that there was no termination of the Public Protector's investigation into alleged fraud and irregular expenditure by the former Executive Mayor of Ekurhuleni Municipality, and that the investigation is in fact ongoing.

Ekurhuleni Municipality is in a state of a financial chaos and allegations of corruption at all levels of the municipality are rife. We urge the Public Protector to conduct a thorough and comprehensive investigation into this matter and accordingly await the report. Should evidence of corrupt activity be found, we expect a swift response from our law enforcement agencies.

The IFP supports the report. Thank you.

Mr S C MNCWABE: Chair, while I was perusing this report, I was reminded of Malcolm X who once said, and I quote:

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I'm for truth, no matter who tells it. I'm for justice, no matter who it is for or against.

Central to the report today are two underlying and interrelated concepts, namely truth and justice. The NFP believes that, as public representatives, we have a sacred duty to promote the wellbeing of our people at all times, and we are required to do so diligently, without fear or favour. The wellbeing of our people is a wide term and includes but is not limited to making sure that governance is transparent and accountable. It is an absolute requirement of an open and democratic society.

The NFP believes that each and every member of this House is duty-bound to bring to the fore any incident of wrongdoing, and, if necessary, bring the matter to Parliament as the appropriate forum, if it falls within the ambit and jurisdiction of Parliament.

However, as much as we have a right and are duty-bound to raise matters and to do so here in Parliament, we have to verify our facts before we proceed. If we do not verify our facts, we do

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not present the truth. And if we do not verify our facts, we fail in our duty, for justice cannot be served by a lie.

It is regrettable that the request to institute proceedings against the Deputy Public Protector was based on incorrect facts, regardless of whether the request was made bona fide or not.

In our view, the correct procedure would have been to first obtain confirmation from the Office of the Public Protector to ascertain whether the Deputy Public Protector had indeed terminated the investigation in question. Only after confirmation of termination, would it have been possible to question the lawfulness of the termination.

These steps were clearly not taken, and the end result is that the unfounded allegation was made the business of Parliament, which is regrettable.

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Finally, the fact that the unfounded allegation was made the business of Parliament should not deter us from exercising our duties and rights as public representatives in Parliament.

The NFP is of the opinion that we must continue to use truth to seek justice for our people, but we must go about our business in a way which enhances the credibility and efficiency of Parliament. In doing so, we will serve the best interests of our people. We support this report. Thank you.

*Afrikaans:*

'n AGB LID: Hoor! Hoor!

Ms M C PILANE-MAJAKE: Chairperson, I hope the DA today has actually managed to listen and listen carefully about these stories that they continue to create that actually waste the time of Parliament. [Interjections.]

The EFF actually put it clearly to you: Please stop suspecting any black person who is trying to do their jobs ...

[Interjections.] ... and creating stories about them. It's a

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waste of time, not only for this Parliament, but also for the entire country. The country is waiting for delivery; but what happens is that half the time we have got to be looking at things that don't exist. This is what the NFP calls unfounded allegations. Please verify before you bring stories to Parliament.

I think even members are tired of hearing stories that don't actually have any basis in truth. It's unfair, and we in the Justice Portfolio Committee are supposed to promote to access but you are busy violating people's rights, creating stories half the time. Every time it's corruption and this and that. It is a waste of time.

The Speaker of the National Assembly received a letter on 13 September from the Deputy Chief Whip of the DA. The other one was from hon Steenhuisen. This one comes from Mr Waters, requesting the National Assembly to institute an enquiry again into the alleged misconduct of the Deputy Public Protector in terms of sections 2 and 9 of the Public Protector Act, Act 23 of 1994.

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The letter was received by the committee for consideration and the report was actually published in the Announcements, Tablings and Committee reports on 28 September.

The letter from the DA alleges that the Deputy Public Protector, Adv Malunga, unlawfully terminated an investigation into fraud and irregular expenditure by the Former Executive Mayor and Municipal Manager of Ekurhuleni Municipality. The committee noted that the Public Protector had written to the Speaker of Parliament on 14 September, responding to the alleged misconduct of Adv Malunga. The letter indicated that the investigation into the original complaint regarding alleged fraud and irregular expenditure by the former Executive Mayor and Municipal Manager of Ekurhuleni Municipality is ongoing, and affected parties would be served shortly with a section 79 notice in terms of the Public Protector Act of 1994.

This letter was referred to the committee on 28 September.

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The committee therefore resolved that the alleged misconduct of the deputy public protector, Adv Malunga, is baseless for the National Assembly to conduct the inquiry. I thank you.

Motion agreed to.

Report accordingly adopted.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES ON THE SUSPENSION FROM OFFICE OF  
MAGISTRATE X B STUURMAN, ADDITIONAL MAGISTRATE AT EAST LONDON**

There was no debate.

Question put: That the Report of the Committee be adopted, including the recommendation that the suspension from office of magistrate Ms X B Stuurman be confirmed.

*Declarations of vote:*

Ms G BREYTENBACH: Hon House Chair, the removal of Magistrate Stuurman who is a magistrate at East London and who was

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appointed to the bench in May 2003 is recommended by the Minister after the disciplinary hearing of the Magistrates Commission and their recommendation.

The Minister and the Magistrates Commission recommend suspension and we agree with that recommendation. However, it is the process by which this was arrived at that we have an objection to.

The effective handling of internal discipline by the judiciary is a key element of the independence in the judiciary. The fact that the adjudicator is assessing the evidence in disciplinary hearings of magistrates or fellow judicial officers mean that we are embracing international guidelines in this regard.

The oversight and the advisory role of the Magistrates Commission in respect to these disciplinary measures satisfy the requirements of a check and balance and act in strengthening the independence of these processes.

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The Minister of Justice on the advice of Parliament executes any penalty that has the effect of dismissing over magistrate. This is yet another check and balance in the system to ensure the integrity of processes remains conclude in the judicial offer being removed from office.

All of this should assist to maintain public confidence in the judiciary but this would only happen if all role players fulfil their duty in an honest and proper manner which brings me to the shameful manner in which the ANC and the Portfolio Committee on Justice approaches oversight in this regard. The ANC members approach these matters with a general attitude that the outcome of the disciplinary hearings are not to be trusted and should not be accepted and this one is not an exception.

