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NATIONAL COUNCIL OF PROVINCES

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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 10:06.

The House Chairperson: Committees, Oversight, Co-operative Government and Intergovernmental Relations took the Chair and requested members to observe a moment of silence for prayers or meditation.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, let me take this opportunity to welcome our special delegates from our beautiful, respective provinces. You are welcomed in this august House, the NCOP.

I have been informed that the Whippery has agreed that there will be no notices of motion or motions without notice, except for motions as printed on the Order Paper.

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The CHIEF WHIP OF THE NCOP: House Chairperson, I move that the Council resolves that Rule 239(1), which provides, *inter alia*, that the consideration of a Bill may not commence before at least three working days have lapsed since the committee's report was tabled, be suspended for the purposes of consideration of the following Bills: the Rates and Monetary Amounts and Amendment of Revenue Laws Bill; the Taxation Laws Amendment Bill; the Tax Administration Laws Amendment Bill; the Insurance Bill; and the Adjustments Appropriation Bill.

Question put: That the motion be agreed to.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West.

AGAINST: Western Cape.

Motion accordingly agreed to in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON APPROPRIATIONS -
PROPOSED DIVISION OF REVENUE AND THE CONDITIONAL GRANT ALLOCATIONS
TO PROVINCIAL AND LOCAL SPHERES OF GOVERNMENT AS CONTAINED IN THE
2017 MEDIUM-TERM BUDGET POLICY**

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Mr C J DE BEER: Hon Chairperson, hon members, hon special delegates, it's nice to see this picture in front of one with a House full of members. Today, we remember the passing on of Comrade President Mandela four years ago, an ANC icon, a statesman and a world leader. We celebrate his outstanding legacy of humanity, selflessness, self-sacrifice and reconciliation. He was incorruptible. Let us build on the strengths of his legacy, strengthening our democracy at the service of our people of South Africa.

The Minister of Finance tabled the Medium-Term Budget Policy Statement, MTBPS, on 25 October 2017, outlining the budget priorities of government for the medium-term estimates. Upon the tabling of the MTBPS, the committee received presentations from the Minister of Finance and the National Treasury; and from the Minister of Planning, Monitoring and Evaluation on the Mandate Paper for the 2018 Medium-Term Expenditure Framework, MTEF. The committee held public hearings and five written submissions were received. We also had input from the SA Local Government Association, Salga, and the Financial and Fiscal Commission, FFC.

The Minister in the Presidency, the hon Minister Radebe, tabled the Mandate Paper before the Committees on Appropriations. The Mandate Paper proposes the following seven expenditure priorities for the

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MTEF period: job creation and small business development; youth development; infrastructure expansion and maintenance; land reform, smallholder farmer and agriculture development; comprehensive social security, education and skills; an integrated plan to fight crime; and advancing the national interest in the region, Africa and the world.

The key message from the MTBPS was that the sluggish economic growth projected over the medium term had some implications for the spending priorities. The fastest-growing elements of spending are community development; learning and culture - and that includes post-school education and training - and health; with growth rates of 7,9%, 7,6% and 7,5%, respectively.

Government proposes to allocate national departments 47,6% of the available noninterest expenditure; provinces, 43,2% and local government, 9,2%, over the MTEF. Over this period, national government resources grow by 6,5%,; provincial resources, by 7,2%; and local government resources, by 8,3%. An important feature is that the proposed division of revenue continues to prioritise funding of services to poor communities.

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There are also changes in terms of allocations to provinces. Here, I am referring to the comprehensive HIV, Aids and TB grants, the health facility revitalisation grant, and the school infrastructure backlogs grant. Referring to local government, we have the municipal demarcation transition grant, the municipal disaster recovery grant, the indirect regional bulk infrastructure grant and the indirect water services infrastructure grant.

While considering and deliberating on the 2017 MTBPS and submissions made by stakeholders, the Select Committee on Appropriations observed the following. We expressed our concern over the fact that almost two thirds of children in rural provinces were considered poor. Scholar transport and school nutrition programmes need urgent attention, especially in rural areas. There is an overlap in responsibilities between government departments, for example, in the provision of school toilets. We also expressed our concern over the ballooning debt owed to municipalities by all categories of debtors, including government departments.

We are very concerned about the large, unspent amounts that have to be returned to the National Revenue Fund due to underspending on grants and community works programmes. We also expressed our concern over the escalating fruitless, irregular and wasteful expenditure.

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Over the 2018 MTEF, allocations are likely to increase in real terms if the consumer price index, CPI - that is, inflation - remains within target, whereby national government resources grow by 6,5%; provincial resources, by 7,2%; and local government resources, by 8,3%.

We recommend the following. National Treasury should accelerate the provincial equitable share and the local government equitable share review processes to compensate for conditional grant and transfer losses incurred by provinces and municipalities, so that they can continue to provide much-needed services. With regard to social infrastructure spending, National Treasury should implement consequence management with departments that deviate from approved and funded infrastructure plans. It should also monitor closely government departments' aligning their respective infrastructure implementation programmes to avoid duplication.

National Treasury, provincial treasuries, Salga and the Department of Co-operative Governance and Traditional Affairs should increase support to municipalities to improve their audit outcomes in 2018, and report the plans to achieve this within three months of the adoption of this Report by the House. Treasury should also indicate if there are any prospects that the structural increases in

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expenditure, especially at local sphere, are likely to be matched by structural increases in revenue, given the current debt levels and poor revenue collection by municipalities.

The three spheres of government and their entities have to decisively root out irregular, fruitless and wasteful expenditure. The committee will closely monitor this spending on a quarterly basis.

I submit this Report for adoption. Thank you.

Debate concluded.

Question put: That the Report be adopted.

Declaration(s) of vote:

Mr O S TERBLANCHE: Chairperson, on behalf of the Western Cape, I bring to the attention of the NCOP the process and time allocated to provinces to process section 76 Bills, particularly those that govern the Money Bills Act is just not sufficient. We point out that the Division on Revenue Amendment Bill was considered in the NCOP on 22 November 2017. We objected to the procedure before the start of the plenary and delivered our objection timeously to the Chairperson of the NCOP.

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Our objection was based on subsection 12(11) of the Money Bills Amendment Procedure and Related Matters Act 9 of 2009. We clearly pointed out that 21 November was the last day that the NCOP may consider the Division of Revenue Amendment, Dora, Bill, since the Bill must be reported to the NCOP nine days after the consideration of the revised fiscal framework.

Therefore, 22 November was already the tenth day and outside the timeframe prescribed by subsection 12(11) of the Act, hence, considered illegal by the DA and the Western Cape.

We have repeated our stance since then in each meeting, every step of the way. It is imperative that all levels of political leadership should and must exercise prudent oversight and enforce consequences on actions that continue to breach the legal framework.

We implore the Council to act strongly against the bulldozing of Bills in this House, which continues to haemorrhage our fiscus. The Western Cape cannot and will not be part of any illegal activity and thus cannot support the report. Thank you.

Mr C J DE BEER: Hon Chairperson, the Northern Cape supports this report. The Northern Cape supports the allocations made in the

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Medium Term Budget Policy Statement, MTBPS. The hon member serves on the Select Committee on Finance and Appropriations and we had the legal advisor with us at every meeting, who also submitted a legal opinion. The legal opinion became part of the minutes. He is fully aware that you can only consider legislation after the legislation had been referred to the NCOP, which we did.

Noting forbids the committee to receive presentations prior to the referral. Nothing. So, that legal opinion served. The Northern Cape supports.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West.

AGAINST: Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

Mr J W W JULIUS: Hon Chairperson, on a point of order, just note, in Gauteng, here, the ANC has a minority.

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CONSIDERATION OF RATES AND MONETARY AMOUNTS AND AMENDMENT OF REVENUE

LAWS BILL AND REPORT OF SELECT COMMITTEE ON FINANCE THEREON

Mr C J DE BEER: Hon Chairperson, the Minister of Finance, when tabling the national Budget on 22 February 2017, announced that the Bills will be introduced during the 2017 year. The three Bills are dealt with as a package because that's the way to do it.

An efficient and trustworthy tax administration is one of South Africa's institutional strengths. South Africa's democracy depends on the strength of its social compact. The payment of taxes is a legal obligation, but the effectiveness of the tax system relies to a large extent on the willingness of citizens to contribute. This cannot be taken for granted given the rising public concerns about service delivery and sometimes inefficiencies.

The two foundational principles of the tax system are equity and efficiency. The Rates and Monetary Amounts and Amendment of Revenue Laws Bill 2017, also called the rates Bill, include major tax changes that were announced in the 2017 Budget; most of which were implemented to raise an additional R28 billion in tax revenues to ensure the sustainability of public finances. The tax changes in the rates Bill include:

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Firstly, changes to the personal income tax tables, such as the new 45% on taxable incomes above R1,5 million. This was effective from 1 March 2017;

Secondly, an increase in the Dividend Withholding Tax rate from 15% to 20%;

Thirdly, increases in the excise duties on alcohol and tobacco;

Fourthly, changes to transfer duties on the sale of property;

Fifthly, increases in the medical tax credit;

Sixthly, annual adjustments to the fuel levy; and

Finally, tax on sugary beverages, also called the Health Promotion Levy.

The committee received briefings on the three Bills on 28 November 2017, which included a public hearing referring to the matter of the Health Promotion Levy in the rates Bill. Six stakeholders made written submissions. We continued the deliberations on 29 November 2017.

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The Health Promotion Levy will be administrated through the Customs and Excise Act and follow the current administration systems to excise taxes where duty is paid at the source. It is anticipated that the Health Promotion Levy will be implemented on 1 April 2018.

The committee welcomes the progress made on the Health Promotion Levy in the National Economic Development and Labour Council, Nedlac, and acknowledges it is crucial that the Nedlac agreement should be implemented. The Select Committee and Standing Committee on Finance with the committees on Health in both Houses will monitor progress in this regard.

The committee notes that there were further engagements with stakeholders outside Nedlac and that the differences between the parties were managed and reduced, even though there was not 100% agreement.

The Finance committees in both Houses will engage with Nedlac on a quarterly basis to report on the progress made with regard to the socio-economic impact of the proposed tax on sugary sweetened beverages.

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The levy's provisions in the Bill should be reviewed three years from its implementation following a socio-economic impact assessment.

The committee recommends that some of the revenue from the levy be used to implement health promotion, targeting noncommunicable diseases.

I go to the Taxation Laws Amendment Bill B27 of 2017. This Bill contains more complex and technical amendments announced by the Minister in the 2017 Budget.

