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PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES

The Council met at 14:02.

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

Question 23:

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, the SA National Defence Force, SANDF, periodically disperses investigation team comprising of multi-disciplinary members of the various services and division. At present, such a team is currently in the Democratic Republic of Congo, DRC, conducting investigations into allegations of sexual misconduct, assault, torture and paternity issues. With regard to the paternity issues, work is being done to operationalise legislation on issues of paternity.

Secondly, as referred to earlier, the investigation regarding allegations of sexual misconduct, assault and torture is ongoing. A

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military court session will be put up in the DRC on the 19 March 2018 to 6 April 2018 to prosecute these cases. The implicated members are usually charged with related offences, tried and sentenced by a Court of Senior Military Judge.

Depending on the outcome of the court decision, those found guilty, if not discharged or dismissed from the SANDF, will face the sanctions of never having the privilege to be deployed of. Thank you, Chair.

Mr E M MLAMBO: Hon Deputy Chair, let me thank the hon Deputy Minister for the answer. The follow-up id as follows hon Deputy Minister: Does the department have any consequence management plan with regards to the findings of these investigations?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Yes, immediately all the allegedly perpetrators have undergone these processes of appearing before the Court of Senior Military Judge, the report will come to the senior officers which will come to the Minister, an action is taken. You would remember that, for an example, there were soldiers who violated the security risk in the DRC without any interference by the Members of Parliament or the NCOP. The defence itself took an initiative and arrested those

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soldiers; put them before the senior military judge and they were ultimately expelled. Thank you.

Setswana:

Moh T J MOKWELE: Modulasetilo, ke rata go leboga Motlatsatona. Re le mokgatlo wa EFF, re lemogile gore bomme ba nna batswaditlhabelo tsa tshotlakako, e ka nna ka thobalano kgotsa ka mokgwa mongwe. Ka jalo, ke batla go tlhola go Motlatsatona gore, go makgetlho a mantis gore bomme ba dirisiwe bokgwakgwa, segolobogolo ke ANC.

Go na le dipatlisiso tse di re fitlheletseng ka maloko a uMkhonto we Sizwe gore fa a neng a le kwa mafatsheng a mangwe, dintlo kgotsa dintlwana tse bomme ba neng ba robala mo go tsona di ne di sa sirelediwa ka gope. Ka jalo, ga go makatse gore gompieno sesole sa rona, segolobogolo bomme, ba sotlakakiwe ka mokgwa o ba sotlakakiwang ka ona. Motlatsatona, ke eng se se dirwang ke lefapha la gaga go netefatsa gore bomme ba ka se tlhole ba tletlefadiwa, bogolosegolo ke borre ka thobalano e e leng gore ga e a ikatega? Ke a leboga.

Setswana:

MOTLATSATONA WA TSHIRELETSO LE BAGANKA BA SESOLE: Modulasetilo, fa e sale re tsena mo pusong re le mokgatlo wa ANC, re fetotse matshelo a

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le mantsi fa re tshwantshanya le puso ya maloba e e neng e tletlefatsa bomme. Re fetotse matshelo a bomme mo sesoleng sa Aforika Borwa jaanong e bile a mo maemong a mantle go feta kgale.

Lefapha le naya bomme ditshwanelo tse ba neng ba sa di newe pele, le gone, tshireletso ya bomme ke se se botlhokwa bogolosegolo mo sesoleng se se sireletsang batho rona. Seno se bonala mo manaaneng a a dirwang ke lefapha, gore bomme ba tsamae manaane a a ba fang siriti jaaka bomme. Gape re ba tshola ka go lekana jaaka yo mongwe le o mongwe mo sesoleng.

English:

Therefore, we don't allow any abuse of power on women in uniform of the defence force. We take necessary disciplinary steps. Thank you.

Mr G MICHALAKIS: Deputy Chairperson, the investigations are according to the Chief of the SANDF to be conducted by national investigative officers in liaison with the United Nation's office? I see that the Deputy Minister is frowning at me, I will repeat! The investigations are according to the Chief of the SANDF to be conducted by national investigative officers in liaison with the United Nation's office.

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How many South African national investigating officers are involved in these investigations, Deputy Minister; who are they and what exactly is the extent of the investigations or the mandate for the investigations? Thank you.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: We do work in consultation with the UN. Honestly, I don't have the numbers of the investigators on the ground, but we can make that information available to the member in a written form.

Mr T C MOTLASHUPING: Hon Deputy Chair, acknowledging the fact that we would not support sexual abusers or any of a kind to our women in the defence force. Deputy Minister, my question then relates to the implications of having to have a tribunal that will have to be held outside the borders of South Africa. What are the implications of having it outside the borders for both the women and their financials, rather than inside the country? Thank you.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Sometimes it does happen in the department that we recall those members to come and appear in the tribunal before, and I have given an example of the soldiers who violated the security risk. They were summoned to appear before the tribunal in the Republic. Where cases are

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happening, we don't wait for long before we deal with those cases. We have qualified senior military judges who deal with the case immediately. If the offenders are found guilty, they are returned back to the country. and for those that should be dismissed, are dismissed with immediate effect.

Question 8:

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: The South African National Defence Force, SANDF periodically dispatches investigation teams comprising of multi disciplinary members of the various services and divisions. At present, such team is currently in the Democratic Republic of Congo conducting investigations into allegations of sexual misconduct. The team is made up of military legal practitioners and military police. The same team is to investigate the matter of the alleged assault of a young man and there will be another team dispatched to compliment the team already investigating this matter in the DRC. Thank you.

Mr G MICHALAKIS: Deputy Chairperson, it relates to the first question and I find it problematic that as the deputy political head of the department, we can't name the people that we send to the DRC to go and investigate this. It can't be a magnitude of people; it has to be a handful of people. I would expect the deputy political

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head of the department to at least know who we sent. Having said that has the Minister or the Deputy Minister set the deadline for dealing with this investigation. If so, what is the deadline? If not, why is this matter not a priority since it deals with the allegations of a very serious nature and will he make an announcement in this regard? If not, why not? Thank you.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: It is linked to the previous question and like I said earlier, the investigations regarding allegations of sexual misconduct, assault, torture are on going. A military court session will be put in the DRC on the 19 March 2018 to 6 April 2018 to prosecute these cases.

Mr E M MLAMBO: Deputy Minister, how does the Department of Defence ensure that the name of our country is protected as a champion of human rights and the bill of rights in the continent and the entire international community by these allegations?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Indeed, as a country we are very disappointed in the manner that some of our soldiers are behaving because they are bringing the country into disrepute. But before these soldiers leave the country, they undergo a thorough scrutiny and we think that those who go for deployment

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are best men and women who will represent the country in a correct manner. Unfortunately sometimes it does happen that you will find people who will get out of hand, behaving in a ill disciplined manner but before we send people, we screen them, we are sure that people we are sending out of the country will hold the flag of South Africa very high but unfortunately we get such people behaving in this manner and that is why we take action when such things happen.