The ANC members invariably try to prevent the committee from finalising these matters to the most absurd means. Tactics like insisting that there is a group that did not receive a report emailed to all of us followed by an insistence that delivery of hard copies of the report were not delivered to them and followed by an insistence that they had no sufficient time to

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read the report to prepare sufficiently to deal with the matter and so we could go on.

All of this results in a situation where magistrates found to not be fit to hold office any longer are today being removed from office nearly two months after this was first on the portfolio committee agenda. This shameful situation unfortunately not only raises questions regarding the honour of those members but cast a shadow over Parliament and the judiciary ultimately subverting the rule of law and the independence of our judiciary. One can only wonder whether this is a coincidence or part of a plan.

Dr S S THEMBEKWAYO: House Chairperson, we hear on a daily basis of the need to transform the legal profession and open up opportunities for the absorption of quality black people into positions such as magistrates and other critical positions in the judiciary.

The bulk of our criminal and civil matters get heard at the magistrates court level making this level of our judiciary a

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critical one. Unfortunately, it is also at this level that most glaring abuses of aspiring legal black professionals happen. It is painful for us, therefore, to hear that instead of helping build up the quantity and quality of black legal professionals we are now talking about firing a few.

We are of the view that the allegations against Magistrate Xoliswa Stuurman, if indeed true, would warrant decisive action to protect the integrity of our judiciary but we are not convinced that the processes followed were just and fair and that this were prejudicial to Ms Stuurman from the begging and may have been driven by factors other than her commitment to her work.

We reject this suspension and ask that an independent mechanism which excludes the Magistrates Commission be instituted to investigate the case thoroughly. Thank you House Chair.

Mr E M BUTHELEZI: House Chairperson, Magistrate Stuurman was found guilty and convicted in 17 counts of misconduct charges on 12 December 2016. Her misconduct was of such a serious nature

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and the court records reflect the utter contempt for which Ms Stuurman not only had the law and the legal procedure but also her general disdain and offensive manner in which she treated administrative staff employed at the East London Magistrate Court.

Ms Stuurman had failed to uphold the integrity of her office as a presiding office of the lower courts, she has been showing to be wilfully insubordinate and her action in all charges upon which she has now been convicted evinced those that are centrally to what is expected of a magistrate in South Africa.

The IFP supports the report and the removal of Ms Stuurman on the grounds of her proven misconduct. Thank you.

Mr S C MNCWABE: House Chair, from the onset we must make it clear that the NFP has no problem with the principle of suspension with a full pay pending a finding regarding the conduct of an employee. In principle, suspension without full pay may well constitute a punitive suspension which is in contrast to the principle of natural justice that a person

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accused of misconduct or wrong doing must first be found guilty before such a person is punished.

What we do have a problem with, however, is suspensions in government departments which last indefinitely without necessary proceedings taking place to bring matters to finality. In 2015 alone, our government departments spent nearly R65 million on salaries of 772 suspended employees and the NFP believes that in the majority of these cases, suspensions linger on because necessary disciplinary hearings have not been taking place timeously.

In some instances, however, it is the employees who frustrate disciplinary proceedings and delay the outcome through manipulation of the system. In the case of Magistrate Hole, we have a fine example of how legal processes were deployed to circumvent the law from taking its course. What is very sad about this incident is that the person who is frustrating the law is the one who had been entrusted with dispensing justice.

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In the case of magistrate Stuurman, two issues warrant brief comment. Firstly, the process of removing a magistrate and a judge by implication is very laborious and stringent. While these processes may be designed to insure absolute fairness, it is also time consuming and has cost implications. Perhaps it is time to consider reviewing the entire disciplinary processes for members of the judiciary and finding a way to circumvent spurious and time delaying tactics without sacrificing the essence of justice in relieving magistrate and judges from their duties. The second aspect we note from this report is that nobody is above the law. The magistrate in question did not conduct herself according to requirements and despite every effort to exhaust all avenues to avoid accountability, she was found guilty.

In the process, much time and resources were expended to come to the conclusion which should have been reached much sooner. In conclusion, having expressed our position, the NFP supports this report. Thank you.

*IsiNdebele:*

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Mno G J SKOSANA: Sihlalo ohloniphekileko namalunga  
ahloniphekileko weNdlu,

*English:*

... the ANC rises in support of the report. The Magistrates  
Commission ensures that ... [Interjections.]

Ms M S KHAWULA: Point of order.

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

*IsiZulu:*

Nk M S KHAWULA: Bafowethu kodwa nibuye nidlale ngathi, kufuneka  
la sazane ukuthi singobani. Angazi noma uyena Duduzane lo -  
angazi bakithi ngitsheleni. [Ubuwelewele.]

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

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Mr G S RADEBE: On a point of order, House Chair ...

[Interjections.]

The HOUSE CHAIPERSON (Mr C T Frolick): ... you are completely out of order. Why are you rising, hon member?

Mr G S RADEBE: I was rising on point of order that a member making his maiden speech must not be disturbed but must be allowed to conclude his speech as he is supposed to do.

The HOUSE CHAIPERSON (Mr C T Frolick): Thank you hon member, in future, the whips must inform the presiding officers that indeed it is a maiden speech. Continue hon member.

Mr G J SKOSANA: The Magistrates Commission ensures that the discharge of or disciplinary steps against judicial officers in the lower courts takes place without favour or prejudice and that administrative directions in connection with such are applied amongst others.

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The Portfolio Committee on Justice and Correctional Services performs oversight over statutory disciplinary bodies such as Magistrates Commission. It must consider the reports on the commission and apply its mind to the recommendations.

Hon House Chair, Mrs X B Stuurman, an additional magistrate in East London served the Department of Justice and Constitutional Development as a prosecutor and rendered other legal services. She was appointed to the bench in 2003. Mrs Stuurman was initially charged with 18 counts of misconduct, two of which were later withdrawn.

The misconduct relates to incidents which took place between 2011 and 2014 which includes, but not limited to: Belittling a number of clerks at the East London Magistrate Court; using offensive language and being dysconscious to clerks and their supervisors in the presence of the public, other staff and legal practitioners; and publishing professional matters to the media thus putting the image of the office of magistrate into disrepute.