Key issues contained in the Bill include the following:

limitation of foreign employment income exemption; tax relief for bargaining councils regarding tax noncompliance; addressing the circumvention of anti-avoidance rules dealing with share buy backs and dividend stripping; tax implications if debt relief refers to debt relief for the benefit of mining companies and for dormant group companies, and tax treatment of the conversion of debt into equity; tax treatment of banks and certain other financial institutions due to changes in the financial reporting standard from the international accounting standard, IAS, 39 to the international financial reporting standard, IFRS, 9 – that's the international

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reporting standard; and extending the application of controlled foreign companies, CFC, rules to foreign companies held via foreign trusts and foundations.

Lastly, we deal with the Tax Administration Laws Amendment Bill B28 of 2017. This Bill contains the administrative tax amendments announced by the Minister in the 2017 Budget and this refers to the fourth schedule to the Income Tax Act which clarifies the application of an annual monetary cap on contributions to retirement funds for pay-as-you-earn purposes by proposing that the R350 000 be spread over a tax year.

The Tax Administration Act also refers to fraudulent refunds. The amendments are to improve the effectiveness of combating refund fraud and respond to representations by members of the financial sector. It is proposed that a bank not be required to notify the SA Revenue Service, Sars, of suspected refund fraud and then place a hold on the refund amount on Sars' instruction, but instead enables the bank to notify Sars and automatically place a two business day hold on the refund if the bank reasonably suspects that the payment of a refund into the taxpayer's account is related to a tax offence.

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The Customs Control Act – this is an amendment that permits the publication of rules and taking decisions such as the appointment of custom officers and the delegation of powers and duties under the new Customs Control Act before the Acts come into operation.

These three Bills are section 75 and 77 Bills. The committee recommends that section 11 of the Money Bills Amendment Procedure and Related Matters Act, which also deals with Money Bills and revenue Bills, be reviewed to allow the finance committees in the NA and NCOP – in both Houses yes – to engage jointly in processing the Bills. This review is currently underway and hopefully will be concluded before the national Budget is tabled.

The Select Committee on Finance, having considered and examined the Rates and Monetary Amounts and Amendment of Revenue Laws Bill, B26 of 2017, classified as a section 77 Bill; the Tax Laws Amendment Bill, B27 of-2017, classified as a 77 Bill; and the Tax Administration Laws Amendment Bill, B28 of 2017, classified as a 75 Bill, reports to the House that the committee agreed to the three Bills without amendments. Thank you Chair.

Debate concluded.

Question put: That the Bill be agreed to.

Declaration(s) of vote:

Mr F ESSACK: Chairperson, thank you for the opportunity. I rise to make a declaration on Bill B26 for those who might know and understand what it's all about.

This Bill contains the adjustments to tax rates and monetary amounts announced in the February 2017 Budget. It is yet another example of how Bills are being bulldozed at the last minute in this Council, which I'm sure you understand Chair.

However, it must be pointed out that there are some significant tax increases contained in this Bill. The Dividend Withholding Tax has now increased from 15% to 20% to prevent income of course being moved from salary to dividends, for those of you that will understand. This is now implementable from 22 February 2017. This poses a huge problem for many stakeholders and of course investment in our country.

The fuel levy now increases by some 30 cents a litre and the Road Accident Fund now increases by a further nine cents a litre.

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Consumers are already stretched and cannot afford an increase in their transport expenses.

Excise duties affecting alcoholic and ... beverages and tobacco also increases and the Health Promotion Levy, also known as the famous sugar tax Bill, is now being introduced, which in simple terms translates into a tax, for those of you that might just want to understand. In simple terms, it translates into a tax of R1,39 cents on a litre of Coca-Cola. This will have a vast effect on advertising and product warnings of course, and we contest that this will have an even further influence on job losses in South Africa.

The DA opposes this Bill on the basis of the tax increases that are contained therein.

Mr T C MOTLASHUPING: Thanks hon Chairperson. Listening to the declaration that was just made reminds me of the words of Antonio Gramsci, one of the revolutionaries in Italy who said, I keep turning and turning in my prison cell like a fly looking for a place to die. You know, I have never heard of a situation of people who do not want to accept change. [Interjections.]

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

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Mr T C MOTLASHUPING: Change is hard and it's difficult. We are not cogoverning here. We are governing this country and we are not cogoverning. The Adjustments Appropriation Bill ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Sorry hon Motlashuping. Hon Essack, why are you standing? Order members!

Mr F ESSACK: chairperson, on a point of order: The hon member on the podium whose making the declaration just reminded me it's on B26 and not on some declaration ... [Inaudible.] ... struggle.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No hon Essack, you know that is not a point of order. [Interjections.] No, that is not a point of order. Take your seat. Continue hon Motlashuping. Order members!

Mr T C MOTLASHUPING: The Adjustments Appropriation Bill and the respective adjustment for the Vote on the National Treasury must be seen against the broader responsibilities that the National Treasury has. These responsibilities are macro in nature and are a reflection of the ANC-led government's need to finance the implementation of its policies which take the form of programmes.

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The context in which this adjustment must be seen is one of, firstly, whether the adjustment reflects the political policy orientation of the ANC; secondly, whether they finance priorities within the mandate of the National Treasury; thirdly, whether the adjustment reflects the implementation of the mandate of the department; fourthly, whether the adjustment ultimately enhances principles of economic growth and redistribution, and finally, whether the adjustment brings about greater efficiency within the National Treasury.

In terms of section 16 of the Public Finance Management Act, PFMA, the adjustment of 5,2 million seeks to deal with the debt obligation of SA Airways, SAA, which, if not attended to, had the real risk of the contagion factor if the National Treasury had not stepped in. The consequences of this would have been severe on the economy and led to a call for further downgrades. So this is a pragmatic move by the National Treasury in their responsibility of managing the debt obligation of the state.

Similarly, arising from the Budget Speech of this year, to enable the turnaround strategy at SAA to succeed, the recapitalisation of the airline is very necessary. Underspensing in the adjusted Vote can largely be attributed to the reduction in the manner of service

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providers, project delays which includes ... project delays with the Jobs Fund. An increase in the ... [Inaudible.] [Time expired.]

The HOUSE CHAIRPERSON (M A J Nyambi): Hon Motlashuping, I'm afraid your declaration time has expired.

Mr T C MOTLASHUPING: The ANC supports the Bill. [Interjections.] [Applause.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon members, don't forget that when doing the declaration it is strictly three minutes. I know today is the last day but the excitement ... because we will be missing each other ... might make us lose focus.

We shall now proceed to voting on the question. Members will vote by pressing in favour, against or ... Is it not working? We are going to do it manually. Those who are voting in favour, you will raise your hands. Raise your hands. We are dealing with the first one. Thank you. Those that are against, can you raise your hands? Those that are against. No hon Magwebu, don't do that. Thank you. Those that are abstaining ...

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Have all members voted? Let me announce the results. Members that voted in favour are 36; members who voted against are 11; and there are two abstentions. The majority of members have voted in favour.

[Applause.]

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

**CONSIDERATION OF TAXATION LAWS AMENDMENT BILL AND REPORT OF THE
SELECT COMMITTEE ON FINANCE THEREON**

Debate concluded.

Question put: That the Bill be agreed to.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Sorry, sorry, can you raise your hands again so that we can deal with the ... Hon members, let me apologise. Let's do it this way because they are struggling now ... [Interjections.] No, the system is not working. We are starting from this side. Hon Ncitha, can you assist the front Table? Let us start from these two sides, quickly. Those that are in favour, we are dealing with these two rows.

In favour: 52.

Against: 2.

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

**CONSIDERATION OF TAX ADMINISTRATION LAWS AMENDMENT BILL AND REPORT
OF THE SELECT COMMITTEE ON FINANCE THEREON**

Debate concluded.

Question put: That the Bill be agreed to.

Ms L L ZWANE: Hon Chairperson, I don't know rule me out of order if I am, but with the first voting process numbers did not tally, they indicate that we are 49 in the House, yet, we are 54.

The HOUSE CHAIRPERSON (Mr A J Nyambi): What?

Ms L L ZWANE: We are more than the outcome of the counting in the first vote. Just for the record.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mangethe, according to the records here, there are members that never participated so that is why you got your numbers wrong. Therefore, the numbers are correct. Here there are tallying. We are dealing with the Fourth Order now.

In favour: 49.

Against: 2.

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

Mr M KHAWULA: Hon Chair, your counting is messed up, there were three members against. There is one that you did not count.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Which one? No man, order! The Secretary will read the Fifth Order of the day.

INSURANCE BILL

(Consideration of Bill and of Report thereon)

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Mr C J DE BEER: Hon Chairperson, the Insurance Bill builds on the Financial Sector Regulations Act in respect of the prudential supervision. It provides a consolidated legal framework for the prudential supervision of insurers as envisaged in the Financial Sector Regulation Act.

The Insurance Bill will: promote financial inclusion and insurance sector transformation; change safety and soundness of insurers through introducing a new solvency assessment and management regime; help maintain financial stability through introducing a framework for insurance group supervision; and

Facilitate alignment with international standards adapted to South African circumstances in accordance with South Africa's G20 commitments.

The objective of the Bill is to promote the maintenance of a fair, safe and stable insurance market for the benefit and protection of policyholders by establishing a legal framework for insurers and insurance groups.

That facilitates the monitoring and the preservation of the safety and soundness of insurers; enhances the protection of policyholders

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and potential policyholders; increases access to insurance for all South Africans; promotes transformation of the insurance sector; and contributes to the stability of the financial system in general.

Chairperson, the Select Committee on Finance having considered the Insurance Bill [BIB-2016] NA section 75 referred to it and classified by the JTM as a section 75 Bill, reports that it has agreed to the Bill. Thank you, Chair. [Applause.]

Debate concluded.

Declarations of vote:

Mr F ESSACK: Chairperson, thank you for the opportunity. Hon Chairperson the Insurance Bill is part of a suite of new legislation regulating the financial sector in South Africa.

The Bill requires the Prudential Authority, which is part of the SA Reserve Bank, to promote, licence, re-licence and of course monitor financial institutions in the insurance sector according to non-prudential criteria, including transformation, which is not only beyond the scope of the Prudential Authority, as set out in section 33 of the Financial Sector Regulation Act No 9 of 2017; but is also a clear and present danger to the independence of the Prudential

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Authority, and by then extension of the independence of the SA Reserve Bank.

We oppose the Prudential Authority Chairperson, and by extension the SA Reserve Bank, being drawn into making executive decisions, which could be politically charged, based on non-prudential criteria, especially when these criteria are determined by another body, which in this case is the Financial Sector Council, by way of the Financial Sector Code, and which now falls under the Department of Trade and Industry, rather than the National Treasury.

The objectives of the Bill were amended following public hearings on or about 07 May 2017, to include the promotion of the transformation of the insurance sector.

However, the specific provisions giving effect to the amended objectives of the Bill were not advertised and, or traversed in public hearings, and were not then properly considered.

The amendment of the objectives of the Bill amounted to expanding the subject of the Bill, which should have been dealt with in terms of the NA Rule 286(4) (b), and further public hearings should have been convened.