Setswana:

Moh N P KONI: Modulasetulo, ke nako e telele ke sa go bone mme ke a itumelela go go bona mo ngwageng eno. Motlatsa Tona, potso ya ka ke gore jaaka fa re nale borre ba mashole ba ba yang kwa dinageng tse di kwa ntle, segolo thata jang dinaga tsa Aforika. Go ya ga bone koo ke go ya go dira kagiso. Jaanong ke botsa gore ka gore ba fitlhelwa ele gore ba dira dilo tse di sa siamang tsa go sotlakaka ka mebele ya basadi, a borre bao go nale mananeo a eleng gore ba tsena mo go one pele ga ba ka romelwa dinageng disele.

Mananeo a ke buang ka ona ke raya gone gore a ba rutiwa gore fa ba kopana le motho wa mme, o ile nageng enngwe o ile go dira kagiso, maitshwaro a gago ke a tshwanetseng gore a nne jang. A Aforika Borwa e dirile jalo gore e rute jalo borre ba gore batle ba itshware fa ba kopana le batho ba bomme ka gore batho bao ba tabogela mo go bone

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ele ka gone go batla tshireletso. Jaanong, batho ba ba solofetseng tshireletso mo go bone, ba feleletsa ele gore ke bone ba ba sotlakakang ka bona.

MOTLATSA TONA YA TSHIRELETSO LE BAGANKA BA SESOLE: Fa o ka tlhola dinaga tse e leng gore di romela masole kwa dinageng disele le Aforikwa Borwa kwa DRC kapa ko dinageng tse dingwe, o tla fitlhela ele gore Aforika Borwa ka nako tsotlhe ke yona e kwa pele. Ke dinako tse dingwe fela tse eleng gore o fitlhela ditlhokotsebe tse dingwe di isa leina la rona la Aforika Borwa kwa tlase. Mme tsamaiso e ba e tsamayang pele ba romela dinageng di sele jaaka ke setse ke buile pele, ke gore go nale tsamaiso e e gagametseng ya batho bao. Ba rutiwa le molao wa gore ba tshwanetse go itshwara jang fa ba ile go sireletsa batho kwa, ga lo ye koo go ya go tshameka ...

English:

So you make sure that our flag fly high in those countries. So they under go all those processes ...

Setswana:

... ba ba ruta sentle gore ba tshwanetse go itshwara jang fa ba kopana le batho.

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English:

They must protect those people. So ...

Setswana:

Go nale ditlhokotsebe tse eleng gore din ne teng mo gare ga masole mme ga re dumele ke ba moo re beileng di ditsamaiso mo teng tsa gore go tloga ka di 19 Mopitlwe go fitlha ka 06 Moranang ba tlabane ba ya kgotlatshekelo.

MOTLATSA MODULASETULO WA NCOP: Ke a leboga Motlatsa Tona. Mme Koni, o ne o seyo maabane fa ke leboga Ntlo gore ba ile ba nna teng mo nakong eo ke ne neng mo dikobong tse di bolelo, ke leboga Ntlo e.

English:

Thank you very much. [Laughter.]

Mr J W W JULIUS: Deputy Minister, you seem to have worked directly on this investigation so the previous answer, the question that hon Michalakis asked you, it was very easy to answer. So based on that fact that you know so much about this investigation, I want to ask you how many troops are alleged to be involved in this incident, and it's not a lot. So if you have been directly involved, you would

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have known this off the cup so my question Minister is how many troops are alleged to be involved in this incident. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP: I don't want to be accused of protecting the Minister but the Minister did mention the fact that he is prepared to answer the question, however, he wants to be factual in whatever that he wants to respond to. So he even mentioned the fact that given an opportunity, he will provide for such detail than to speak from the head. Hon Deputy Minister, if you still feel that you want to respond to that question. I am dealing with the follow up question. On what point are you rising on?

Mr G MICHALAKIS: Deputy Chairperson, on a point of order: It's just an appeal to you that when we have these questions, the questions are very specific on specific topics and when Ministers and Deputy Ministers come to the House, they should be prepared for at least the basic questions. So it is just an appeal to you to then request the Ministers to prepare for oral question. They can't come unprepared.

The DEPUTY CHAIRPERSON OF THE NCOP: Equally so, I think it is also fair hon Michalakis that I must listen to the line of questioning. The line of questioning and the position of Ministers so it can also

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be correct in what you are saying but equally so, may I also be afforded that opportunity of not allowing repetitive questions when in actual fact an answer has been provided to an question earlier on. But it's fine, let us check with the Deputy Minister whether he is prepared to respond to that question. Deputy Minister, are you comfortable to respond to that again?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Chair, I think you are correct. Remember, we politicians are not generals. We get reports from ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: Order, hon members! Order! You are not going to get an answer. [Interjections.]

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: We get reports from officers on the ground so sometimes I will request members also that when they ask questions, they must also put something that we also request to be supplied with numbers of people that are there.

Ms L C DLAMINI: Thank you hon Minister for the answer. I am just worried about the social impact because when we send soldiers to another country, it means that there is civil war and civil war women are affected even before we send those soldiers. And it is

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equally disturbing to hear that there are cases of sexual assault on women. My question is that what is the social impact? I hear that they may be found guilty and be sent to prison or they may be recalled. So what happens to those women there? Its either they have children so what happens to them after the cases are done?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: There are programmes that we are doing together; there is social impact compact with our civilians there. To be honest, South Africa is playing a very important role in the DRC and if people might check which country is playing a very important role there to bring stability, it's the SANDF. So, there are programmes that we have our own soldiers there who are social workers, who also take such women into counselling, together with the communities.

Mr O S TERBLANCHE: Deputy Minister, I just want to know the screening process, before we send people ther, are you putting them through the screening process and if so, apparently it's not affective anymore. Are you going to revisit that again?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: I didn't hear the last words

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Mr O S TERBLANCHE: What I want to know Minister, I am asking whether they are put through a screening process first of all before they are sent on such assignment. And secondly, are you satisfied that the screening process is still fine. When are you going to review that and by when will it be completed?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: our screening process is very tight. You must remember how sometimes soldiers behave under certain conditions. That is why I am saying that you will have ill disciplined people but when you screen them, you have screened correct people who understand their duties, what they are going to do in the DRC or any deployment. And if you can check South Africa against other countries, you will find that South Africa is the best performing country in the DRC. So, screening is very thorough.

Question 13:

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: In order to be registered into the National Military Veterans database members of the former nonstatutory forces require, amongst others, a military history, affidavit from a commander who is also a recognised Military Veteran and a serving certificate from their military force. Recognition for nonstatutory forces is granted to former

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members of uMkhonto weSizwe, MK, and Azanian People's Liberation Army, Apla, not as members of the Self-Defence Units.