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Having heard the case and considering the aggravating and mitigating factors, the presiding officer found her guilty on 17 counts of misconduct. The matter was referred to the Magistrates Commission which recommends her removal from office because of the seriousness of the misconduct.

In dealing with issues of misconduct pertaining to magistrates or the judiciary, the integrity of the judiciary must always be protected. It is integral to the rule of law and the legal system. Therefore, the ANC supports the report. I thank you.  
[Applause.]

Question agreed to (Democratic Alliance and Economic Freedom Fighters dissenting).

Report accordingly adopted and suspension from office of magistrate X B Stuurman confirmed.

**CONSIDERTAION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES - ON THE SUSPENSION FROM OFFICE OF  
MAGISTARTE P S HOLE, REGIONAL MAGISTRATE AT KIMBERLY**

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There was no debate.

Question put: That the Report of the Committee be adopted including the recommendation that the suspension from office of magistrate Mr P S Hole be confirmed.

*Declarations of vote:*

Adv G BREYTENBACH: Hon Chairperson, Mr P S Hole is a Regional Magistrate at Kimberley and has served as an Acting Judge of the former Transkei High Court. He was provisionally suspended in September 2011. The National Assembly approved his provisional suspension in November 2011.

An application was subsequently brought to uplift his suspension to allow him to finish his part-heard matters. In the interest of a speedy access to justice, the Minister agreed to allow him to finalise his part-heard matters. This was confirmed by the National Assembly in June 2013 on certain conditions.

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Mr Hole later requested a stay in the disciplinary hearing by claiming that he had filed papers in the High Court only to fail to prosecute his application - he dishonestly misled the panel as to the status of that application. He was later found guilty in a disciplinary hearing. The Magistrates' Commission recommended his removal as a magistrate. The Minister followed this recommendation.

After long delays, the portfolio committee has followed this recommendation, but again, one must question the methodology employed by the members of the committee. The ANC members approach these matters still with a general attitude that the outcomes of disciplinary hearings are not to be trusted and should not be accepted.

Just yesterday, the committee obfuscated on the matter and refused to consider the removal or suspension of a magistrate because the magistrate had applied for early retirement. The previous time that the matter was dealt before the committee, the committee refused to deal with the matter because there was an application pending in the High Court and ready to get a

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legal opinion to convince them that it was their job to deal with it.

The Justice Committee tends to allow disciplinary matters and suspension matters of magistrate who should be removed from the bench long past their sell-by date refuses to do so and fails miserably in their duty to ensure that the integrity of the bench is ensured and for that reason, we wish to point out to them that they are failing miserably and that their conduct is in fact disgraceful. Thank you.

Ms S S THEMBEKWAYO: Chairperson, the EFF hold the same view for Magistrate Phumelele Hole, who was first suspended in 2011 for blowing the whistle of corruption in the Northern Cape. As a result of this, he was charged for being disrespectful to the Regional Court President. The then Minister of Justice, Jeff Radebe, then endorsed his provisional suspension after the Magistrates' Commission provisionally suspended him without even finishing investigations into his alleged conduct.

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They withheld his salary, making it impossible for him to acquire quality legal representation to argue his case, making matters worse, when they could not deal with backlog of cases; they asked him back to deal with matters he had heard. This shows that the suspension of Mr Hole in particular, is riddled with toxic power place that should not be allowed in the legal profession.

We reject his suspension and ask that an independent mechanism, which excludes the Magistrates' Commission be instituted to investigate thoroughly the case as it is presented. I thank you.  
[Applause.]

*IsiZulu:*

Mnu E M BUTHELEZI: Siyabonga Mphathisihlalo,

*English:*

Mr E M BUTHELEZI: In respect of the conditional upliftment of Magistrate Hole, who was suspended in 2011, pending investigation into allegations of misconduct, the magistrate was then subsequently allowed to return to work in order to hear

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part-heard matters as they involved the rights of children and the possible prejudice of such matters not been heard had to be mitigated against.

*IsiZulu:*

Maqondana nezincomo-ke ze-Magistrates Commission ukuba akhishwe ebhentshini lezimantshi ...

*English:*

... on the grounds of his misconduct. The IFP concurs with that because we feel that ...

*IsiZulu:*

... ihhovisi leli lazo izimantshi limqoka ukuba ubuqotho balo buhlale buphezulu lingasoleki ngoba yizona zakhiwo izwe lethu eselithembele kuzona kakhulu njengoba abantu bakithi bephelelwe yithemba kuHulumeni. Ngiyabonga.

*English:*

Thank you. [Applause.]

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*IsiNdebele:*

Mno G J SKOSANA: Sihlalo ohloniphekileko, ngiyabona amalunga sekayangazi ukuthi ngingumhlonitjhwa uSkhosana; akusatlhogegi kobanyana ngizethule.

*English:*

Mr G J SKOSANA: Hon House Chair, the ANC rises in support of the report. The Magistrates' Commission ensures that the discharge of all disciplinary steps against judicial officers in the lower courts takes place without favour or prejudice and that administrative directions in connection with such are applied, amongst others.

The Portfolio Committee on Justice and Correctional Services performs oversight over statutory disciplinary bodies, such as the Magistrates' Commission. It must consider the report of the commission and apply its mind to the recommendations.

Hon House Chair, Mr P S Hole, a Regional Magistrate at Kimberly, has served the Department of Justice and Constitutional Development as an Acting Judge of the former Transkei High Court

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between 2004 and 2006 and as a magistrate in 2006. Later in 2007, he was appointed as a Regional Magistrate.

He was provisional suspended for alleged misconduct in 2011. Subsequent to the suspension, the Legal Aid Board of Northern Cape and the Director of Public Prosecution addressed a memorandum to the Magistrates' Commission requesting that Mr Hole suspension be uplifted in order for him to finalise his partly-heard matters. Further than that, Childline in the Northern Cape also brought an application to have his suspension uplifted to enable him to finalise his partly-heard matters, which were causing hardship on women and children involved in those partly-heard matters.

In keeping with the spirit of the Constitution and paramouncy of children, Mr Hole suspension was uplifted with conditions. Mr Hole's case was concluded. He was found guilty of misconduct and the commission recommended that his removal from office is justifiable.

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Hon House Chair, in dealing with these issues of misconduct pertaining to magistrates or the judiciary, the integrity of the judiciary must always be protected. It is integral to the rule of law and the legal system. So, to permit judicial officers who do not exhibit outmost integrity to occupy office threatens the system as a whole.