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In conclusion, therefore Chairperson, this was rejected and no further public hearings were convened. In the NCOP, the Bill as it is now to you is being rammed through, as yet again; and sufficient public participation has become a pipe dream. Therefore, with due respect Chairperson the DA cannot and will not support this Bill. Thank you.

Mr M D MONAKEDI: Thank you very much Chairperson. The Insurance Bill is part of the trench of Bills giving effect to the financial sector transformation model; and this Bill was indeed adequately consulted upon, public participation took place; and we as the committee took into account the fact that indeed various stakeholders were brought into the process when we decided on this particular Bill.

The Bill seeks to transform the financial sector so as to reduce the prospects of the negative consequences of 2008 global financial and economic crisis recurring for those transect in the financial sector. It is the lower income earners that usually suffer disproportionately when financial institutions fail.

As an important part of the overall transformation of the financial sector, the Bill seeks to encourage new entrance into the highly monopolised insurance industry to contribute towards the

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deracialisation of, and ownership aspects of the transformation of the insurance sector.

The Bill promotes maintenance of a safe and stable insurance market for the benefit and protection of policyholders by establishing a legal framework for the prudential regulation and supervision of insurers and insurance groups; and also increase access to insurance for all South Africans and promotes transformation of the insurance sector.

With regards to requirement to a licence to operate as an insurer, a person must demonstrate that they have a plan to meet stated commitments in terms of transformation of the insurance sector. The Prudential Authority may amend, delete, replace or vary any licensing conditions or impose other additional licensing conditions when it is in the public interest, including transformation of the sector.

The Prudential Authority may exempt any insurer or a controlling company for a developmental financial inclusion and transformation objectives. This so as to facilitate the progressive or incremental compliance of the Bill, so long as such exemption will not be in

conflict with the public interest or frustrate the achievements of the objectives of the Bill.

The spirit of the Bill recognises the over archly and central role; the Broad-based Black Economic Empowerment Act placed in facilitating transformation and aims to support this role.

The Insurance Bill builds on and supports the transformation and empowerment of legal architecture passed by Parliament and allows additional monitoring of implementation and supervisory intervention. The Bill marks a huge step forward in the insurance sector. The ANC supports the Bill.

Question put: That the Bill be agreed to.

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

CONSIDERATION OF REPORT OF SELECT COMMITTEE ON FINANCE PROPOSED

FISCAL FRAMEWORK OF THE MINISTER OF FINANCE ON 25 OCTOBER 2017

Mr C J DE BEER: Hon Chairperson, 99,9% of this report was captured in the committee report by the Select Committee on Finance on the

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revised fiscal framework. I will just highlight the new matters. On 25 November 2017, the Minister of Finance tabled the Medium-Term Budget Policy Statement, MTBPS, in the National Assembly. The MTBPS included the revised fiscal framework for 2017-18, which has been reported on and the proposed physical framework for the next three years.

The Cabinet has decided that the Presidency will now on the basis of the Medium-Term Strategic Framework, which is based on the National Development Plan, NDP, provides the framework of the government's priorities within which budget priorities should be decided.

Hon Minister Radebe explained to the committee that the Cabinet acting on the advice of the National Planning Commission have proceeded to strengthen the alignment of the country's budget to the Medium-Term Strategic Framework, 2014-19 and the NDP vision 2030 in order to give effect to the country's development priorities.

If we look at the fiscal framework for the outer years, the consolidated fiscal framework shows that over the MTEF, revenue collection expenditure will remain muted at around 30% and 34% of the gross domestic product, GDP, respectively. The budget deficit will recover to below 4% from the projected revised 4,3% in 2017-18.

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It also shows that total growth loan debt will increase from the now projected 54,2% in 2017-18 to 59,7% in 2020-21.

The revenue is projected at R1,4 trillion in 2018-19, rising to R1,7 trillion in 2021. The government expenditure is projected at R1,6 trillion in 2018-19, rising to R1,9 trillion in 2020-21. The budget balance is projected at R193,1 billion in 2018-19, rising to R225,8 billion in 2020-21, that is negative budget balance.

The total growth loan debt is projected at R2,8 trillion in 2018-19, rising to R3,4 trillion in 2020-21. The real GDP growth is projected at 1,1% in 2018-19, 1,5% in 2019-20 and 1,9% in 2021.

There are twenty three recommendations and I am just going to refer to the few we added. The committee notes the clarification by the Minister Radebe that the mandate paper doesn't indicate specific funding allocations as this is part of the budgeting process led by the National Treasury and the Minister of Finance.

While welcoming this more coherent approach, the committee believes that the constitutional and statutory powers' functions and roles of the National Treasury and the Minister of Finance in the budget process and related matters is spelt out in the Constitution's

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chapter 13 and the PFMA, particularly section 6 of chapter 4 needs to be adhered to.

The committee recommends that the progress on the work of the Presidential Fiscal Committee be reported on at a quarterly basis by the National Treasury. Looking at the projected shortfalls in revenue to increase from R63 billion in 2018-19 and R89,4 billion 2019-2020, as well as the projected budget deficit to grow to R225 billion in 2020-21, meaning that, more than ever we have to focus on the quality and efficiency of spending and more decisively root out wastage and corruption.

The committee welcomes the chief executive officer's initiative to introduce the youth employment service and to provide internships to about 1 million young people over the next three years and R1,3 billion SME fund. The National treasury needs to report to the committee regularly on progress on these initiatives. We also welcome the review of the 2002 Southern African Customs Union, Sacu Agreement over the next two years through a ministerial task team including the Trade and Industry and Finance Ministers. I table this report for the House for consideration. Thank you. [Applause.]

Debate Concluded

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Declarations of vote:

Mr O S TERBLANCHE: Hon Chairperson, this report deals with the fiscal cliff, the shortfall on the National Budget, and bailout for state-owned enterprises. This budget has made it clear that there is no government integrity and credibility left. We have lost the Nation Treasury to state capture, as well as many, if not all SOEs, such as SAA, Eskom, SABC, all of them remain captured.

Our country has suffered a downgrade recently to junk status. Foreign investment has drastically decreased. The most vulnerable South Africans are suffering from exponential inflation and we have seen persons and companies evade tax to a point where Sars is now suffering a revenue loss of over R50 billion despite the previous Minister of Finance, Mr Pravin Gordhan, only having estimated the amount at approximately R30 billion in February 2017.

The SA Revenue Service, Sars, has previously been loaded as a world class institution, but this year, we have witnessed a breakdown of the trust in this institution as well, which has also been met by state capture and thieves eating the people's money.

The impact of unemployment and investor confidence to the state capture has been phenomenal and the ANC national government can't

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justify deliberate reckless expenditure. The Western Cape can't support this report. I thank you.

Mr T C MOTLASHUPING: Hon Chairperson, the people of North West and its government agree and support the framework and they support it on the basis that it gives a broader picture of the South African economy and what could be projected moving forward to the future. This should not come as a surprise. South Africa is a country amongst countries in the world.

Now, in 1929, there was a serious recession in the country that they support most, when Roosevelt had to come up with a new deal and during that time America was in recession and therefore when we experience this for the first time in South Africa, it doesn't come as if it is a miracle.

In his speech, the Minister of Finance indicated the mechanisms in which he thinks that it would be best for this country to move forward. The Minister further alluded to the fact that there is a new board that has been appointed in the South African Airways, SAA. He is turning it around. There is a turnaround strategy and I am not sure if they wanted people to collapse this state. They wanted people not to receive their pensions, salaries, houses, National

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Health Insurance, NHI, and people not have a better life and a better life for all. Thank you, Chairperson. [Applause.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order, members! Hon Julius? Order members! We shall now proceed to voting on the question. I shall now do it in an alphabetical order per province as follows:

Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West.

Against: Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

CONSIDERATION OF VOTES AND SCHEDULE - ADJUSTMENTS APPROPRIATION BILL

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order! I recognise the hon De Beer.

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Mr C J DE BEER: Hon Chairperson, there are a few members in the House ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Sorry, hon De Beer. Let me deal with the hon Essack. Why are you standing, hon Essack?

Mr F ESSACK: Chairperson, on a point of order: I ask before the hon member at the podium presents ... if I may, do a declaration and explain on behalf of the DA what our position is. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, it's not ... Order, members! He is making his point; then I'm making my ruling. You know it is not in line with our Rules. Let's allow him to present. Could you take your seat?

Mr F ESSACK: So, will I then be allowed an opportunity ...
[Inaudible.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, we will be dealing with all of them. You know the procedure. Take your seat. You'll have your time. We'll have a long day. Take your seat. Hon De Beer?

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Mr C J DE BEER: Thank you, hon Chairperson. There are a few hon members in this House that must realise that we are busy with serious business. We are busy with the allocations made to the Budget and we are busy improving the lives of our people, especially the poor outside. That's the reason why we are here. [Applause.]

Mr J W W JULIUS: Chairperson, I am rising on a point of order. The hon member at the podium is casting aspersions on other members in that they are not taking this seriously, whilst you know that you are supporting thieves ... [Interjections.] ... SA Airways and others. You are supporting thieves ... and we are not taken seriously.

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

Mr J W W JULIUS: The seriousness should have started long ago ...

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

Mr J W W JULIUS: ... and stopped the corruption and the thieves who are not serious. [Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, you can't be rising on a point of order and debating with the speaker at the podium. And you know very well that that is not a point of order. You just have a different view. Continue, hon De Beer.

Mr C J DE BEER: Hon Chairperson, in order to streamline the processing of the Adjustments Appropriation Bill and contain costs, the Select Committee on Appropriations received a presentation on the original Bill, as tabled by the Minister of Finance on 25 October 2017, during a joint meeting with the Standing Committee on Appropriations on 22 November 2017. Public hearings were held and the committee received nine submissions from stakeholders, including from the Financial and Fiscal Commission, FFC, and the SA Local Government Association, Salga.

The original Adjustments Appropriation Bill that was tabled provides for about a R3,885-billion upward adjustment for the 2017-18 financial year. The total adjustments expenditure estimated level of spending increases from a budgeted R1 409,2 trillion to a revised R1 413,1 trillion. The Bill further provides for an amount of R585,9 million as unforeseen and unavoidable expenditure faced by several departments - what is being referred to is the amended version of the adjustment appropriations.

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Subsequently, the standing committee amended the original Bill by an amount of R100 million after receiving submissions from the National Treasury and the Department of Home Affairs. The Adjustments Appropriation Bill, B25B of 2017, as amended by the Standing Committee on Appropriations of the National Assembly, was then referred to the Select Committee on Appropriations on 30 November 2017.