Mr M KHAWULA: Hon Deputy Chairperson, through you to the hon Deputy Minister, there seems to be some kind of selectivity here because after 1994, some Self-Defence Units, SDUs, and some Self-Protection Units, SPUs, were out of the integration process - that initial one - but after that all the processes pertaining to the SPUs were abandoned and the process pertaining to the SDUs proceeded. Now, it is being selective. What we are asking for is that why are they being treated differently, when in actual fact there are kind of status seem to be similar? That is what we are asking for.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: As I have said here in my answer is that there was never any integration of the Self-Defence Units. So, there was MK integration and Apla integration. Therefore, those who were in the SDUs were part of Mk and the integrated as MK not separately as the Self-Defence Units. However, anyone who qualifies and who meets the requirements of the Act 18 of 2011 - as a former member of those forces that are mentioned there - qualifies for the benefits as enshrined in the Military Veterans Act 18 of 2011.

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Mr T C MOTLASHUPING: Chairperson, can I get clarity from the Chair because we are getting confused in the process about how we need to raise hands for the follow-up questions. While the Deputy Minister is responding or a Minister, can we just raise our hands or you accord us the opportunity to raise our hands so that we can be recognised.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: No, no, no.

Mr T C MOTLASHUPING: Can you explain that procedure?

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Hon members, I thought that hon Motlashuping was asking me the question ... [Interjections.] ... No, no, no, he asked me ... [Interjections.] ... Alright, are you answering the question? ... [Interjections.] ... Okay, fine. If you are answering the question and I would tell you that your answer is wrong. I'm not going to listen to that answer of yours. Therefore, we shall proceed. Hon Mokwele!

Ms T J MOKWELE: As always, but it is fine that question is very, very useless. I would be ashamed to ask that question.

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Setswana:

Motl Motlatsatona, go a gakgamatsa gore lefapha la gago le kaya baša ba ba nang le dingwaga tse di kwa tlase ga 35 e le ...

English:

... the veterans. We don't know that a person of the age of 30 to 34 years, where did he train because before he was born or she was born or before she became a teenager already some of us have been told that we must come back home because the war had ended. Those people, how do you award them, especially those ones that you used to protect Luthuli House during ubaba ka Duduzane's [Duduzane's father] era. There were very, very, very young, but you managed to call them Military Veterans. How did you do it and which criteria did you use?

Setswana:

MOTLATSATONA WA PHEMELO LE BAGAKA BA SESOLE: Ke dumela gore potso e e botsiwang ke leloko leno la NCOP ke potso e ntshwa e a e botsang; ga e tsamaisane le potso e e boditsweng ke Rre Khawula. Ka jalo, ga nkitla ke araba potso e e sa tsamaisaneng le potso e e boditsweng ke Rre Khawula.

MOTLATSAMODULASETILO WA NCOP: E re ke tseye ntlha ya kgalemo. Ee, mma!

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English:

Ms T J MOKWELE: I think in terms of one of the rules that are governing this House, you are the only person who can determine whether the question is relevant or irrelevant. So, the Minister must not come here and say what he is saying. If he doesn't have the answer to my question, he must just keep quiet or promise me that he will come up with the answer. He must never ever come here and tell me that my question is irrelevant. I will never allow that to happen. Thank you.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: I like the level of inconsistent. At one moment when I say that a question is irrelevant, then it is said: No, no, give it to the Minister to determine whether it is irrelevant or not, and then ...

[Interjections.] ... no, no, can I respond to this? Now, if I give it to the Minister and he says: The question that is put to me, I read it as a new question, therefore, it will be difficult for me to respond to it. Can I be provided with time to be able to respond to that question? I think that's how I understand the Minister ...

[Interjections.] ... no, no, hon members; I think that we should be in order now. No, take your seat, hon member. Take your seat. No, no, no, take your seat, hon Minister. We are not going to allow co-chairperson here. We are not going to allow that. Therefore, we will

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proceed with the questions, hon members. Hon Magwebu! You are standing up both of you and I'm recognising hon Magwebu.

IsiXhosa:

Mnu L V MAGWEBU: Enkosi Sekela Sihlalo, ndiyabulela. Ndicela nithule bethuna.

English:

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: I'm recognising hon Magwebu. I've recognised hon Magwebu. Can you proceed, hon Magwebu?

IsiXhosa:

Mnu L V MAGWEBU: Enkosi Sekela Sihlalo, ndiyabulela.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: I've recognised hon Magwebu ... [Interjections.] ... what is a clarity, hon member?

Mr C F B SMIT: Deputy Chair, I want to hear whether your ruling now is ... [Interjections.] ... No, no, I want clarity on this. I want to hear whether this now opens a space for a Minister who doesn't want to answer questions to say that it is a new question, and by

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virtue of that then slipped the question. I just want clarity on that.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES:

Alright, no, no, the hon member wants clarity. No, it doesn't.

Alright, fine. Hon Magwebu, can you continue?

IsiXhosa:

Mnu L V MAGWEBU: Enkosi Sekela Sihlalo, ndiyabulela.

English:

On the issue of the status of the Military Veterans, Deputy Minister, the issue of the reliable and credible database of Military Veterans has long been outstanding since the dawn of democracy, which means is 24 years down the line. The question is therefore, this failure had led to issues of fraud and people who are placed in the database when they should not be there. This has been the failure that has been caused by your department. Now, when will this database be finalised, and you need to give us a timeline today, as I said that it has been long been outstanding. Thank you, Deputy Minister.

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The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Now, that question, it's also a new question ... [Interjections.] ... No, no, no, when you speak of database, hon members, when you refer to database, are you not speaking about statistics ... [Interjections.] ... You are speaking about statistics. The principle question here is about the point here... [Interjections.] ... hon Mokwele, can you be in order, please. Can you please be in order? Please take your seat. Can you take your seat, hon Mickalakis, I'm still addressing an issue. Can you take your seat in the meantime? Hon members, I don't think this is a new thing in Parliament. When I say in Parliament I mean in the NCOP and in the National Assembly.

If a follow-up question has got anything to do with the provision of statistics, it cannot be then put as a follow-up question to a Minister, but rather a Minister must be given an opportunity to verify because the minute therefore, the Minister provide wrong statistics in the House, it can be read as having misled the House. The word "data"... [Interjections.] ... Okay. Hon Deputy Minister, I hear you. I thought ... [Interjections.] ... I heard you. I've heard you. Hon Mickalakis, can you take your seat? I don't know what is happening, but I wanted to check with the Minister whether he is prepared to answer that question. The reason why I raised this issue

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is that I wanted for us to be consistent with what we are saying as members. Deputy Minister! Hon Labuschagne!

Ms C LABUSCHAGNE: Chair, I rose long time ago. I think we are missing the purpose of oral questions in this House. The purpose of oral questions in this House is that we as Members of Parliament, MPs, represent our communities out there and we raise questions that we receive from our constituencies, portfolio committees or whatever source might be. [Interjections.] You are not the Chairperson. I am addressing the Chairperson on a point of order. The Minister is accountable... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Can I listen to the hon member, please.

Ms C LABUSCHAGNE: The Minister is accountable to the public out there. You, as the Chair, cannot decide for a Minister when should he or not answer. We are up to one hour into the session and the only thing that I see is that the Minister is being protected.