So, on the basis of that, hon House Chair, the ANC supports the report. Having said that, I must indicate that in this report, hon House Chair, we are dealing with the issue of Mr P S Hole; we are not dealing with the issue of Ms Jiba. As I was listening here, one of my colleagues, the hon Breytenbach, was referring to issue of this other magistrate, Ms Jiba. I think the issue of Jiba is still receiving the attention of the portfolio committee. So, in due course, I think we will submit a report before this House. So, the committee has not refused to deal with the matter of Ms Jiba. It's just that we are still dealing with it, looking at the issues of legal advice and staff like that. But in due course, I am promising this House that that report is going to be served to this House. Thank you very much, hon Chair. [Applause.]

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Question agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted and suspension from office of magistrate P S Hole confirmed.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND  
CORRECTIONAL SERVICES ON OVERSIGHT VISIT TO CORRECTIONAL CENTRES**

Ms M C PILANE-MAJAKE: Hon House Chairperson, the committee visited the following correctional centres: East London, St Albans Prison in Nelson Mandela Bay, Johannesburg Correctional Centre and Kgosi Mampuru II Correctional Centre in Tshwane, from 26-29 June. The purpose of the visit was to monitor and oversee the conditions of incarceration in these centres, as part of the committee's oversight role and mandate. The committee made certain observations.

The committee notes that security operations are understaffed and access control is an issue in relation to the East London Correctional Centre. To continue with the East London Correctional Centre, the committee notes concerns from officials

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and inmates about shortage of all-season uniform and the quality of uniform.

The Department of Correctional Services, DCS, has to brief the committee on measures put in place to procure appropriate staff and inmate uniform. This year, the committee advocates for self-sufficiency, to the extent that it produces its own uniforms through existing workshops. This will continue the skills development, rehabilitation and social integration.

The committee is of the view that the high vacancy rate promotes an unsafe work environment that is prevailing in the centre.

The centre is also not equipped to deal with communicable diseases such as multidrug-resistant TB. This leaves officials and inmates exposed to the disease. The committee notes complaints by inmates who are incarcerated far from their families and believe that their pleas for transfer are not being taken seriously by the Department of Correctional Services.

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The centre management indicated that the female centre was underutilised. Hence, it accommodated inmates from other provinces. Transfer plans were also dependent on the capacity of other regions to accommodate offenders.

The committee will request a detailed briefing on how the department is handling the issues of transfer countrywide, with the view of proposing workable solutions where feasible.

The committee believes that there is a need to look at the transfer of sentenced foreign nationals to their home countries where appropriate, taking into consideration international law and best practices.

During the Budget Vote report of 2017, the committee recommended that DCS should expedite its policies on this issue of the ballooned number of foreign nationals serving sentences in South Africa. It becomes quite expensive for the country to deal with this high number of foreign nationals in correctional centres.

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In relation to St Albans, the labour unions expressed a need to have more male than female staff in this centre, due to its volatility and proneness to violence. The committee urges DCS to revisit its delegation of authority in order to mitigate delays in appointments and shortage of staff.

The committee is also of the view that the shift pattern will not work in the absence of a sufficient workforce. The committee notes the lack of trust between inmates and management in St Albans Maximum Centre. The committee was briefed about initiatives by the Minister and the Deputy Minister to resolve this volatile situation at St Albans.

The committee requires an update on this intervention in the next quarterly briefing of DCS. The committee notes that there are contradictions between the inmates and management regarding the availability of rehabilitation programmes and skills training.

On the one hand, inmates complained about the lack of rehabilitation programmes and skills development, while on the

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other hand, the management of the centre maintained that there were rehabilitation programmes in the centre.

The committee is concerned about the complaints of racism in the Eastern Cape. There are allegations that black inmates are transferred from East London to St Albans, but white inmates are not transferred to St Albans because it is alleged to be too dangerous for them. If these allegations of racism are true, they are not in keeping with the spirit of the law.

The committee notes complaints about a lack of exercise for inmates, as provided by the law. Officials blamed this on the shortage of staff to supervise inmates.

The maximum centre has a bad smell of urine from the cells and there were complaints about hot water and this was due to overcrowding in the centre, which is one of the most difficult matters to really deal with in South Africa. We have a huge number of detainees. [Time expired.]

There was no debate.

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

*Declarations of vote:*

Ms G BREYTENBACH: Hon House Chair, since this is the last opportunity to discuss committee business in the House this year, allow me the indulgence of thanking Christine Silkstone, Gillian Nesbitt, Rajaa Assikani, Siya Mtonjeni and Vhonani Romaano for their unstinting support and very hard work in the committee this year, in often very difficult circumstances. I also thank them for the impeccable arrangements made for the oversight visit and for always being cheerful. It is greatly appreciated, even though we don't say so often enough.

The committee visited Correctional Services in East London, Port Elizabeth, Johannesburg and Pretoria. The purpose of the visit was to monitor and oversee the conditions of incarceration in these centres, as part of the committees' oversight role and mandate. This is a role that the committee should take seriously, as Correctional Services is a major component of the committee's responsibilities.

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While conditions in all of these facilities leave much to be desired, in some instances, it remains commendable that so much is being done with so little. The department remains understaffed and underresourced, to the extent that rehabilitation remains nothing but an illusive dream.

The conditions should, and in my case, did leave us feeling deeply ashamed that the criminal justice system continues, in the 21<sup>st</sup> century, to despatch human beings to a place reminiscent of Dickens's England. It is nothing short of shocking and disgraceful, with inmates having no chance at all of successful rehabilitation or of leaving prison with any opportunity of have bettered themselves. The blame for this must be shared by us all.

Even I, who have spent my entire adult live working in the Criminal Justice system, was left speechless and shattered by what the committee found at the St Albans men's maximum security prison facility.

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This facility cannot be upgraded. It is fit only for demolition. It is exposed, cold, wet and windy in the winter and must be unbearably hot in the summer.

Inmates are housed in overcrowded cells with rival gangs literally facing off against each other across the quad. The cells' interior is damped and dark, with woefully inadequate sanitation. Its exposed electrical wiring is a disaster waiting to happen.