On 1 December, the National Treasury briefed the Select Committee on Appropriations on the background to, and the nature of, the amendments. The R100 million was originally declared a savings owing to slow spending by the administrative programme - on the information and modernisation systems and also the operation projects under Vote 5, which is Home Affairs. The Director-General of Home Affairs had indicated in his submission to the Standing Committee on Appropriations that the reduction of the funds was signed off in his absence and that the funds would be spent in the second half of the financial year.

Based on the submission made by the Director-General of Home Affairs, National Treasury agreed to revert the R100 million back to the department. The R100 million will be funded by National Treasury by reducing the allocations for the SA Revenue Service and the

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Government Technical Advisory Centre by R15 million each. These reductions are based on the anticipated slow or delayed implementation of projects by Sars and the Government Technical Advisory Centre.

The Select Committee on Appropriations, having considered the Adjustments Appropriation Bill, B25B of 2017 - classified by the joint tagging mechanism as a section 77 Bill - reports that it has agreed to the Bill without amendments. Thank you, Chair. [Applause.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. I now put Vote No 1. Hon members, before getting to this exercise, it's better for you as hon members to be alert. What you have in front of you is a guide; it's not something that will just be given - that once we look at it then we are going to be adhering to it. So, it's entirely up to us as members to be active in this process.

Vote No 1 - Presidency - put.

Mr F ESSACK: Chairperson, will you now give me an opportunity to state what I need to do in terms of my declaration?

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Essack, there is a procedure and a process in dealing with these things.

[Interjections.]

Mr F ESSACK: Yes, but, Chairperson ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): We are getting to it now, and we are dealing with it now.

Mr F ESSACK: But, Chairperson, why are you now not allowing me an opportunity in terms of the democracy and the Rules ...

[Interjections.] What is the problem? What is the problem, Chairperson? I mean, there is nothing wrong with allowing me two minutes just to say what I need to say. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members ... Hon members, can you ... Hon Essack, you are even struggling to give it a name, because you can't even quote a Rule about you want us to do. I said: we are dealing with this thing being guided by what is in front of us. Anything outside what is in front of us and against the conventions and the Rules of this House will create problems for the House. Hon Labuschagne?

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Ms C LABUSCHAGNE: Thank you, hon Chair. I want to draw your attention to the fact that we are busy with Order No 7. On Order No 7 we want to raise a point of order and a point of privilege to point out our position on the process and procedures. Therefore, a question has been put to the House. The question is the question of the Votes. We should be able to make a declaration. Although it has not been done in the past, this question has been put to the House. There's a question in front of the House. It's section 75. We should be able, as parties, to do a declaration before we start on the Vote, if we want to do so. You didn't ... You said we're going to vote now. There's a question put to the House.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can you take your seat. Hon members, I don't know why we are trying to do what is even ... You can't even link it to the Rules. Hon Labuschagne, I am aware about what you are raising, because it has been brought to my attention that there was a letter that was even written to the Chairperson of the National Council of Provinces, and that letter was responded to by the Chairperson.

Now we are dealing with issues as per what is in front of us. You want us not to adhere to the convention and Rules, and you will create problems. I'm saying now, in terms of what was presented, we

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are dealing with Vote No 1. If there is anything in relation to Vote No 1, let's deal with Vote No 1. Anything outside Vote No 1, then you are creating a problem and I have made a Ruling. If any member has a problem with my ruling, there is a way of dealing with that. Hon Engelbrecht?

Ms B A ENGELBRECHT: Mr Chair ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order, members! Let's deal with it first.

Ms B A ENGELBRECHT: Mr Chair, thank you. You keep on referring to what's in front of us. However, our system is not working and I've been given no additional communication or papers. So, I have no idea of what is supposed to be in front of me.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Let me assist you.

Ms B A ENGELBRECHT: So, can I request that information please, Sir.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes. The staff will provide you with a list so that you can know what's happening. Hon members ... Okay. Even if you don't have a list, I will make it simple for

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you. Vote No 1 is the Presidency. We are dealing with the Presidency. Hon Labuschagne?

Ms C LABUSCHAGNE: Thank you, Chairperson. I rise on a point of order, Rule 63. In terms of Rule 63, when a question to be decided by the votes of individual members has been fully put, the officer presiding on request may allow each political party in a speech, not exceeding three minutes by a Council member belonging to that party, to state the reason why the party is in favour of or against the question. The fact that it has never been done doesn't mean that it is part of the Rules. Our request, specifically, may allow each political party to give a speech not exceeding three minutes. If you don't want to allow us to do the declaration, hon Farhat Essack will table the declaration, because we want it to be minuted. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order, members! Hon Labuschagne, you are reading the correct Rule but you want to apply it to where it does not apply. We are going to be dealing with Vote No 1: The Presidency.

We are going to deal with objections; we are going to deal with declarations; and people are going to be afforded the opportunity ... and no one is going to be suppressed. It's as simple and

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straightforward as that. I don't know why you are creating a problem that is not a problem. You are the last one on this issue, hon Essack, because I've made my ruling and I'm not going to be entertaining it beyond what I have done.

Mr F ESSACK: Chairperson, thank you. I respect what you're saying, but I'm asking you on a point of privilege: why will you then not allow me to do a two-minute declaration? [Interjections.] You know, with due respect, again, Chairperson, this is a perfect example of how you continue to dictate the terms. You continue to insist that you will have it your way and only your way. What is the problem? What are you defending? Why won't you allow me to do a two-minute declaration? A colleague has pointed out that there is a question before the House. [Interjections.] There is a question before the House. And that question needs to be answered.

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

Mr F ESSACK: So I want to do a declaration.

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

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Mr F ESSACK: No, but, Chairperson, you continue dictating. You continue bulldozing ... inside and outside.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Take your seat. Could you take your seat?

Mr F ESSACK: I want to do the declaration. [Interjections.]

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

Mr F ESSACK: And I insist that I be given an opportunity, Chair.

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

[Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Order, members! Hon members, we can't be abusing a process. I'm explaining that you even wrote a letter to the Chairperson of the Council, and the letter was attended to accordingly. You are not recognised. [Interjections.]

You are not recognised. [Interjections.]

Essack, take your seat.

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I shall now put Vote No 1. Any objection? [Interjections.] I'm putting Vote No 1. Any objection? [Interjections.]

Mr M KHAWULA: Can you protect me please. I'm standing ... [Interjections.] Chairperson, can you protect me please. I'm standing on a point of order. [Interjections.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can you switch it off. [Interjections.] What point of order? There is no point of order. Order, members! Hon Mohapi ... No. Let's have order. Hon members, let's have order. Any objection? I now put Vote No 1. [Interjections.]

Okay. Hon members ... You are not recognised. [Interjections.] Order, members! Hon members ... Hon members ... Hon members ... Hon members, I have made a ruling and I'm not going to be entertaining any points of order. I'm not entertaining them. [Interjections.] I'm not entertaining them. Take your seat. Take your seat or go out. [Interjections.] Any objection? Let's note the objection of the IFP ... and the objection of the UDM. Hon Khawula?

IsiZulu:

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Mnu M KHAWULA: Cha, ngiyathokoza Sihlalo, ngifuna ukuzisholo, angifuni ukusholwo wuwena.

English:

The IFP is objecting.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okay. We note the objection of the IFP and the objection of the UDM ... and the objection of the EFF. Is there any demand, maybe, for a division? No. Declarations? No declarations? Then, hon members, Vote No 2 is not ... Oh. Let's have the declaration of the ANC.

Declarations of vote:

Mr O J SEFAKO: Hon Chair, the ANC supports the adjusted Vote of funds for the Presidency. The ANC, in rising to support the adjusted Vote of funds on the Presidency, does so appreciating that this Vote is about entrenching an integrated approach to governance.

The Presidency is the centre of strategic co-ordination, ensuring a focus and aligned response to implementing government's programmes. It is central in aligning and co-ordinating the implementation of the strategic agenda of government in all 14 national outcomes of the Medium-Term Strategic Framework. It is responsible for

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integrated planning and policy co-ordination and coherence, contributing to the realisation of the National Development Plan Vision 2030.

It is through the financing provided by this Vote that implementation of the recommendation of the Presidential Commission on the evaluation of the performance of co-ordinating systems of government is, in fact, exercised with a view to strengthening their effectiveness.

It is in the Presidency that programmes and achievements of the Medium-Term Strategic Framework are measured, and all budgeting in government is assessed against their respective outcome of the Medium-Term Strategic Framework. The effective planning, monitoring and evaluation of all government departments and the national roll-out of best practice models in integrated service delivery happens in the Presidency.

With regards to the adjustment Vote, the R6 million that has been set aside in the Bill relates primarily to the employee-initiated severance package, an agreed-upon procedure that has been established in the Public Service going back to the mid 1990s. In

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addition, there is specific support for the executive that has also been set aside as roll-overs.

In conclusion, the Presidency remains the driver of key projects, fostering inclusive economic growth and Operation Phakisa. The methodology of application in pursuit of the national goal of economic growth and development is driven from the Presidency.

The nine-point economic plan to ignite economic growth and create jobs aimed at stimulating the growth of the country's economy and acting as a catalyst for the realisation of the National Development Plan and Medium-Term Strategic Framework outcome is co-ordinated from the Presidency. In this regard, therefore, the ANC supports the adjusted vote of funds for the Presidency. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Let me apologise to the IFP before dealing with the IFP. Hon Engelbrecht, why are you standing?

Ms B A ENGELBRECHT: Mr Chair, I am standing on a point of order, and I'm looking at Rule 53: Rights of a member to speak. In terms of Rule 53, a member may speak in the Council to a point of order - and you prevented the hon Julius from making a point of order. So, I'd

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like to request that to be referred to the Rules and Orders, please Chair. This is what the Rule says, and you prevented him from giving his point of order. So I object to that.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon ... You must not be selective when quoting these Rules. [Interjections.] Can you take your seat so that I address your point of order? The point of order that was raised by the hon Julius is in relation to the point of order that was raised by the hon Essack, hon Labuschagne ... And I made a ruling.

At the end, after being very patient and allowing all of them to keep on raising the same thing, I said that any other issue in relation to that was not going to be entertained. And if any member has got a problem about the ruling, there is a clear procedure about it. I've observed that even when somebody was doing a declaration, you decided just to stand. We can't allow that to continue. I've made my ruling about it and, now, if you have a problem about it, there's a procedure. This House has got Rules. It can't be that if you want to just stand up and invent your own Rules that then we are going to be subjected to wrong Rules. I've made a ruling about the issue and it's closed. Now we are dealing with declarations. This is an opportunity for the IFP. IFP?

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Mr M KHAWULA: Chairperson, the IFP was not going to make a declaration, but those remarks from my colleague have just triggered something. Hon Chairperson, for the first time in the history of this country we have an Office of the President that is a disaster.

All the problems that the country is experiencing - political, economic, financial or social - all stem from the irrational decisions taken by the Office of the Presidency. So, that is why the IFP is objecting to this Vote. And, Chairperson, for the record, the IFP is not going to be making any other declaration on all the individual Votes, except at the end when we deal with the Bill itself. Thank you.