This question reads verifiable database. A database is not statistics, but management. If Deputy Ministers or Ministers do not

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know the management system in their own departments then they should not be Ministers or Deputy Ministers.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Let me bring all of us again together once more. I want to speak to a specific Rule. [Interjections.] No, I am responding to an issue. I am trying to bring us together. The issue is that in terms of our Rules a follow up question must be based on the principal question. The principal question here is about the treatment of the self-protection units, SPUs, and the self-defence units, SDUs.

[Interjections.] Can I conclude? To those who do not understand what SDUs are, they are self-defence units that have history. The SPUs are self-protection units. I don't want to get into the history of their existence and how they operated.

Once we divert and shift away from the SDUs and the SPUs then it creates an environment of bringing a new question which the Minister might not been ready for. According to our understanding you may as well refer them as ambush questions and no longer follow up questions.

Setswana:

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Moh N P KONI: Modulasetilo, ke go utlwile. Bothata jwa gago ke go sa dire tiro ya gago ka go tshwana [inconsistent] mo Ntlong eno. Santlha, motl Mokwele o ne a emeletse mme o mo kgalemile bošula e kete o ne o kgalema legodu.

Sabobedi, motl Labuschagne o ntse a emeletse mme ga wa mo kgalema, o emeletse pele o ka mo lemoga, o ile wa mo neela ... [Tsenoganong.]

MOTLATSAMODULASETILO WA NCOP: Jaaka ke kgalema Rre Michalakis ... [Tsenoganong.]

Moh N P KONI: Le rre ole o emeletse fela ga o ise o mo kgaleme. Fa nka emelela kgotsa motl Mokwele a emelela o tlile go re kgalema bošula e kete re kile ra go senyetsa mo botshelong. Ka jalo, ke kopa gore o dire tiro ya gago ka go tshwana [consistency].

MOTLATSAMODULASETILO WA NCOP: Ke a leboga. E re ke letlelele Motlatsatona gore a arabe.

English:

Hon Michalakis can you take your seat, please. Are you refusing? Hon Mikhalakis are you refusing? Hon Michalakis can you take your seat, please. Okay, fine. [Interjections.] Does that point of order relate

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to the follow up question? Can I deal with the follow up question and probably you may find satisfaction? That is why I am asking you to take your seat, hon Michalakis. Let's listen to the Deputy Minister respond to the question of hon Magwebu.

Mr G MICHALAKIS: But if that does not satisfy me I will stand on my feet.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: And then we will deal with it then. If you stand on your feet we will deal with it. Hon Mokwele, can I allow the Deputy Minister?

Setswana:

Moh T J MOKWELE: [Inaudible.]...le bone [Laughter.] Ke kopa gore o ntheetse, Modulasetilo. Fa re le mo Ntlong ga re a solofela gore o ka tsaya letlhakore. Ke bua jaana ka gonne ...

English:

...my follow up question was related to the response that the Deputy Minister gave us that they only awarded the uMkhonto weSizwe, MK, and the Azanian People's Liberation Army, Apla, and not the SDUs. Now, Chair...

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Setswana:

... fa e le gore le wena o bone potso e ke boditseng e le maleba ka gone o ne o reeditse Tona, ke kopa gore fa re dira tiro ya rona ya go okamela o se ke wa sireletsa Ditona le Batlatsatona ka gone...

English:

...all of them will choose not to answer our questions. I am appealing with you. Yes, it's fine you allowed him to go scot-free. It's fine I don't know your political relationship with him, but it's fine. But I am appealing with you that if you want us and this House to have the decorum, please refrain from doing that. If you continue doing this, Chair, you will go back home and be sick again and we don't want you to be sick. Please, I am not joking.

[Laughter.]

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: I am going to allow the Deputy Minister to respond

Mr J W W JULIUS: Deputy Chairperson, hon Michalakis stood up on a point of order. He even mentioned the Rule and you disallowed him, but immediately after that you allowed hon Mokwele. Where is consistency in the House? Can you please allow hon Michalakis to also... [Interjections.]

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The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: No, hon Mokwele, when you were speaking everybody was listening to you.

Mr J W W JULIUS: You can do what you want to do we don't care. You are already in a coalition with the ANC, and we don't care about that. Chairperson, can you allow hon Michalakis do as you allowed hon Mokwele just for consistency purpose. That's all I am asking, and actually I'm begging you.

The CHIEF WHIP OF THE NATIONAL COUNCIL OF PROVINCES: Hon members, I have made a ruling on the matter. My ruling is that I am going to allow the Deputy Minister to respond to the question as raised by hon Magwebu.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, Question 13 says, "Why has the status of military veterans that was granted to the self-defence units not been granted to the self-protection units which were operating along the same objectives and principles as the self-protection units, SDUs." The question is only for the self-protection units and the SDUs. You are correct, hon Chair. I don't want... [Interjections.]

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The CHIEF WHIP OF THE NATIONAL COUNCIL OF PROVINCES: Chair, I rise on a point of order. When a Minister responds, I appeal that the House accordingly accords the Minister the necessary respect so that we can hear the response.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: I was saying that tomorrow I don't want to be misquoted that I have lied in the House and gave you wrong statistics. If there is a number of how many military veterans do we have and so on, let the question come to us and we are not afraid to answer questions, but we don't want to lie. I can't stand up and give you wrong statistics. I don't have those numbers yet.

Mr G MICHALAKIS: Hon Deputy Chair, thank you very much finally. The heading of the question talks about that the status of military veterans. If you read the question properly, despite whether there is self-defence units, STUs, or self-protection units, SPUs - it deals with persons who want recognition as military veterans. The database of Military Veterans is supposed to be the document that informs the status of any individual whether he is a military veteran or not, it is related to the heading of this question.

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Deputy Chairperson, if the Deputy Minister listened to hon Makwebu, he would realise that he did not ask about any statistics, he asked about the status of that database, because it has been carrying on for 24 years. [Interjections.] And you are allowing him to dodge the question just like that.

The DEPUTY CHAIRPERSON OF THE NCOP: All right. Okay, that was the last question by hon Makwebu. We will then proceed to the next question. Hon member Michalakis, in terms of the Rules of the House, questions are allowed ... but now it is only four follow-up questions and we have exhausted that. [Interjections.] No, if you have a problem. Are you trying to be disruptive?

Mr G MICHALAKIS: Rule 51 states that if you ...

The DEPUTY CHAIRPERSON OF THE NCOP: Are you trying to be disruptive? We want to proceed.

Mr G MICHALAKIS: I am trying to get you to be consistent with democracy.

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The DEPUTY CHAIRPERSON OF THE NCOP: Wait, let me ask you a simple question. Are you saying that if I am not going to satisfy you, you are not going to allow the proceedings to continue?

Mr G MICHALAKIS: To be orderly ...

The DEPUTY CHAIRPERSON OF THE NCOP: Can you take your seat!

Mr G MICHALAKIS: I will ...