The culture of fear permeates the entire facility - inmates against inmates and inmates against correctional staff. This is so pervasive that inmates are kept in a permanent state of lockdown. They are only allowed out for exercise for 45 minutes a day if they are fortunate and being fed all three their daily meals in one sitting, in order for the wardens to maintain control.

The entire facility represents the worse of our Correctional Services and it is a gross abuse of human rights. No amount of renovation or increase in resources, human or financial, will

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rectify this abomination. Humans should not be incarcerated there.

Upon our return from the oversight visit, hon Horn and I immediately wrote to the Chairperson of the Justice Portfolio Committee, asking that the matter of St Albans be placed on the agenda for urgent attention and an urgent interaction with the office of the inspecting judge. True to form, the ANC members all agree that there was nothing urgent about the cesspit at St Albans and that it could wait to be dealt at this time. Of course, no meeting with the inspecting judge took place.

This facile approach makes a mockery of the oversight function of the committee and demonstrates the willingness of the ANC to abdicate their responsibilities. This is a disgrace and as long as we allow this to continue, we will be aiding and abetting human rights abuse of people who cannot defend themselves. The DA rejects this report.

Dr S S THEMBEKWAYO: Chairperson, our correctional centres are meant to be centres of correction and of rehabilitation for

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those that find themselves on the wrong side of the law. Because of this, our correctional centres ought to be correctional and not retributive.

However, from our general knowledge of the state of these correctional facilities, confirmed now by this portfolio committee report, it is practically impossible for this correctional centres to offer rehabilitative services because of gross neglect.

The East London maximum facility, for instance, is 138% overcrowded. The St Albans Correctional Centre is almost 50% overcrowded. In the Gauteng region, the overcrowding is at 42%.

A large number of those making up the prison population are remand detainees, most of whom have been awaiting trial for more than two years. This shows that justice is not easily accessible for the majority of poor black South Africans who find themselves in prison, some for crimes they never committed.

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It would be interesting to find out how much the department spends on claims for wrongful arrests, as a result of them keeping people in jail for so long and failing to prove their guilt.

The EFF is alarmed by the general state of decay in these correctional facilities and by the full knowledge that nothing will follow from here. The EFF thus rejects the report.

Mr E M BUTHELEZI: Hon Chair, early in June, this year, the committee visited Correctional Services centres in East London, Johannesburg and Kgosi Mampuru II Correctional Centre to do oversight regarding conditions at these correctional services facilities.

In East London, overcrowding remains a challenge in areas of the Mdantsane prison facility, which is 133% overcrowded. At St Albans, 42% overcrowding was noted. The maximum correctional service centre has a large number of violent incidents, which led to the death of both staff and inmates. This is caused

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primarily by gangsterism, overcrowding and shortage of operational staff.

Corruption remains rife at all Correctional Services centres and must be seen as one of the principal underlying causes of all unrest at these facilities. This must be rooted out at its source, if our Correctional Services centres are to return to models of good governance. This is the first and necessary step that must be taken because all other evils flow from corruption in these centres.

The working environment in all centres must be made safer, with more checks and balances. In some instances, the vacancy rate is due to concerns around worker safety. This must be extended to concerns around communicable diseases, and many of these centres are ill-equipped to deal with communicable diseases.

The lack of exercise for inmates in centres like St Albans must be addressed. The state has an obligation to provide this and in many instances, sports and exercise compliment prisoners' rehabilitation. The IFP supports this report.

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Mr S C MNCWABE: Chairperson, when we interrogated the content of the report, several issues cropped up again and again. We believe that these very same issues are prevalent in the majority of our correctional centres across the country.

First and foremost, our prisons are grossly overpopulated. The aim of a prison sentence is to punish an offender, but it is also supposed to be a period of time in which the offender should be given the opportunity to rehabilitate.

When we have a situation of chronic overpopulation like this, we may well argue that the conditions fall short of the minimum requirements for incarceration with dignity. In December 2015, the United Nation General Assembly adopted the first update of the minimum standards of treating prisoners in 50 years. It is named in honour of our late president Nelson Mandela.

The NFP submits that overcrowding in our prisons means that we do not meet the minimum international requirements, which is a pity, since the benchmark requirements are named after our own liberation icon.

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The second issue that the NFP wishes to highlight is the large number of foreign nationals who are detained and incarcerated in our prisons and other correctional facilities. At the end of 2016, we had 11 842 foreign nationals in our prisons. Of these, 7 345 have been sentenced and 4 497 were awaiting trial, with 1 880 being prosecuted for being in the country illegally.

The NFP firmly believes that foreign nationals and particularly, those from neighbouring countries should be released to their country of origin. Such a decision, we believe, will go some way in addressing the acute overcrowding in our prisons, and save taxpayers' money in an excess of R1,5 billion per year.

Finally, the NFP believes that ... The NFP supports the observation and recommendations of the committee contained in this report. We trust that the department will make every effort to insure the recommendations are taken seriously and in particular, attend to filling staff vacancies.

If our system of correctional services to the people is to function properly, then it requires that all critical staff

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posts be filled. The sooner this is done, the better. In conclusion, the NFP supports the recommendations of this report and supports the report. Thank you.

Mr M S MAILA: House Chair, hon members, the philosophical orientation of the ANC with regard to correctional services is echoed in the Freedom Charter wherein the call was made for imprisonment to be for serious crimes and to be aimed at re-education and rehabilitation. The aim of the ANC-led government has been to transform the retributive institutions of the colonial and apartheid regime in to correctional facilities in line with the values of the Constitution.

The Portfolio Committee on Justice and Correctional Services performed oversight at the East London Correctional Centre, St Alban Correctional Centre, Johannesburg Correctional Centre and Kgosi Mampuru Correctional Centre. It must be noted that the Department of Correctional Services is ceased with major problems. All the correctional centres visited are facing the same problem of overcrowding.

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This House should however note the correctional services are ceased with overcrowding although the causes of overcrowding are not necessarily the results of correctional services, it is a multi-departmental issue. This results in the infringement of human rights of the inmates.

Many of the centres are understaffed and with disproportionate numbers between officials and inmates. These leads to inmates being kept incarcerated the whole day as they pose a threat to staff thus increasing gangsterism and limiting the chances of rehabilitation, inmates not being able to do proper exercise and an increase in the spread of communicable diseases.