Vote agreed to (Economic Freedom Fighters, Inkatha Freedom Party and United Democratic Movement dissenting).

The HOUSE CHAIRPERSON (Mr A J Nyambi): Then, Vote 1 is agreed to. We move to ... With the ... We have noted the objection. I've indicated that Vote 2 is not going to be Parliament. It's Communication.

Communication?

Vote No 3 - Communications - put.

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Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 4 - Co-operative Governance and Traditional Affairs - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 5 - Home Affairs - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 6 - International Relations and Co-operation - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 7 - National Treasury - put.

Declarations of vote:

Mr M M CHABANGU: The EFF rejects the budget adjustment for Budget Vote 7 - National Treasury.

Mr Malusi Gigaba had a spectacular opportunity to free himself from the influence of Zuma and the Gupta family when he was appointed as Minister of Finance. He could have insisted on the independence of the National Treasury by refusing all attempts to have this important institution captured by those toxic individuals in the form of Zuma and Guptas.

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However, no, he proved to all and sundry that he is an integral part of that corruption network.

Just a few weeks ago, Treasury's budget head resigned, citing massive influence and interference by the Zumas and the Guptas in aligning the Budget of the country. Under their leadership, our country has recently been downgraded to junk status. This will make it even tougher for South Africans to eke out a living. Almost 36% of the workforce is unemployed. Almost 45% of young people are unemployed. We need a radical, well-thought plan to revive our economy, create jobs and feed our people.

We do not have the slightest chance of doing that if our Budget is still controlled by the Guptas through Malusi. We reject this budget adjustment.

Mr C J DE BEER: Chairperson, the respective adjustments for Vote 7 – National Treasury must be seen against the broader responsibilities that the National Treasury has. These responsibilities are macro in nature and are a reflection of the ANC-led government's need to finance the implementation of its policies which take the form of the Programmes.

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In terms of section 16 of the Public Finance Management Act, the adjustments seek to deal with the debt obligations of SAA, which, if not attended to, have the real risk of the contagion factor if National Treasury had not stepped in. The consequences of National Treasury not stepping in would have been severe for the economy, and would have led to a call for further downgrades.

The ANC's most effective weapon in the campaign against poverty is the creation of decent work. This requires a faster economic growth. Acceleration of growth and transforming the economy both require an effective developmental state that is able to lead in defining the national agenda, mobilising society to take part in the implementation of that agenda, and directing resources towards realising these objectives. A developmental state is one which leads and guides and intervenes in the economy in the interests of the people as a whole. It is a state that drives industrialisation, diversifies the economy based on the economy, and supports investment, employment and equality in the economy.

We call on all social partners – the private sector, labour, civil society, all South Africans – to be part of the solution and work with government to advance the national interests. The ANC supports Vote 7. Thank you.

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Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 8 - Planning, Monitoring and Evaluation - put and agreed to (Economic Freedom Fighters and Inkatha Freedom Party dissenting).

Vote No 8 - Planning, Monitoring and Evaluation.

Vote No 9 - Public Enterprises - put

Declaration of vote:

Mr M M CHABANGU: House Chair, the EFF rejects the budget adjustment for Budget Vote No 9 on Public Enterprises. The current parliamentary enquiry on state capture has revealed more than anything that Minister Lynne Brown has been a primary enabler of corruption of our state enterprises for a very long time.

It was under her watch that the mess at Eskom has escalated to the extent it had. She enabled Dudu Myeni Zuma, who was the Chair of SA Airways to dictate terms of what should happen at Eskom in order to ensure that the Gupta network of corruption spread its corrosive tentacles around every inch of Eskom. It was under her watch that SA Airways has sunk deeper and deeper into abyss of corruption, mismanagement and disfunctionality.

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It was under her watch that Transnet was captured by this network of corruption by the Gupta family. As a reward, she has had her partner bought expensive cars by the Gupta's dynasty and treated to holidays in Dubai. Lynne Brown has sold her soul and her liberation credentials for a slice of curry. The EFF cannot trust her for even one more day at the helm of state enterprises. We reject this budget adjustment. Thank you.

Agreed to (Economic Freedom Fighters dissenting).

Vote No 10 - Public Service and Administration - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 11 - Public Works - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 12 - Statistics South Africa - put and agreed to.

Vote No 13 - Women - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 14 - Basic Education - put and agreed to (Economic Freedom Fighters dissenting).

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Vote No 15 - Higher Education and Training - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 16 - Health - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 17 - Social Development - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 18 - Correctional Services - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 19 - Defence and Military Veterans - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 20 - Independent Police Investigative Directorate - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 21 - Justice and Constitutional Development - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 22 - Office of the Chief Justice and Judicial Administration.

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Vote No 23 - Police - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 24 - Agriculture, Forestry and Fisheries - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 25 - Economic Development - put and agreed to (Economic Freedom Fighters dissenting).

Vote No 26 - Energy - put.

Declarations of vote:

Ms D B NGWENYA: House Chair, the EFF rejects the budget adjustment for Budget Vote No 26 on Energy. We do so because we acknowledge that energy is the lifeline of our economy and needs to be managed properly in a manner that benefits the rest of our country. However, it has been captured by a small clique of corrupt and unscrupulous people in the form of the Gupta and the Zuma family.

They have completed their capture of this portfolio by having their trusted pawn, David Mahlobo, to lead this portfolio to make it easier for them to capture the proposed nuclear energy deal that will basically corrupt our country.

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Despite many utterances from the Finance Minister, indicating that country cannot afford nuclear energy as proposed now, Mahlobo has been very adamant in pushing ahead because they know that they made deals on behalf of the Gupta and the Zuma dynasty for contracts to supply nuclear power stations. Mahlobo, van Rooyen and Msebenzi Zwane, all belong to the same WhatsApp group of Gupta and Zuma corruption that threatens to collapse our country. Therefore, the EFF rejects this budget adjustment. Thank you, Chair.

Ms V S SIWELA: House Chairperson, the ANC wants to submit that we support this Vote. The Department of Energy has a strategic role to play in ensuring that South Africa has a secure supply of energy and petroleum.

The energy sector, currently, contributes R300 billion towards our GDP and accounts for 90 000 jobs in the economy. This sector has not reached its full potential to contribute towards economic growth and job creation. The Department of Energy is currently embarking on a process of re-engineering its business model to create capacity in order to ensure that it operates efficiently and effectively.

The department had hoped that it could have its budget allocation increased in the light of its mandate and to unlock the full

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potential of the energy sector. However, it has accepted that the current economic growth trajectory imposes physical constraints on the government.

The department has therefore, pledged to reprioritise where necessary and use creative means to do more with less. An amount of R32million has been rolled over for the Integrated National Electrification Programme for nongrade electrification service providers. The department has also submitted virements that require parliamentary approval. These are under Programme 6 of the Vote, Clean Energy.

Approval has already been obtained from National Treasury on the latter three items on the other items, namely, regional office relocation, international ministerial obligation, electricity on events, Ministerial Imbizo, Public Participation Programme, SA Young Nuclear Professional Society, communication consultants and travel and subsistence.

While the ANC expresses its concern about the shifting of funds from Clean Energy to other programmes, the matters have arisen out of necessity. The department has received approval by National Treasury

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for the majority of this chief's virements. The ANC supports this Adjustment Appropriation Bill.

Xitsonga:

Hayi leyi ya Magupta. Thank you. [Applause.]

Agreed to (Economic Freedom Fighters and Inkatha Freedom Party dissenting).

Vote No 27 - Environmental Affairs - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 28 - Labour - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 29 - Mineral Resources - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 30 - Science and Technology - put.

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Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 31 - Small Business Development - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 32 - Telecommunications and Postal Services - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 33 - Tourism - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 34 - Trade and Industry - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 35 - Transport - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 36 - Water and Sanitation - put

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Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 37 - Arts and Culture - put.

Declaration of vote made on behalf of the African National Congress.

Declarations of vote:

Ms T K MAMPURU: House Chairperson, the ANC rises in support of the adjusted Appropriation Vote Arts and Culture. The ANC is of a firm view that culture is an integral component of the processes of development. In that it contributes to such processes but also it can play a facilitative or disruptive in the upholding of the developmental process.

Culture also seeks to inform and contribute to nation building efforts. These two processes are of the highest priority in our country at present. And culture has a central role to play in the successful upholding of this. The important role that arts and culture play in society is reflected in 2007-17 budget with the adjusted amount of R4,3 billion appropriated to the department.

Programme One - administration had a rollover of R11,8 million for ICT, servers and software, leases and municipal charges for the

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department's new office building. The department uses the vehement procedure to transfer a total amount of R3,6 million. The department has declared unspent funds amounting to R90 million.

Programme Two - Institutional Governance: Thirty-two million in unspent funds has been declared on capital works projects at the national archives due to this business between the Department of Arts and Culture, the Department of Public Works and the Independent Development Trust. Six and half million in unspent funds have been declared on the capital projects at the isi-Bubu Cultural era due to the disputes between the Department of Arts and Culture, the Department of Public Works and the Independent Development Trust.

Programme Three - Arts and Culture promotion and development: Ten million in unspent fund has been declared on capital works projects at performing arts institutions due to the funds not yet transferred as a result of the non-submission of missing plans for new capital project as required by the department's infrastructure policy.

Programme Four - Heritage promotion and preservation: Forty-One comma four million in unspent funds has been declared on capital works allocated to heritage institutions due to slow spending. The

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adjustment to this vote will assist in the contribution towards nation building and social cohesion.

The ANC supports the adjustment to Vote of Arts and Culture. Thank you.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 38 - Human Settlements - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 39 - Rural Development and Land Reform - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Vote No 40 - Sport and Recreation South Africa - put.

Vote agreed to (Economic Freedom Fighters dissenting).

Schedule put and agreed to.

Consideration of vote and schedule

Agreed to.

CONSIDERATION OF ADJUSTMENTS APPROPRIATION BILL

(Report of Select Committee on Appropriations thereon)

Declarations of vote:

Mr M KHAWULA (IFP): Hon Chair, whilst the IFP supports the Adjustment Appropriation Bill, we do so only in consideration of supporting continuation of governance in the country, just for the sake of the people of South Africa.

The IFP continues to raise the obvious alarms that the ruling party has persistently continued to ignore. The tax base of the country is gradually shrinking; the myriad of factors contribute to this financial disturbing situation. The persistent government's inability to attract sound investments into the country has impacted heavily to this shrinking tax base. As a result, the country has continued to shred jobs, resulting in increased levels of unemployment.

Because of this financially unhealthy state of affairs, the South African Revenue Services fail to meet its tax collection targets.