The DEPUTY CHAIRPERSON OF THE NCOP: Can you take your seat because I want to proceed to the next question. Can you sit down so that we proceed with the next question. I am going to ask you for the second time. Can you please take your seat so that we can proceed with the questions. I am going to ask you for the third time. May you please take your seat because I have made a ruling on the matter. So, you are challenging my ruling and I am not going to allow you to disrupt the House. [Interjections.] As a result, hon member, I am going to ask you for the last time to take your seat in order for us to proceed with the business of the day. [Interjections.] Hon member, can I ask you to leave the House so that we can proceed. [Applause.] [Interjections.] We will then proceed. Hon Labuschagne?

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Ms C LABUSCHAGNE: Hon Chair ... [Laughter.] [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon members, can I listen to hon Labuschagne.

Ms C LABUSCHAGNE: Hon Deputy Chair, I am rising on a point of order. I just want some clarity. Can the Minister please repeat his answer for the follow-up question by hon Makwebu. I am serious, I don't know what was his answer. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: No, no, no. No, no, no. I am not going to allow that to happen. [Interjections.] We are proceeding ... [Interjections.] ... Can you please sit down. [Interjections.] Can you please take your seat.

Setswana:

Ke kopa o dule mo fatshe, Mme Mokwele. Dula mo fatshe. Dula mo fatshe ke a go kopa tlhe.

English:

Can you take your seat! [Interjections.] Hon Mokwele! Hon Mokwele! Hon Mokwele! Hon Mokwele, because ... [Interjections.] From what? ... [Interjections.] [Laughter.] ... What? [Interjections.]. No, hon

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Mokwele, in this House we are Members of Parliament. We are sent by our political parties and therefore it would be unparliamentary for you to refer to another member as 'this white person'. Can you withdraw that? Can you withdraw the statement where you referred to another member as 'this white person' on a basis of race - let me put it that way.

Ms T J MOKWELE: I am black. If you can refer to me as a black person, I won't worry.

The DEPUTY CHAIRPERSON OF THE NCOP: No, I am saying ...

Ms T J MOKWELE: ... but I will ask her if she's offended ...

The DEPUTY CHAIRPERSON OF THE NCOP: She is offended.

Ms T J MOKWELE: No, she's not.

The DEPUTY CHAIRPERSON OF THE NCOP: Can you withdraw.

Ms T J MOKWELE: But she's white. [Interjections.] Anyway, for the sake of the decorum, because I am here to work ...

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The DEPUTY CHAIRPERSON OF THE NCOP: I am not asking you to explain
...

Ms T J MOKWELE: For the decorum of the House because I am here to
work.

The DEPUTY CHAIRPERSON OF THE NCOP: Can you withdraw.

Ms T J MOKWELE: I've got so many questions.

The DEPUTY CHAIRPERSON OF THE NCOP: Can you withdraw.

Ms T J MOKWELE: The fact is that she is white.

The DEPUTY CHAIRPERSON OF THE NCOP: Can you withdraw on record. Can
we proceed to Question 24 by hon Mlambo. Hon Deputy Minister?

[Interjections.]

Setswana:

Moh T J MOKWELE: Ka setso sa rona re re susu ilela suswana gore
suswana a go ilele.

English:

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Now, I will not allow Hattingh to say my heart is black. I am black, but he must never insult my integrity. He will never insult my integrity. [Interjections.] That one I will not allow. I have withdrawn; they don't want to accept that they are white. If we say that they are white, they say it's a racist statement. Now, he is saying my heart is black and he doesn't know me. And my father was his gardener; he was ill-treating my father. [Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Mokwele, no! Hon Mokwele, can you please ... Hon Mokwele, hon Mokwele! Thank you very much. Hon Khawula? [Interjections.] You see, hon Khawula. [Interjections.]

Mr M KHAWULA: Deputy Chair. [Interjections.] Hon Koni, it's me. Thanks Koni, sit down. Thanks Koni, take your seat. [Interjections.] Hon Deputy Chairperson?

The DEPUTY CHAIRPERSON OF THE NCOP: No, I recognised hon Khawula.

Mr M KHAWULA: I am rising on a point of order, Deputy Chair, so that we can proceed with our business of the day. Can we ask the DA and the EFF to go outside and sort out their things. [Laughter.]

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The DEPUTY CHAIRPERSON OF THE NCOP: Hon Deputy Minister. Oh, hon Koni.

Ms N P KONI: Chairperson, the racist Hattingh ... I won't refer to him as an hon member because he is not honourable enough because hon Mokwele has just raised an issue where he referred to her as a person who has a black heart. Now, he is saying he can do whatever he wants or do as he pleases. Since last year we have been dealing with this moron called Hattingh because of his conduct.

[Interjections.] We are tired.

The DEPUTY CHAIRPERSON OF THE NCOP: Can I respond ...

Ms N P KONI: If we have to take this personally, we are going to do it.

The DEPUTY CHAIRPERSON OF THE NCOP: Can I say something ...

Ms N P KONI: You must call this man to order. Hattingh must stand up and withdraw.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon member, you see, I raised this thing yesterday. You are making the life of presiding officers

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very difficult. If you expect the presiding officer to make a ruling on a private discussion that is not on record ... [Interjections.] ... No, no, no, I am saying ... [Interjections.] ... No man, Motlashuping! [Laughter.] [Interjections.] ... Yes ...

Setswana:

... ke mo kgalemetse. Nyaya, ke utlwile Motlashuping.
[Tsenoganong.]

English:

Hon members, may you not put us in a situation wherein we will be expected to make rulings on matters that we have not heard. May you please not expect us to do that. Hon Hattingh! Hon Hattingh, what is it that you said that hurt hon Mokwele so much?

Mr C HATTINGH: Hon Deputy Chair, I have been insulted all along by these shouting two hon members and you didn't say anything to them. I said that the way she insulted my colleague here is indicative of a black heart and in my culture it means something dark. That's all.

Ms T J MOKWELE: You are lying! You are lying.

Mr C HATTINGH: ... and not light.

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The DEPUTY CHAIRPERSON OF THE NCOP: All right. Hon Mokwele, do you feel offended by that?

Ms T J MOKWELE: Yes.

The DEPUTY CHAIRPERSON OF THE NCOP: All right. Hon Hattingh, hon Mokwele feels very ... [Interjections.] ... extremely hurt. We have to make sure it's withdrawn in order for us to have peace in the House because we are a collective. We are not more than 200; we have a headcount of just less than 90 in the House. May you please, for the sake of peace in the House, withdraw. What happens outside is another matter and I don't know about it. I am not going to get involved with that because I am not a judge. Another presiding officer will deal with that outside, in another building and not here.

Sir, may I ask you to withdraw that because you have said it and confirmed it as well, and she feels extremely hurt. I hear what you are saying when you say you have been insulted. There are certain things that have been said there but I didn't hear them and you never brought them to my attention. If you brought them to my attention, I would have definitely protected you. Hon Mokwele brought hers to my attention, which then requires my intervention.