It is encouraging to note that offenders in the Johannesburg Correctional Centre are participating in victim offender mediation and victim offender dialogue programmes as part of restorative justice. It is also encouraging to note that there are inmates who are enrolled in the adult education and training programme and some for skills development programmes. We encourage more training of artisans and full utilisation of the workshops. We call on the department to exact more effort on

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rehabilitation and skills training programmes and to address the infrastructure problems as a matter of urgency to ensure human incarceration of inmates.

There is a need to devise an effective strategy to address the persistent challenge of overcrowding. The Department of Correctional Services should look at the issues of criminal records of ex-convicts as unemployment contributes to recidivism. We recommend that the inspecting judge should visit the centres and address the matter of gross violations of human right. However, we nevertheless commend our men and women in uniform who strive to turn the correctional centres into centres of excellence despite the challenges that they are faced with. The ANC supports the report. Thank you very much.

Motion agreed to (Economic Freedom Fighters and Democratic Alliance dissenting).

Report accordingly adopted.

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CONSIDERATION OF BUDGETARY REVIEW AND RECOMMENDATION REPORT OF  
PORTFOLIO COMMITTEE ON PUBLIC ENTERPRISES

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

*Declarations of vote:*

Ms N W A MAZZONE: House Chairperson, the Department of Public Enterprises is truly in a very compromised and very sad state of affairs. The director-general himself being referred to in Gupta leaked emails as the boss.

The Minister of this particular Ministry completely compromised. We have gone through Denel-gate, Eskom-gate, Transnet-gate, director-general-gate, Minister-gate; it is truly a very very sad state of affairs.

Chair, what I do and I must applaud the public enterprises committee for being exceptionally hard working and certainly doing their job in oversight.

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Chair, allow me to also thank the hon Rantho for her tenure as our chairperson. I think she did an exceptionally good job and I'm sure my colleagues in the ANC would agree. [Applause.] Let me also welcome our new chairperson who I see sitting in the committee, she has certainly proved to be a great asset to our committee and I look forward to working with her in future too. And all my colleagues, it's been a lot of hard work and my hat goes off to all of you.

Chairperson, the DA would have approved this report if not for one line and I think it's a line that has many South Africans worried, and that is that the committee recommends that the Minister of Finance should ensure that the nuclear procurement plan be undertaken by Eskom, should be pursued but not at the expense or viability or sustainability of Eskom.

The DA is of the opinion that the nuclear program should not be undertaken at all, and furthermore we are of the opinion that both the Medupe and Kusile projects should immediately be placed on hold, given the fact that we have a stabilized energy supply,

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in fact an oversupply; and we are in desperate need of the finances that are being poured into these projects.

For this reason, the DA will not be supporting this report.

[Applause.]

Mr T RAWULA: The structure and conceptualization of the Department of Public Enterprises is misguided, lacks all forms of strategic positioning and as things stand, this department single-handedly put South Africa's figured position at the danger of collapse. At the core of the problem is the idea that you can have a Ministry as a shareholder in a state-owned company and Ministry alone has so much of capture. All the state-owned companies under the department are capture.

When Mr Malusi Gigaba was appointed the Minister of Public Enterprises, he removed all men and women of credibility and replaced them by Gupta-sponsored board of directors and executive. People who would not think twice before they participate in corruption. He, alone, handed the Guptas and their associates more power in Eskom, Transnet, Denel, South

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African Airways, SAA and other state-owned companies. More power to loot, fire board of directors and issue illegal, fraudulent and corrupt instructions as they see fit.

Minister Lynne Brown, if the evidence in leaked emails in the Portfolio Committee on Public Enterprises and confession by multi-national like McKenzie, KPMG and SAB, who admitted to be part of the web linked with the Guptas' third party companies laundering state money, she's now at the centre of industrial scale-looting at Eskom, Transnet and Denel.

This has not only surrendered South Africa [Interjection.] [Inaudible.] through state guarantees to the Guptas [Interjection.] and you have exposed the useless department [Interjection.]

Mr G S RADEBE: Chair, I'm rising that hon Rawula, when he's going to accuse any member of the House, he must raise it within a substantive motion. He's just accusing hon members of this House.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, alright. Hon Rawula, you know very well that if you are going to accuse any member or cast aspersion on any member of this House it needs to be done in a proper way. Please continue.

Mr T RAWULA: South Africa, like other countries with strategic state-owned companies such as China, must explore a model of listing state-owned companies in securities exchange and government-owned controlling shares.

We cannot have one person as the only shareholder representative with all these powers. But we also know that the ANC does not have the political will or sophistication to implement [Time expired.]

Mr N SINGH: It has been a tumultuous decade for the Department of Public Enterprises who for the last 10 years has been at the pinnacle and forefront of the state-capture apparatus mechanism.

This department, through one of the most infamous entities it oversees namely Eskom, has indirectly plummeted the country into

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an energy crisis; firstly as regard actual electricity supply, then through the direct and exorbitant escalation in costs thereafter the consumer; and now through the insane notion in that it continues to support the widely unaffordable nuclear build programme.

The fact of the matter is that this department and its entities are perfect vehicles for unscrupulous plunder of state funds. There is simply no accountability and it is for this very reason that the IFP has long been calling for the abolishment of this department and for its entities to return to their respective lines functions departments.

Hon Chairperson, turning to the report, I respect the fact that the committee did a lot of work and it has come up with no less than 30 recommendations, some to the Minister of Public Enterprises and the others to the Minister of Finance. But what is of concern is that these become nice words on glossy paper and very little implementation of these recommendations take place. And I'm saying that from an informed basis, so that the speaker from the ANC doesn't come and say I'm saying something

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that I want to; it's here in this report where the committee itself has identified there are recommendations of the past years that have not been implemented; and it is the Minister of Public Enterprises and the Minister of finance that have not implemented the recommendations and have not come back to the committee to respond to the recommendations of last year.

It is for that reason and the appalling state in which we find the department in, that we will unfortunately not support this report. Thank you.

Mr M L SHELEMBE: Hon Chairperson, the core mandate of the department as the shareholder representative for government at the state-owned companies in its portfolio, is to fulfil oversight responsibilities at these state-owned companies to provide effective shareholders' management system to ensure that these state-owned companies contribute to the realisation of government's strategic objectives.