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With lower than expected tax collection, the country has been forced to increase its debts in order to cope with the country's needs and demands. Political instability within government, leadership uncertainty in the ruling party and the reckless immature political decisions in the Presidency have all further worsened the confidence of investors to can inject more capital into the economic markets of the country.

One would have assumed that the powers that be should long have established a grasp and grasped the reality that reckless political decisions have a considerable impact and long-lasting effects in destabilizing the political economy of the country.

With things as they stand, one can only draw a definite conclusion that only a well-schooled political *fundi* will have the capacity to comprehend and conceptualise this political inadequacy at the helm of government. Hence the chant of cry the beloved country. Our fingers are crossed for a more than magic kind of divine intervention to rescue the country.

It should be more embarrassing to the ruling party benches that close to a decade, the economy and the driving seat of the country have been captured by just one non-entotic family which has no roots

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at all in the struggle credentials of the country and the continent. All this happened under the so many watchful eyes in the forums where the policy decisions are taken.

When at one stage the IFP indicated to his Excellency the Deputy President of South Africa in 2015 that the country was on autopilot, he just dismissed without any consideration. Now, with all these recent and current revelations, the chickens are coming home to roost.

The Auditor-General has continued to warn the country against the increasing levels of irregular and wasteful expenditure. Corruption has also continued to put more burden in the already stressed financial situation of the country. In an unhealthy economic situation like ours, as outlined by the hon Minister of Finance in his mid-year budget, it calls upon National Treasury to institute more tighter measures in the spending patterns of the country. National Treasury also need to scrutinize the spending patterns of the country's state-owned enterprises, SOEs [Time expired.]

IsiZulu:

Awu! Wangilimaza Sihlalo. Kodwa-ke khona kunjalo, uthi uMtwana angisho kanjalo Sihlalo. Ngiyathokoza.

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Setswana:

Mr T C MOTLASHUPING (ANC): Motl Modulasetilo le Ntlo e tlotlegileng. Tsela e re e tsamayang e e boitshepo e sa le e simologa ka 1912. Pixley ka Isaka Seme o ne a bua ka go naatlafatsa le go bona matshelo a batho rona a tokafetse. Ke tsela e re tsamaileng ka yona.

E rile ka 1955 ra simolola go tsamaya mo tseleng eo mme ra gata ra re "leruo la naga ya rona le tshwanetse le ungele batho botlhe ba mo Aforika Borwa, e seng batho bangwe ba ba rileng."

A re setse re batla gore khumo ya mo Aforika Borwa e nne mo diatleng tsa 10% ya batho? Bao e leng gore gompiono ke bone ba dirang selo se re se bitsang *monopoly*.

Fa re lebelela sentle gore go diragala eng mo Aforika Borwa, batho ba le bantsi ba itumelela tiro e e diriwang ke lekoko leno le legolo mo Aforika; lekoko le le rategang; lekoko le e leng boswa jwa bahumanegi go tswa go Modimo ka gonne ga go na lekoko lepe mo Aforika Borwa le le lebeletseng dikgatlhegelo tsa bantsho jaaka ANC.

[Applause.]

Jaanong, le fa o ka botsa batho botlhe, maloba ba ne ba tshepetse go ANC, sekai, e rile Moporesitente a re "ke saena 4,5%" ke fa ba

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itumetse thata, ba galalela, ba sa re "ga re e batle". Batho ba ba jalo re ba bitsa diilakgaka, dinwamoro; ga o ila kgaka ga o nwe moro wa yone; ka jalo ga wa tshwanela go nna seilakgaka, senwamoro, ka gonne tekanyetsokabo e re buang ka yone e tlile go ungela batho ba rona botlhe, e tlile go ba tlholela ditiro, e tlile go ba fa matlo, e tlile go tokafatsa pholo ya bone [Tsenoganong.]

English:

Mr L B GAHLER: Chairperson, just on a point of order on the 4,5%. He's been worrying me about that. I want to tell him that "you're getting it this week" [Setshego.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): That is not a point of order, conclude hon Motlashuping. [Setshego.]

Mr T C MOTLASHUPING: He has been worrying me more than any other mamba in this House because he was always pestering me about it. I'm sure where you are you saying "the ANC government in delivering" and indeed we are delivering. We are a government that cares for our people [Time expired.]

LEGAL PRACTICE AMENDMENT BILL

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(Voting)

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, the Bill was debated on and declarations were made. I now put the Bill for voting.

Question put: That the Bill be agreed to.

VOTING:

IN FAVOUR: 39

AGAINST: 02

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

INTERNATIONAL ARBITRATION BILL

(Voting)

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon members, the Bill was debated on and declarations were made. I now put the Bill for voting.

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Question put: That the Bill be agreed to.

VOTING:

IN FAVOUR: 39

AGAINST: 02

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

FAREWELL SPEECHES

Ms L L ZWANE: Chairperson, House Chairperson, Chief Whip, hon members of the NCOP and our special delegates from the provinces, I feel very humbled to be given the responsibility to represent the glorious movement, and I am going to do it with all the humility it deserves. Four years ago on this day South Africa lost one of its greatest sons; our nation lost its father. President Jacob Zuma broke this sad news on this day in 2013 to the nation by saying our nation has lost its greatest son; our people have lost the father. Although we knew that this day would come, nothing can diminish our sense of a profound and enduring loss. His tireless struggle for

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freedom earned him the respect of the world. His humility, his compassion and his humanity earned him their love.

President Nelson Mandela departed from the living world to join the world of ancestry. As we mark four years since Madiba's passing on we should reflect as a nation on what Madiba stood for. We should ask very uncomfortable questions as to whether our nation is united, we should ask about what about what is our contribution to advance and deepen democracy, to realise a better life for all our people. He was a symbol an embodiment of the fight against apartheid and colonialism. Madiba represented the triumph of human spirit over injustice, tyranny, subjugation and lawlessness. He was to all of us and the rest of the people of the world what Ben Okri describes in his poem entitled *An African Elegy*, and I quote:

We are the miracles that God made. To taste the bitter fruit of Time. We are precious. And one day our suffering. Will turn into the wonders of the earth.

The bitter taste of Madiba's time compelled him and his generation to fight against apartheid and in the end they turned their sufferings into the wonders of the earth. Madiba said, and I quote:

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Because the people of South Africa finally chose a profoundly legal path to their revolution, those who frame and enact constitution and law are in the vanguard of the fight for change. It is in the legislatures that the instruments have been fashioned to create a better life for all. It is here that oversight of government has been exercised. It is here that our society with all its formations has had an opportunity to influence policy and its implementation.

Madiba reminded us of the salient purpose of our Parliament. He reminded us that the positions we hold in this Parliament are not of our own, rather they are borrowed to us by the electorates through their votes to enable us pass legislations which will change their lives for better.

Our country is experiencing an economic downturn which impacts on our investment confidence from investors. This situation affects our drive to create employment opportunities in order to fight poverty and inequality. As a nation we need to move in unison to get our country out of this economic downturn regardless of our political philosophies and ambitions for our political parties. The signs are beginning to show that tomorrow will be better than today.

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For his part president O R Tambo defined the ANC and therefore its members as well as its representatives as representations of the hopes and aspirations of the majority of our country. The ANC represents the desire of our people for democracy. It carries the hope of our people for peace. It is the repository of the people's power for an end to racism, racial discrimination, ethnicism and antagonism. The ANC is the embodiment of the people's prayer for equality and national reconciliation.

As we know that we are here to execute the mandate of our people in the NCOP, our mandate is to ensure that the provincial interests are taken into account in the national sphere of government. Through participation in the national legislative process and by providing a national forum for consideration of issue affecting province, we also play a role in promoting co-operative government and intergovernmental relations. As we break from this hectic work of Parliament and find time to share our pleasurable moments with our families, we should take pride in the knowledge that we have spent the good part of the year in the service of our people. A lot of challenges are still hanging on our shoulders like a nightmare, but together we shall overcome. We should primarily go back to our constituencies to review and revive our mandates so that we can make the tomorrow of our people a better place than today. At this moment

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we should take the opportunity to appreciate the contributions made by all political parties in this House to the many pieces of legislations that we have been able to pass and oversight work of the National Council of Provinces.

To all political parties I say, regardless of our differences we all citizens of one country called South Africa. We share a common heritage and destiny.

To members of the ANC, as you know you represent the hopes and aspirations of the majority of the people of our country who have got nothing better, but a belief that through the ANC their lives will change for better. This belief is not a hollow belief rather it is a belief informed by the reality that since the ANC took power in 1994, the lives of the majority of South Africans have changed for better. "Aluta continua!" [the struggle continues] The struggle for a better life still continues.

As we approach the December conference of the ANC, we want to say that the ANC is going to win, and whoever wins as the ANC we have won. [Applause.] With those few words the ANC wishes all members of this House a Merry Christmas and a prosperous New Year. Thank you [Applause.]

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Ms C LABUSCHAGNE: Chair and colleagues, why are you looking so surprised? [Laughter.]

Afrikaans:

Voorsitter, agb lede en alle mense van Suid-Afrika, 2017 is 'n jaar wat in die politieke geskiedenis onthou sal vir word noemenswaardige gebeure in die buiteland sowel as in ons eie land.

English:

The year 2017 will be remembered for yet another Cabinet reshuffle that resulted in a loud outcry against the President by the citizens of our country - a call for him to either serve the people or step down. The year will be remembered for the devastating effect and impact of state capture, the way it specifically affects the more than 45% of people in our country living without jobs.

Afrikaans:

Wêreldwyd word politieke leierskap bevraagteken, gekritiseer en verander waar dit nie die burgers van die land dien nie. Bykans aan die einde van 2017 is dit dus gepas om 'n vinnige terugblik te gee op die werk gedoen deur die Nasionale Raad van Provinsies, spesifiek aangesien ons verantwoordbaar is ten opsigte van ons politieke leierskap omdat ons gekies is om hier te wees.

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English:

An honest assessment of our progress will reveal the adoption of a NCOP practice note based on the Land Access Movement of South Africa, Lamosa, judgment to guide the process and procedures of legislation. Unfortunately, I cannot say that, specifically in the last part of this year, the NCOP adhered to that guideline.

I always say our priority is legislation and the responsibility to represent the issues of our people in all provinces, specifically through public participation. Up until this year, the NCOP relied mainly on the public participation processes of the provinces. I acknowledge the shift to public participation within the select committees, specifically with complex legislation. Although this change did not take place without some good political fights from the opposition parties, I would like to thank everyone.

Last year, I said I looked forward to the NCOP addressing our function with regard to legislation, public participation and oversight. I would like to refer to some findings contained in the report of the high-level panel on the assessment of key legislation and the acceleration of fundamental change and urge everyone to take on these findings as challenges for 2018. On implementation, governance and oversight, the report says the following:

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To realise the vision of the Constitution requires a capable and developmental state. The Panel has been confronted, from the testimony of the public and experts alike, with evidence of weaknesses on the part of government to execute policy and legislation.