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It's not that I am discriminating against you but I am dealing with the matter that has been brought to my attention. You didn't bring yours to my attention. It is possible, after the sitting of this House that you can in writing explain how you have been insulted. You are still entitled to the attention of presiding officers. [Interjections.] No, no, no, hon Mokwele, allow me to deal with this matter in the best way that I think I should. Allow me to deal with it. Hon Hattingh, can we just do the honourable thing, please.

Mr C HATTINGH: You spend a long time explaining this. There have been a lot of insults here and really cutting things were said over racial lines and this is not conducive to maintaining the decorum of this House. I withdraw unconditionally what I have said and more than that I apologise to my colleagues for what I have said. I appeal to them to please diffuse the tension in this House and restore the decorum. Thank you.

Question 24:

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, meetings to find a solution to the protest were held with the affected military veterans. Key to their demands was a social relief of distress and was exacerbated by the department discontinuation of

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the social relief of distress assistant to military veterans who have received it more than 12 months.

The meeting were not fruitful and the department applied for a court interdict to protect its employees and assets. The Department of Military Veterans temporary closed the offices from 7 to 20 February 2018. Key employees operations were done virtually and some in its State Information Technology Agency, Sita, office on Proes Street Pretoria CBD.

In this period, the department also launch its programme of taking services to the people with the Eastern Cape provincial government covering all the major Eastern Cape regions starting in the Nelson Mandela Bay Municipality concluding at the Chris Hani District Municipality. The programme started on 12 to 23 February 2018. The department is planning to increase services delivery in provinces as well as creating one stop service centre in provinces.

Head office will only be utilised as a back office support for all provinces. This will also be strengthened by a strong Intergovernmental Relations Programme, which will foster more consultation with military veterans and the assistance by other arms of government where the department cannot deliver. Thank you, Chair.

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The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Hon Mlambo ...

IsiZulu:

... ukhohliwe baba wumbuzo wakho.

Setswana:

Rre E M MLAMBO: Ruri ke lebetse.

English:

You know, this thing that is taking place in this House is so demoralising. I withdraw my question. Thank you, Deputy Chair.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): The principle, therefore, withdraws the question. I wish you could have withdrawn it before even the Minister respond to the question. You have a follow-up question. Yes, you may proceed, hon Mokwele.

Ms T J MOKWELE: Deputy Minister, in whatever that happened ...

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): There is a point of order. Hon Julius?

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Mr J W W JULIUS: Deputy Chair, I just want your ruling on this. If a question is withdrawn, can we still handle follow-up questions? I just want your ruling on that. Thank you.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Take your seat, hon Mokwele. In response to that, the Rules that govern questions, if the question has not withdrawn before it get answer to and members are interested to participate by asking follow-up questions, we can't deny them that. That's why I said to the member, I wish he should have done it before the Minister could have responded. Hon Mokwele, you may proceed.

Ms T J MOKWELE: Chair, I just want to check with the department ...

IsiXhosa:

Uza komelela DA.

English:

That's what we are, don't worry. That's how we are also, so just chill. I just want to check with you, Deputy Minister that, have you ever engaged with such military people that were demonstrating outside your offices and maybe try to get to the point why are they aggrieved? If so, what is it that you have done as a department, let

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alone opening some satellite offices outside the main office in Pretoria? What is it that you have done to make sure that they are listened to and something is done to them? Thank you very much.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, indeed, we tried to have meetings with the concerned military veterans, but to an extent that the meeting collapsed because when the Minister convened the concerned military veterans, they now came with the lawyer. The Minister said I don't have a meeting with the lawyer; I have a meeting with my constituency, which is Military Veterans, so, the lawyer walked out of the meeting and the concerned group also walked out of the meeting. So, the meeting collapsed. But however, we are still intending encouraging that we would want to meet with them and listen to their concerns.

The DEPUTY CHAIRPERSON OF THE NCOP (Mr R J Tau): Before we proceed to the next question, there is a matter that has been brought to my attention that is on record that the spirit that hon Hattingh is moving is on record that hon Koni called hon Hattingh, racist Hattingh and immoral Hattingh, which is very unparliamentary. Can you also withdraw from that?

Ms N P KONI: I withdraw.

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The CHAIRPERSON OF THE NCOP (Mr R J Tau): Thank you very much.

Question 29:

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, the details we are finishing here is that, the person is Mr Kenny Motsamai, a bona fide military veteran who is registered into the national military veteran's data base. Mr Motsamai and his dependants are accessing benefits that they've applied for in terms of section 5 of Military Veterans Act 18 of 2011. Thank you, Chair.

Ms T J MOKWELE: Chairperson, according to my knowledge, the executives have the responsibility to interact. Why am I saying that? It is because the Department of Justice and Correctional Services together with the Department of Military Veterans, can't they find it in their hearts that they grant comrade Kenny Motsamai an amnesty so that he can be released, not just on parole because ...

Setswana:

... o dirile molato ka nako ya go lwela kgololosego. Motho yo a mmolaileng, o mmolaile ka nako ya go lwela kgololosego. Lekoko le a ikamanyang le lona ke le le neng le baya batho ba bantsho kwa pele go na le ba basweu.

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English:

Therefore, I'm asking if can't the two executive meet to find a way of getting to a point where our comrade can be free at last? Thank you, hon Chair.

Setswana:

MOTLATSATONA WA TSHIRELETSO LE BAGANKA BA SESOLE: Leloko le le tlotlegang, kgang eno ga e mo matsogong a rona gore re kopele motho tebalelo kwa Lefapheng la Bosiamisi le Tlhabololo ya Molaotheo. Tebalelo e mo matsogong a lefapha leno, le gone, ke lona le le nang le dithulaganyo tse di maleba. Thulaganyo eno ga e mo matsogong a rona.

Mr W F FABER: I have no idea of what has been said; all of the sudden the translation is not working any more.

The DEPUTY CHAIRPERSON OF THE NCOP: Can then that be fixed?

Mr J W W JULIUS: Yes! [Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP: Can the translation services be fixed? Did you wait until ... [Interjections.] You see now, you're not even listening to what I'm saying as the person who raised the

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concern! Now, I want to check with the House because I don't want to rush into the situation where I didn't hear or anything.

So, let us wait for the translation to be fixed in order for us to proceed. Can we proceed? Alright! No, that's fine! Didn't you hear the response? Okay fine! Let me not find myself again in the same situation.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, I said, this issue of requesting the Department of Military Veterans and the Department of Justice and Correctional Services to find a way of speaking on behalf of Mr Motsamai, I'm saying that we don't have that jurisdiction as the Department of Military Veterans. It falls under the Department of Justice and Correctional Services.

Ms C LABUSCHAGNE: Hon Chair, maybe this is not the Minister's fault. But normally, when questions are put in and there's a cut-off date, the department that the question has been sent to sends it back because it is not their question and suggest to which department the question should be directed to. These departments fall under the same cluster. So, really, this is unacceptable to me!

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The DEPUTY CHAIRPERSON OF THE NCOP: Actually, you know what I could have said? [Interjections.] Yes, say something quickly!