In order for the department to execute its mandate, a modest amount of R268 million was budgeted for the 2016-17 financial

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year and it spent R253,8 million or 94,7% of its total allocation. In total, the department reported under expenditure to the amount of R14,2 million or 5,3% of the total budget for the 2016-17 financial year.

Considering the precarious situation which the majority of the state-owned companies find themselves in, under spending in this department is inexcusable.

However, the NFP also notes that the department received an unqualified audit report with no findings, which is commendable.

The report contains several important observations, comments and recommendations which we support. In particular, the NFP is concerned about the overall observation of the committee that several state-owned companies persistently demonstrate operational inefficiencies, poor procurement practices, weak co-operative governance and failures to abide by the fiducial obligations.

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If we want to be honest, we have to admit that these deficiencies are the direct result of the failure of the department to execute its mandate.

The NFP believes that until such time consequence management is implemented, these sorry state of affairs will continue and with it our chances of economic recovery and growth within state-owned companies will not be feasible. I thank you.

*IsiXhosa:*

Gq Z LUYENGE: Sihlalo weNdlu, ndivumele nje ndithi ngqanga neentsiba zayo kuzo zonke izinxiba-mxhaka zelizwe lakowethu. Ndimapha ndithunywa ngumbutho wesizwe onoxanduva lokukhokela. Abokuphikisa baya kuphikisa oku kufanele ukuba thina sikwenze kodwa ingasayi kusothusa loo nto.

*English:*

The NA is considering this budgetary review and recommendation report when our portfolio committee is asserting the independence and oversight role of Parliament over the executive and state-owned enterprises, SOEs.

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We are conducting the oversight inquiry into SOEs in order to broaden our understanding of the scourge of corruption. The judicial commission of inquiry will take its time when it is appointed to further deepen this understanding and recommend appropriate actions.

In 1994 the democratic victory provided our government with the opportunity to pursue inclusive growth, development and wealth redistribution in order to eradicate racialized and gendered poverty and underdevelopment.

SOEs are the key instruments of government to advance economic transformation. Their mandate is to lead infrastructure, build, job creation and skills development on a mass scale. The abuse of their huge procurement budgets through corruption robs our people of their rights to development and economic liberation.

While there are areas where progress has been made in the department and most of the SOEs, there is still room for improvement. We need to strengthen good governance and accountability by SOEs, the boards and accounting officers.

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Financial management and internal controls, particularly auditing capacity, need to improve drastically for them to have better audit outcomes and impact delivery in future.

The ANC supports the report. [Applause.]

Question put.

Division called for.

The House divided.

Voting.

Agreed to.

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**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HUMAN  
SETTLEMENTS - OVERSIGHT VISIT TO MPUMALANGA PROVINCE**

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Ms N N MAFU: House Chair, the ANC rises to support the Report of the Portfolio Committee on Human Settlements on the Oversight Visit to Mpumalanga, which took place on 11 to 15 September 2017. Oversight gives public representatives an opportunity to closely evaluate whether the ANC-led government's programmes are achieving the required objectives and strives towards reconstructing our society.

The oversight visit by the portfolio committee focused on tracking progress made in executing strategic plans and projects of the department. Primary programmes that were assessed were in Ehlanzeni, Gert Sibande and Nkangala District Municipalities. We looked at all of those. Whilst work progress was noted, challenges of poor intergovernmental relations, vandalism, slow allocation of completed housing, lack of bulk infrastructure and land invasions were some of the issues that were noted by the committee.

However, it is encouraging to note that Mpumalanga province is one of the best performers when it comes to delivering integrated human settlements in South Africa. That is why when

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the Department of Human Settlements had the Govan Mbeki Human Settlements Awards on 9 November, this province took most of the awards. We recommended that issues of land invasions, intergovernmental relations, bulk infrastructure, upgrading of informal settlements, township establishments, management of beneficiary lists and construction of tarred roads be addressed timeously.

The Portfolio Committee on Human Settlements is pleased with the work that has been done so far by the Mpumalanga province and the department should continue to effectively use its capacity and implement the committee's recommendations in order to give effect to the ANC's human settlement aspirations. The ANC supports the Portfolio Committee on Human Settlements' Report on Oversight Visit to Mpumalanga. Thank you.

There was no debate.

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

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*Declarations of vote:*

Mr M R BARA: House Chair, Mpumalanga province has been one of the worst performing provinces in terms of delivery of houses. One of the key issues is around irregular expenditure of R745 million in 2016-17 financial year, and that is not a small amount. Secondly, we have noted that in many projects houses are built without bulk infrastructure. Therefore, there are people who live without basic services like water, sanitation and electricity. And in most cases that leads to illegal connections which result in fatalities.

Management of contracts leaves a lot to be desired. There are no consequences for nonperforming contractors which translate into poor performance by the department. The provincial department does not provide adequate support to the municipalities.

Therefore, municipalities are then left on their own to find a way of trying to deliver basic services.

Mismanagement of beneficiary lists results in illegal occupation of houses or houses remaining unoccupied for a very long time. This then becomes a recipe for vandalism and use by criminal

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elements. Project costs are escalated for such cases because there has to be renovations before occupants ultimately take occupation.

In Steve Tshwete municipalities we recently visited Rockdale Housing Project. Houses have been standing empty for more than 12 months and are therefore vandalised. Most are occupied by employees of the contractors while rightful owners are still living in shacks while waiting patiently. Some beneficiaries have taken occupation by force because they could not wait any longer for the municipality to do the allocation. This all happens while the premier of the province and the Minister are preoccupied with the prospects of leading the ANC in December in their congress.

The Western Cape, a recipient of Govan Mbeki Award in 2017 for being the best performing province, continues to be a shining star in housing delivery. That is what we want to do for the whole country come 2019. Nonetheless, we do support the report.

I thank you. [Applause.]

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Mr S P MHLONGO: The Department of Human Settlements continues to fail those who are mostly in need of housing all of whom are poor and black. The department in Mpumalanga failed to meet only 55% of its already-low targets for upgrading of informal settlements. There is a title deed deficit for land tenure rights of over 60 000 while for social housing there was a deficit of over 1 300. This situation will only worsen as the backlogs get longer, leaving more people living in poverty and conditions which violate their dignity and rights. The reasons for this failure are caused mainly by corruption, mismanagement and incapacity from government which steals money allocated for human settlement and employ people who have no knowledge and skills, leading to mismanagement and inability of the department to carry out the most basic functions.