It further reads that –

... the consensus appears to be that financial resources are not the main binding constraint to the realisation of positive outcomes. Instead, there are instances where weak outcomes reflect a lack of political will to pursue stated policy objectives ...

Recommendation 4.24 of the report states the following:

Parliament should consider identifying and reviewing all legislation that includes a public participation component, including those that relate to Parliament's interaction with citizens, and ensure that it conducts oversight of, and ensures adequate resources for the implementation of these provisions such that where provision is made for the public to be consulted this consultation is meaningful and effective.

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Meaningful and effective public participation is a crucial component of the NCOP. It is a reminder that democracy is first and foremost for the people by the people. Not listening to our people and a lack of implementation of important policies and legislation result in a dissatisfied citizenry, as well as a governing party in a life-and-death fight.

The DA is looking forward to change and a new beginning. On behalf of the DA, we would like to thank all the support staff for their support and services rendered throughout the year. Without you and your team, Parliament is not complete. On behalf of the DA, we would wish all of you a blessed festive season with your loved ones, families and friends. I thank you.

Sesotho:

Mr M M CHABANGU: Modulasetulo, e re ke nke sebaka sena ho leboha Sephadi se ka Sehloohong wa Mokgatlo wa EFF, batsamaisi le basebetsi. Letsatsi lena ke letsatsi la bohlokwa haholo hobane sebui se qetang ho bua hona jwale se boletse hore ke letsatsi leo Ntate Mandela a ileng a re siya ka lona. Empa ke nahana hore Ntate Mandela moo a leng teng o robetse a na le leqeba la hore ba bang ba ithuisitse ka lefu la hae. Ho bohlokwa hakakang hore ha re bua ka motho ya lwanetseng ditokelo tsa rona kaofela Afrika Borwa ho be ho

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na le batho ba ithuisang ka yena. Modulasetulo, ha ke na ditaba tse ngata hobane matsatsi a fetileng re ne re le siyo, re le Metsimaholo moo re neng re hama tlou. Tlou eo e sisitse mme batho ba Metsimaholo ba tla nwa lebese ba kgore.

English:

It is with mixed feelings that I bid you farewell on behalf of the EFF. 2017 was a fruitful year for those who served their country with honour and distinction and dignity.

Unfortunately, there are those who insist on continuing to serve our country with dishonour and arrogance.

We would like to thank the citizens of the Republic of South Africa for their unfailing support and encouragement.

Thank you to the members of this august House for a mission well accomplished. The women and children of the Republic of South Africa ... we will continue to support fight and advocate for your rights to life, security and dignity.

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To then men of South Africa ... continue providing love in your families and act as a shield against those who abuse our children and those who abuse our country.

South Africa is a beautiful and resourceful country. We as freedom fighters will always fight for the emancipation of economy of our beloved country.

In this festive season, we wish all members of the NCOP and the citizens of South Africa a happy Christmas, and a prosperous new year.

2018 promises to be a great year for the nation. I don't have more words to express myself. The only thing that I would like to say is aluta continua.

Mr L B GAHLER: Chairperson, today, as a collective entrusted with this huge responsibility by the people of this country, we say goodbye to a year that was full of achievements, yet exposed many more challenges still to be confronted as we gravitate towards 2018.

We concluded this year with a very instructive and revealing report from the High-Level Panel led by former President Motlanthe that

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evaluated the impact of the legislation made by us on behalf of our people. Amongst others, that report confirmed that unemployment, inequality and poverty remains the enemies of the people of South Africa, irrespective of their political and social standing. In the report, we are challenged to double our efforts to do better and do more in the name of our people, in particular the rural poor, who are mainly African, women and young.

Madam Chair, on behalf of the UDM, let me convey a word of gratitude to you for the sterling leadership you have always displayed in directing this House towards achieving its constitutional mandate. This applies equally to all other Presiding Officers.

In the same vein, we wish to recognise and welcome the leadership of the Chief Whip for the sterling work that he has done to guide all of us. We are looking forward to good working relationships in 2018.

To all my colleagues, indeed, without our collective commitment towards the cause of our presence in this house ... The UDM has no doubt that all members of this House, irrespective of their political association, have done their best to keep the House focused on the work. We can only but build on this base.

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The backroom staff that works tirelessly with no complaints ... We are extremely thankful for your unwavering support to the members of this House and to the work they are tasked with discharging.

As long as there is poverty, unemployment, inequality and corruption, our collective commitment and dedication will always be relevant. In this regard, the UDM wishes all members a safe trip back home, and we encourage you to spend Christmas with your families but have a moment to reflect and make a solemn commitment to redouble our efforts next year.

IsiXhosa:

Bantu bakuthi into ebalulekileyo njengokuba singena kwixesha leKresimesi kufuneka sijonge imithetho yendlela, sincede singaqhubi iinqwelo zethu sinxilile. Okwesibini, singaqhubi iinqwelo zethu ngesantya esiphezulu kuba abantu bayafa ezindleleni kwaye abanye sebeqalisile ukufa. Lixanduva lethu xa sisonke ukuba sithobela imithetho yendlela. Kubazali bebonke kunye naba bahleli apha, sincede imali siyisebenzise ngendlela efanelekileyo kuba ngoJanuwari kuzofuneka izinto zabantwana zesikolo. Ngoko ke, kufuneka siyijonge loo nto kuba iza kusibetha ngoJanuwari sizibone sibalekela koomatshonisa. Iyababulala abantu bakuthi loo nto, yiyo loo nto kubalulekile ukuba singazithengi izinto ezingeyomfuneko.

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Kwabo ke baneetikana, baninzi abantu abahluphekayo abangenanto nabangazokutya nto ngale Kresimesi. Masincediseni apho sinakho ukuncedisa khona; wanga uThixo angasisikelela sibe neKresimesi emnandi, siguqe sithandaze kuThixo uYehova wethu kuba nguye umntu oza kusikhulula kwiingxaki esikuzo. Enkosi ndiyabulela.

[Kwaqhwytywa.]

Mr M KHAWULA: Chairperson, on behalf of the IFP, and on behalf of the man you can trust, the Prince of ...

IsiZulu:

... KwaPhindangene ...

English:

... Prince Mangosothu Buthelezi, I take this opportunity to wish all the hon members of the NCOP a joyous festive season and a prosperous new year.

Starting with you, hon Chairperson, Mrs Modise, the IFP values the contribution that your House is making in the affairs of our country. The IFP values and honours your leadership of this House. The IFP says, under the circumstances, the NCOP could not have had a better choice for the position of Chairperson. It is a pity that

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2019 is around the corner, and the operation to take over will affect you, not unless you decide a quick u-turn, of course, so that the operation does not affect you. [Laughter.] Thank you very much, ma. We really appreciate your leadership.

Hon Chief Whip, and the entire Whippery, in all of you, the IFP has forged real family ties. We want to thank you for the cordial working relationships we have with all of you, starting with the Chief Whip himself, the hon Mohai. Coming to the hon Parkies, the Programme Whip ... Thank you for ... [Inaudible.] [Laughter.] and frontloading the programme. Hon Labushagne of the DA, hon Mokwele ... thanks, even with your noises, we thank you. It makes us wake up, you know. It is a very big contribution. Mme Mokwele, thank you. Besides jokes ...

Hon Gaehler, my friend, thank you very much.

All the provincial whips for their leadership ...

Also, the Presiding Officers, starting with the Deputy Chairperson ... we wish him a speedy recovery and hope that, when we start the year, he will be with us throughout. Mme Dikgale, and of course my big friend, the hon Nyambi, thank you very much for your leadership.

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IsiZulu:

Sihlalo, angisuke ngiye endlunkulu kaZulu, ngiye kubhejane odla bakayise, oxasa likahhashi inkomo ethandwa zibawo, suka eduze komuntu wami uyagulelwa. Egameni leqembu leNkatha nomntwana kaPhindangene sithi ngasitha ongangezwe lakhe, amalungu wesilo, ondlunkulu, omkamuhle, indlunkulu yonke sithi ume njalo nje, unwele olude nina basendlunkulu nayo yonke indlunkulu enye ekhona eNingizimu Afrika kwezinye izifundazwe ezinezindlunkulu ngoba phela thina KwaZulu sinendlunkulu. Manje nina ninezindlunkulu, siyakhuleka sithi sengathi amakhosi ethu asiholayo angaba nesikhathi esihle sokuphumula. Amakhosi asendlunkulu ngaphansi kwesilo siwafisela okufanayo okuhle kodwa ngesikhathi samaholide noncibijane omuhle, nakuwo wonke amakhosi asendlunkulu njengoba besengishilo.

English:

If I can also come to government and say to His Excellency, the President of South Africa ...

IsiZulu:

... Msholozzi nomuzi wakho wonke ...

English:

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... we also wish you a joyous festive season and a prosperous new year.

To His Excellency, the Deputy President of the country and his family, we say to you, sir ...

IsiZulu:

... siyavuma ... [Uhleko.] ...

English:

... on behalf of others, of course. [Laughter.]

To the government of South Africa, all the Ministers and Deputy Ministers, we say the same, and to all the premiers and their governments in the provinces, to all the mayors and councillors and their governments ... we also wish them a joyous festive season and a prosperous new year.

Adv Phindela and staff of the NCOP who are always here to assist us, and also to all the caucus staff in all the party offices ... we thank you very much for your sterling work.

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Let us also celebrate the festive season in the spirit of ubuntu, in the real IFP values of ubuntu ...

IsiZulu:

... umuntu ngumuntu ngabantu.

Sesotho:

Motho ke motho ka batho.

English:

I am because of others.

Let us be considerate to those who are destitute and remember that Christmas is a time of sharing. And also let us be considerate on the roads and try to minimise the carnage on the roads. Thank you.
[Applause.]

Mr S J MOHAI: House Chair and Chairperson of the National Council of Provinces, Ms Thandi Modise, hon members, distinguished special delegates, colleagues, friends and comrades, hon members. This last sitting of the NCOP takes place hardly 10 days towards the historic event that will redefine the political landscape of our country and the African continent - The 54th national conference of the ANC.

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Accordingly, South Africans across political, racial and religious spectrum will be casting their eyes firmly on this conference with great sense of hope that its decisions will benefit the people of South Africa for a better life for all.

Allow me to join millions of patriots across the world to express my good wishes to more than 4000 delegates that will assemble at Nasrec from 16-20 December 2017. There is no doubt that whatever the decision this conference will take will have an impact on more than 50 million South Africans. So, this remains an important assembly for the people of South Africa.

Our last sittings towards the end of each year are always sources of exciting yet emotional moments in the lives of members of this august House as individuals and the collective. Exciting because it represents the moment of reconnection with our families after many months spent here of distance separation, emotional because of the interruption of personal bonds amongst ourselves. By now we know the whereabouts of everyone in this Parliament.