The CHIEF WHIP OF THE NCOP: The people that are doing point of orders, they do so on valid point of orders. The Deputy Minister has responded to the question, but there was a follow-up question made and the Deputy Minister refers that the contents of the follow-up question resides elsewhere. So, the Deputy Minister has responded. Therefore, this is not a point of order. Thanks.

The DEPUTY CHAIRPERSON OF THE NCOP: Thank you very much, Chief Whip for clarifying this point because, that is exactly what I wanted to say, hence the issue of follow-up questions has been based on the principal question. Once we deviate from the principal question, we can create problems. Alright, can we proceed then to the next question, which is Question 11? Before that, let me recognise you, hon Dlamini. Oh! By the way, I am sorry; you can now proceed!

Ms L C DLAMINI: Hon Chair, I am not sure whether my question was answered. My question was based on the reconciliation. I wanted to check if the department do have a programme in reconciliation? You will excuse the way I recall because I'm not sure whether the last Truth and Reconciliation Programme that I knew is the one that was

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done by Bishop Desmond Tutu. So, I'm checking if the department does have it? If they do, what does it entail?

The DEPUTY CHAIRPERSON OF THE NCOP: Deputy Minister, I'm lost!

The MINISTER OF DEFENCE AND MILITARY VETERANS: If members would remember that before integration we had what was called a SA Defence Force, then before integration we disbanded all these forces and built a new army that is called SANDF. That was part of the reconciliation because we've reconciled with our former enemies. So, the programme of reconciliation is there.

Question 11:

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: Hon Chair, as part of the implementation of the Defence Review of 2015, the Department of Defence completed a rigorous planning process to determine the priorities for additional funding from the fiscus. The Department of Defence's plan to arrest the decline was developed. This plan has five work packages that indicate areas for specific funding interventions, as first priority.

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An additional R25 million would therefore be spent on repairs and maintenance of the main equipment, which is prime mission equipment used for the current operational commitments.

The next priority for additional funding would therefore also be the enhancement of the repair and maintenance of facilities required for such work.

Mr J W W JULIUS: Chairperson, Deputy Minister, thank you for the answer. R25 million is actually a drop in the ocean when it comes to the overall Budget. However, your reply indicates that there are many vital things that need attention in the department, which are much more important than wasting money. Why then do you spend almost R30 million on chartered flights for VIPs since December? Is the entire 21 Squadron grounded or what else happened there?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: We are afraid to answer questions here because the hon member is asking what we would do with that R25 million, if we are given another R25 million. So, we are prioritising here. Our priority is to implement the Defence Review. Priority number one is to address the decline. The hon member knows for a fact that the Defence Budget has been cut. We will go back and reprioritise, if we get any resources. But for now,

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we will prioritise any money that we get for implementing the Defence Review.

The chartering is not part of the question here. It is not that we are running away from answering the question.

Ms C LABUSCHAGNE: Hon Chair, hon Deputy Minister, I just want to refer to your answer. You said if you will receive an additional amount of R25 million, you will implement the Defence Review. That has not been done over a period of four years. Already a Medium-Term Budget of three years expired. So, you had ample time to do that, as a department, and that was not the first choice. Now, the R25 million on charter flights for VIPs that hon Julius referred to is indicated in your Budget as overspending. So, you spent money that you did not have on something that is not a priority. Will you please tell us why it happened and how you are going to recover this R25 million so that you can implement the Defence Review?

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: I will repeat that the member is asking, if we have R25 million, what would we do with that R25 million. That R25 million is not there. That is the question. We are saying that if we get the R25 million, we will implement the Defence Review. One thing that we have in the Defence

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Review is to arrest the decline. So, this is not part of the question.

Ms E PRINS: I think my question is a totally new question.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Are you aware?

Ms E PRINS: Yes.

Ms L C DLAMINI: Chair, I agree with hon Julius that the Defence Review needs far more money than the R25 million. It has also taken long to be implemented. I am just saying this in relation to what was discussed yesterday. Yesterday, the very same DA was objecting to the 1% increase in the VAT, so that we can have enough money to implement some of the things.

I just want to check that, in the Defence Review, ...

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Hon Members, can we allow the member to present a follow-up question without any disturbance?

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Ms L C DLAMINI: Linked to your response, in terms of the Defence Review, do you think we will have enough money to implement it? Forget about the R25 million. I am just talking about the Budget.

The DEPUTY MINISTER OF DEFENCE AND MILITARY VETERANS: We will not have enough money to implement the Defence Review. That is why we request members to try by all means to convince Treasury to give the Department of Defence more money, so we are able to implement the Defence Review.

Question 12:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Good afternoon, Chair, Deputy Chair and colleagues. The parolee is currently under low-risk category since 12 July 2011. He is monitored physically at this home every two months. Subsequent to being monitored at home, he also reports physically to the office once every two months. A re-evaluation supervision committee sitting is also held with the parolee every six months to assess his compliance to his parole conditions and the last sitting was held on 3 August 2017.

The second part is that the said offender has not always complied with all of his parole conditions. The department's records indicate that the following steps were taken previously ... [Interjections.]

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The DEPUTY CHAIRPERSON OF THE NCOP: Sorry, hon Minister. There is a point arising but I don't know if it is a point of order or what it is.

Ms T J MOKWELE: No, no, I am speaking to ... [Inaudible.]

THE DEPUTY CHAIRPERSON OF THE NCOP: You see now, if you raise your hands like that, it disturbs me because I would think that you are raising a point of order. Okay! I am sorry for that, Minister. Can you please proceed?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: The department's records indicate that the following steps were taken previously against him. Firstly, on 21 December 2009, a warning letter was issued to the parolee for an incident which occurred during a media interview. It is alleged that the parolee was involved in an altercation with a journalist. Secondly, on 14 March 2011, a 48-hours warrant of arrest was issued for the parolee on allegations of assault of a member of the public. The warrant of arrest was executed on 14 March 2011 and the parolee was arrested for 28 hours. He was subsequently released on 16 March 2011.

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Thirdly, a supervision committee sitting was held to verify details of allegations of the assault. However, the complainant was reluctant to co-operate with the departmental investigation or provide any evidence to support his allegations. Fourthly, a decision was subsequently taken by the supervision committee for the parolee to continue with his parole accordingly. There is no other violation or transgressions recorded against the parolee today and he has since been complying with his parole conditions. I thank you.

Mr M KHAWULA: Hon Deputy Chair, hon Minister, since Mr Schabir Shaik was given a parole on the basis of him being terminally ill, the history in the eight or nine years that he has been on parole shows that he is very energetic, assaulting people, attending gyms, going to shops and is doing everything that a fit person would do, even more fit than Khawula who has never been on that kind of situation. Does this re-evaluation committee even consider to perhaps re-evaluate him so that the parole itself is reviewed and cut - because he is not terminally ill, it is obvious - so that he goes back to serve his term in prison. Hon Minister, will that not be fair so that South Africans would see government as being fair to everybody? Thank you very much.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I am not aware of any report relating to the state of his terminal illness but certainly if this is the concern that is being raised, that is the matter that we can put to the department to investigate. I will be more than happy to return to the House and advise the House of any developments in that regard. Thank you.