*IsiZulu:*

Uyabona-ke uma ngabe umkhumbi usumdala uyaye ungenwe ngamadungwane njengoba ubona nje ne-ANC manje iququdwa yilawa maGupta. Angeke usawathola ama-spare parts okulungisa lo mkhumbi, sekumele ukuthi uwuthathe uyowugcina emnyuziyamu.

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Yingakho i-EFF inilungiselele imnyuziyamu ukuze i-EFF ikwazi ukuqhubeka ...

*English:*

... otherwise you'll never be able to survive.

*IsiZulu:*

Ubonile Mvelase izolo ezakho zingenzi ngendlela oziyale ngayo [defy] ...

*English:*

... and launching an open attack, defending corruption which has been imposed on by Guptas. Therefore, as the EFF we cannot then endorse this report. [Applause.]

Inkosi E M BUTHELEZI: Hon Chairperson, the provincial oversight visits which are in line with the departmental mandate to identify challenges and evaluate progress are mandatory, if we are to keep close scrutiny to the department's deliverables. Integrated and comprehensive human settlement strategies are vital, as is the meeting of service delivery targets for the

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periods. Co-ordination between local government and provinces is essential for effective service delivery and this is simply not happening in Mpumalanga. Intergovernmental relationships must be maintained in all spheres and this must be prioritised.

Title deeds are still an issue as is the risk of land invasions and illegal occupation of already-completed housing units. Vandalism also occurs due to houses being unoccupied. The province must conduct oversight on housing beneficiary allocation lists which must be fairly, transparently and equitably compiled.

The mushrooming of informal settlements due to movement of migrants is taxing infrastructure services. Strategies must be implemented to mitigate against this threat. Connection of services also remains a big challenge which must be addressed. Verification of old houses with asbestos roofing must be attended to, as that poses serious health risk to their residents.

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The NSBRC lacks capacity to assist the provinces. The registration of projects especially must be prioritised for the benefit of communities. Fruitless and wasteful expenditure also remain a concern and must be addressed. The IFP supports this report. I thank you.

Mr M L SHELEMBE: Chairperson, the oversight visit to Mpumalanga gave us a great insight into the challenges which the Mpumalanga Department of Human Settlements has to contend with. It is safe to say that these very same challenges are also prevalent in all the other provinces. In addition to interaction with the department officials and other stakeholders in government, the oversight visit also covered many sites and observations drawn from these visits gave us much information to consider.

We are in agreement with the observation contained in this report, and in particular we share the concern of the committee around issues of failure to complete houses timeously; and half-completed houses being invaded by people who are not entitled to these dwellings. We are also concerned about title deeds backlog

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which is frustrating the ownership aspirations of thousands of desperate people who only want to have a place to call a home.

Another major concern we have is the fast pace of urbanisation and lack of adequate preparation by local and metro municipalities to make provision for this influx of people. Once again, the NFP reiterates its policy position that rural development should be accelerated to stem the rapid tide of urbanisation which is overwhelming the housing capacity of towns and cities.

While the NFP is in agreement with the recommendations contained in this report, we believe the department would be well-advised to take note of these recommendations and implement them without delay. In particular, we urge the department to ensure that intergovernmental relations are maintained in all spheres of government to ensure seamless collaboration and co-operation. The provision of dignified houses necessitates that other government departments also participate in planning and execution of housing projects, and co-operation is thus of utmost importance.

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Lastly, we urge the department to move swiftly to mitigate the mushrooming informal settlements and where housing does become available, to ensure that it monitors compliance with the beneficiary list management at municipal level. The need for housing is great and all our people should have equal housing opportunities to dignified housing.

The NFP believes that manipulating the beneficiary list for political or financial gain is the scourge which must be rooted out and the sooner the better. In conclusion, the NFP supports the adoption of the report as tabled here today. I thank you.

*Sepedi:*

Moh M F NKADIMENG: Modulasetulo, bahlomphegi ka moka le baeng ba rena, ...

*English:*

... the provision of housing opportunities and ensuring an inclusive society in the country with a history of exclusionary colonial apartheid policies cannot be taken to be a piece-meal

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task. This mission requires robust action by a government that puts people first regardless of their race, gender or class.

The ANC-led government has heeded the call of breaking new ground through doing away with historical spatial patterns and creating comprehensive and integrated human settlement in South Africa. As a result, South Africa is globally acclaimed by the United Nations for its commendable work in the housing sector.

Indeed, the Portfolio Committee on Human Settlements observed during its oversight visit that new ground has been broken in Mpumalanga province. The Department of Human Settlements in the province has done well in upgrading informal settlements, constructing integrated human settlements, and providing social housing and community residential units. All of this work is geared towards improving the lives of our people and ensuring that they live dignified lives, a right that the ANC is continuously restoring and reinforcing.

Our people in the gap market in Mpumalanga should take advantage of housing subsidies which the ANC-led government has made

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provision for. The performance of the Finance-Linked Individual Subsidy Programme should be improved within the province. They should explore utilising the 2% Human Settlements Development Grant to respond to issues of lack of tarred road and bulk infrastructure in major human settlement project within the province.

Occupation of completed housing stock or stock that is near completion should not be delayed in the province in order to prevent vandalism of property belonging to beneficiaries. This should be accompanied by the speedy issuing of title deeds. Lastly, the invasion of land that is serviced or is in the process of development within the province should be protected by patrolling officers as this land is aimed at providing adequate, comfortable and safe housing for all our people.

*Sepedi:*

Re leboga mmušo wa ANC. O kodumetše bjale ka moepathutse. O kgonthišiša gore batho ba humana ditirelo tše maleba ka go ba agela dintlo le dintlo tša boithomelo go tiiša serithi maphelong a bona. Ga re na taba le bomabinagosolwa bao nako le nako ba

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ganetšanago le dipego tšeo di tšweletšago maphelo a batho gabotse.

*English:*

The ANC supports this report. [Applause.]

Motion agreed to (Economic Freedom Fighters dissenting).

Report accordingly adopted.

The House adjourned at 20:39.