It is a fact that we are from different political parties but that doesn't take away the human touch of relating and treating each other as brothers, sisters, mothers, and fathers and most

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importantly as proudly South Africans enjoined by a collective mission of a better life for all.

The celebration of the legacy of Oliver Tambo has undoubtedly demonstrated our common claim of fatherhood in this giant of our struggle - one of the architects of the democracy we enjoy today. There is no country in recorded history of the world that has forged a common vision towards the future despite a history of deep divisions like South Africa.

Hon members, will surely agree that this is one of the magic that distinguishes South Africa from many parts of the world that emerged from the history of polarisation. Allow me the opportunity to first express my profound sense of appreciation - I am here referring to the Chairperson of the NCOP. I express my profound sense of appreciation of your leadership that has brought this House together, sometimes under difficult circumstances. Your frankness, predictability and firmness of principle have inspired the confidence of not only the members of this august House but many South Africans across political divide.

Recently, people of Bloemfontein, in Mangaung, were very excited by the manner in which you facilitated the discussions to share their

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frustrations and concerns in the work of Parliament the NCOP represent. It will be a great omission for me not to acknowledge the pillar of the modicum of strength of your office being the other presiding officers for their distinguished resilience and dedication to keep the standards high - hon Nyambi and hon Dikgale.

Of course, it is said that, at times, people, as human nature demands, demand the space to judge these other presiding officers, not on their own terms, but on theirs. For this, I extend my sincere appreciation to their leadership without which success could be minimal. My great sense of gratitude is also extended to the leaders and members of the minority parties for their co-operation and support in making this House to fulfil its constitutional obligations.

Although sometimes hard and of course, shall I say, irritating to us - the majority party at times, a sense of complacency could have long subdued us into permanent paralysis of thought and action. It will be a great omission on my part for not appreciating the support of members of my own party - the ANC, in my duty as Chief Whip of this House. Without you dear comrades, [Applause.] at your different levels, I might have long faltered without possibility of recovery, for this I really thank you for the support. There is a saying in

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the ANC that criticism and self-criticism ... that the purpose of criticism is not to kill but to cure the disease. So, that practice of collective leadership and responsibility is the essence of how we conduct our work.

Hon members, we should always bear in mind that the history of this House cannot be written outside ourselves as individuals and collective. Our presence alone doesn't make us collective writers of this history, but the amount of efforts we put individually in making this House to succeed. As we unite and enjoy festive season with our families, I challenge each one of us to write a chapter on the history of this House. The title of that chapter should be: What is it that I have done to make the NCOP succeed.

Chairperson, I am sure that none of us can complete his or her chapter on contribution to this House without a reflection on the support we receive our staff. Behind our success lie these dedicated men and women in our administration under the leadership of the acting secretary of Parliament, ma'am Baby Tyawa and Adv Modibedi Phindela, the secretary of the NCOP. We thank you dearly for your selflessness and dedication.

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Allow me to conclude by wishing everyone of us a safe and a blessed journey home. Merry Christmas and a happy new year. Thank you.

Ms T R MODISE: Hon Chairperson, if I were ever asked who to return from the dead, I would probable bring back two people. I would bring back Madiba for his forthrightness, punctuality, his love for his people, for never allowing you to get away with it. I would bring back Steve Tshwete. [Applause.] I would bring him back because he was exactly what Madiba was. The only thing is that they use different languages. Where Madiba was nice and polished, Steve would tell you as it is. Where Madiba would tell you that there is a little small white house in the corner, Steve Tshwete would say...

IsiXhosa:

... nantsi ithoyilethi. [Kwahlekwa.]

English:

I would bring back these two men because one was humorous and one was fatherly and I think that...

IsiXhosa:

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... masingabalibali. Singamlibali uYemyem, Vela bambhentsele.
Singamlibali unyana kaHala, kaDlomo, kaBhomoyi, kaTolo, unyana
kaMadiba!

English:

But to think about these two great men and to forget what they stood for is not doing honour to them and indirectly hon Khawula, the people who go to church ask why do you speak and opt for a lesser grace when you can go for the real grace? The real grace is for me to live and to die and to die for your own convictions. That is what I am. [Applause.] If that decision comes I, Radia Modise, would walk straight because I will always be what I am. I will try and make honest mistakes because none of us is perfect. I will talk my mind because under the leadership, firstly of Tambo and lastly of Mandela who I was proud to serve in all his national executive committees, he taught me to speak my mind and stand up for what I believe. He taught me to fight for the people of South Africa and for me it is always the people first. [Applausse.]

So, I would like to say that 2017 has been a mixed batch for us as the NCOP. It has seen us wallowing and saddened by the scourge of the deaths of many young women out there killed by their lovers and their husbands. It has seen us almost panic transfixed by the return

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and resurgence of xenophobia in our country. It has seen us hosting foreigners, parliamentarians being attacked by ruthless tsotsis on these esteemed members who make sure that when go their countries we are well protected and well respected.

We have also seen thousands of South Africans thronging the streets of South Africa. We have also seen thousands here blocking Roeland Street, protesting and supposedly and I am hoping to God that the last bad thing we saw, bad and not so bad, was the multitudes of the Zimbabweans walking into the streets saying...

IsiXhosa:

... siyabulela tata, hamba uyokuhlala phantsi.

English:

I am praying that people in South Africa can learn to disagree in. The lesson we have just learnt in Zimbabwe is that you can disagree without being crude. You can disagree without drawing without blood; without taking away somebody's dignity; and you can still be constitutional and say the things you need to say.

I said it is a mixed batch because when I look back to 2014, the standard of debate this year was really impressive, not where we

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should be, but then I am an old guard, but somewhere where as public representatives we can stand and represent our people. This House has asked questions which have not been very pleasant; irritated some of us but there is a constituency out there that wanted those questions to be put in this House and this House allowed those questions to be put.

A mixed batch because we want to come back to you early next year and say, can we go back to the rules so that we are at one. Can we understand certain systems and processes of this House better so that we can better serve? We have been good because we have been able to do what we need to do; held successful report backs and Taking Parliament to the People. We have been able to execute programmes, the Oversight Weeks, the Provincial Weeks and we have not been able to have the Local Government Week which we have finally agreed to with South African Local Government Association, Salga to hold it in the beginning of the coming year.

We have also seen the sluggishness of our economy affecting how we responding and how we consciously take decisions even as Parliament. We think that what has been important for us was to remember that it is 20 years of both the NCOP and the Constitution. There has been a single debate in this House this year which has not actually

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anchored itself around the Constitution and the use of the Constitution as an umbrella for South Africans.

Of course it is again a bitter sweet one because we thought as the NCOP we would have been out there in your face, in the street and everywhere in South Africa celebrating the existence of 20 Years of the NCOP. Resources and time precluded us from doing that and we thought Members of the NCOP would be the advertisement of the NCOP in memorabilia and literature about the NCOP. We did not manage to do those things but in our hearts I know that the Constitution lives. In our hearts I know that we are celebrating the existence of this House and we are looking at how we can improve the workings of this House.

I want to say that we have gained four new members, great debaters and thought provokers. You are welcome hon members. We have lost four members to different, to the provinces and to the NA. They are well missed but then if you are a politician you must move around. You must gather different experiences. You do not become experienced because you are sitting on one chair. You become experienced because you are exposed, you talk; you make mistakes; you fall and you stand.

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Therefore, I want to say that it has been a year of learning and a year sometimes of being provoked. It has been a hilarious year sometimes. I sit there sometimes and I cannot hold myself and I think that is what collegiality is all about. We are colleagues and we may wear different colours but we represent one people, the people whose surname is South Africa. It does not matter what our cultures, what we believe in but the fact of the matter is that we are South Africans. We should be very proud that we had had the opportunity to be united in this House.

Let me thank those members who have spent most of this year sitting in these benches from the start of sessions to the end of them.

[Applause.] I also want say that I want to prick the conscious of the members who come to work and we know where they are, in this same holly building. May be if we plead that in the next year the water of immortality are taken lesser then we will see more warm bodies sitting in the House.

My greatest appreciation goes to the Speakers, Deputy Speaker and premiers who have not said no. All of them all nine of them because they sent special delegates who bring insights and fresher perspectives to what happens in their provinces to this House. We must thank them very much because without them in this House we

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would be speaking to ourselves everyday and actually we would be boring each other. So, we thank the special delegates but we salute those who sent them here for us. [Applause.]

Hon members, we must thank the President and the Deputy President for keeping this House alive. When they were here you get on fire. All different types of fire and it keeps us very much awake on this chair when they are here. I must say that we must also thank the members of the executive, both Ministers and Deputy Ministers who have honoured us and graced us every time in our debates and in coming to take questions here and when I am there, we must also gear ourselves next year...

IsiXhosa:

... ningathi umntwana kaModise akamthandi uMphathiswa othile...

English:

... because when the Deputy President was here - I can show you two letters I wrote complaining about non-attendance of Ministers - what he said standing here is exactly what he wrote to me about. He said to me that I have the power, censor Members of Parliament. We will do that with alacrity on behalf of the people of this country whom we represent in this House. We will do it but I want to pass the

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buck to chairpersons of committees. There are things which really need your attention. Please summon the MECs and mayors and let them come and account. They are not above this House because if the President and Deputy President can come and stand here to take question, we do not understand why those who represent the people who we represent cannot be brought to book.

We have been really serious and it is time to go home and rebond with our loved ones. It is also time maybe to bond with those that you have lost throughout the year, to remember them with love and to honour them in the way we only know in our different cultures. I would say that at my age there are things I no longer do which I know many of you still do, please go and do them in moderation. There are also things that I still do and they are giving my family attention, eating too much on Christmas, please also do that in moderation. Whatever it is, travel safely and rest because next year seems to me will be the year that we will work most. Surprises of legislation will come our way but whatever it is hon members know that we have bonded in this House and become a family. We have hurt when one of us was hurting. We are very happy to see hon Ngwenya back in one piece and I am sure that next year we will welcome the Deputy Chairperson of this House also back in one piece. [Applause.]

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Lastly but not least, you are right, we would not be able to accomplish anything without the dedicated support we get from the staff of Parliament. We thank them very much. [Applause.] I would like to say that we have made some but not...

IsiXhosa:

... mqombothi, asinawo...

English:

... but we would like to invite you to join us for our year end sharing of the meal in the Old Assembly.

Setswana:

Ke a lo leboga. Le tsamaeng sentle. Le itlhokomele. Ke a leboga.

[Legofi.]

English:

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you Mme Modise. Hon members I will also be failing on behalf of what was said by Mme Modise to downplay this issue of special delegates. Once again, thanks a million times in this challenging time of the year for availing yourselves to be part of us. Thank you a million times.

[Applause.]

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Debate concluded.

The Council adjourned at 13:07

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