Mr M M CHABANGU: Madam, my simple question to the Minister is that Schabir Shaik has been given parole and is feeling free like a bird flying high. When are you intending to give parole to the king of amaXhosa, uBaba uDalindyebo waBathembu; or are you intending to give him parole next here just before the elections? Thank you.

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

[Interjections.]

Mr E MAKUE: I am rising on a point of order!

The HOUSE CHAIRPERSON (Ms. M C Dikgale): Before you, hon Minister.

Hon Makue?

Mr E MAKUE: When I look at the question, it is about parole of a certain person, but what is happening now with the follow-up

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question is that we get a question about every parole in the country. I think it is unfair.

The HOUSE CHAIRPERSON (Ms. M C Dikgale): Hon Makue! Hon members! Hon members! [Interjections.] Hon Faber! Hon Faber, please take your seat! [Interjections.] Hon Faber, please take your seat!

[Interjections.] Can I request the members ... [Interjections.] Can I request the members to allow me to work? [Interjections.] Hon member! Hon member, please let's have order in the House. Hon Makue, you are out of order! Continue, hon Minister!

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, I want to advise the House to the best of my knowledge that the affected person has not completed at least half of his sentence at this point in time, and that it is the law in terms of the Correctional Services Act that convicted person must complete at least half of their sentence before they are eligible for consideration for parole, unless of course if the parole which in respect of the main question ...

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

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Ms T J MOKWELE: I am rising on a point of order, Chairperson.

The HOUSE CHAIRPERSON (Ms. M C Dikgale): Aah, aah, there is not point of order that ... [Interjections.] Hon Mokwele! Hon Mokwele, if ... [Interjections.] Hon Mokwele! [Interjections.] Hon Mokwele! [Interjections.] Can I request to speak, mama, if ever you are allowed to speak in the House? You cannot just stand up and speak! Now it is the time for the Minister! Allow the Minister to finish! Please, hon Mokwele! If ever you have something to say: Raise your hand; we will recognise you; allow you to speak; give you your time; and it is then that you can speak! Continue, hon Minister!

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: I can just indicate that the Correctional Services Act is a public document and members of this House are at liberty to read for themselves the provisions of the Act. So, as I was indicating, the circumstances under which an offender might be released on parole for a shorter period than the period I have alluded to - that of serving half of the sentence - is in the case of a medical parole which related to the person in the main question.

Of course, there are exceptions, such as you would recall the Oscar Pistorius case, *S v Pistorius* (CC113/2013) [2014] ZAGPPHC 793 (12

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September 2014): Where, in terms of a particular provision of the Criminal Procedure Act, in that instance, a person serves one-fifth of the sentence if my memory serves me well. Hence, that matter was dealt with in that particular manner. Thank you very much.

The HOUSE CHAIRPERSON (Ms. M C Dikgale): Thank you very much, Minister. Now is the time for hon member Julius. After him, the last person is hon Magwebu.

Mr J W W JULIUS: Minister, this question and the response is ...

[Interjections.]

The HOUSE CHAIRPERSON (Ms. M C Dikgale): Hon Julius, please let me disturb you a little bit. Take your seat. Hon Wana!

Ms T WANA: Chairperson, I want to appeal to these members: The issue of King Dalindyabo is my issue! As a home, we know where we concerning that. If people want ...

IsiXhosa:

... ukuhlelekisa ngekhaya lam, mabahlekise. Ukubanjwa kukaBuyelekhaya ... Ngumntakwethu. Ukuba nizohlekisa, nifuna ipolitiki ngaye, anizukulunga! [Uwelewele.]

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The HOUSE CHAIRPERSON (Ms. M C Dikgale): Hon Wana! Hon Wana, that is not a point of order, mama! Aah, aah! Continue, hon Julius!

Mr J W W JULIUS: Hon Minister, the response to this question is very critical because a lot more of the ANC and their cronies will follow to your department in jail. We need to know now, because we all know what happened with the case of Schabir Shaik, *S v Zuma and Others* (CC358/05) [2006] ZAKZHC 22 (20 September 2006). He is alive, well, kicking, playing sport all over and the ANC as well as you are ignoring it. Other people that committed crimes in this country go to jail and they stay there until at least half of their sentence. Schabir Shaik didn't sit for half of his sentence; not even a quarter of his sentence. [Interjections.]

The HOUSE CHAIRPERSON (Ms. M C Dikgale): What is your follow-up question, hon Julius?

Mr J W W JULIUS: So, my question is, Minister: Did you give consideration to the DA's call last year to determine if Shaik should return to prison. If not; why not? If so; what did you do in terms of that? Did you consider the DA's call to determine if he should return to jail? Thank you, Chair.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, I stand to be advised as to where that call was made. I am not aware of formal communication to my office to that effect but certainly if we have missed it, we apologise to the DA, and would generously entertain any advice or complaint relating to any inmate under our care. We would certainly look at what it is that they are raising so that we can deal with the matter fully. Thank you.

Mr L V MAGWEBU: Minister, I am sure nine year down the line, after Mr Schabir Shaik was released on the basis that he was dying, his parole has now become questionable. Therefore, I want to ask you: Don't you think the best thing to do is perhaps to take on review the records of a panel of doctors that granted this parole to an independent body. I will give an example: The Health Professions Council of South Africa, HPCSA, to look at the conduct of those doctors and see if they acted in the manner that demonstrates integrity and which was never biased but within the prescripts and the ambit of the law - just to put this matter to rest! This man is still alive, yet we were told he was dying! What is your response, Minister? Don't you think it is the best approach to settle this matter once and for all?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, certainly we receive complaints on a regular basis relating to inmates or persons that are under our care at Correctional Services and we deal with those accordingly. So, if a request is made to us, in this regard we would certainly look at it, look at the applicable law and deal with it appropriately. Thank you.

Question 5:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: House Chair, the department has taken various steps to prevent the smuggling of goods into correctional centres. These steps include, amongst others, the searching of inmates, officials, service providers, visitors and others that come into contact with inmates including cells and belongings to be searched regularly.

The department will also continue to encourage officials, service providers and the public to abstain from bringing contrabands into correctional centres by means of note boards and security awareness campaigns. These are amongst the specific measures that have been implemented to reduce the incidents. Thank you.

Ms C LABUSCHAGNE: Minister, thanks for the answer. Hon Michalakis asked this question in the past four years in this House to this

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department and the reply hasn't changed. Now, I would like to know why should the public believe the department given that on the raid of 5 January, this year, 73 cellphones, 7 knives, 12 sharpened objects, four screwdrivers, one set of pliers, three scissors, 112 small tik bags and 2010 mandrax tablets were confiscated at Pollsmoor prison alone.

Raids are clearly not enough. If the department made real progress and the situation hasn't improved over the last five years, why should we believe that answer now, Minister? This is a standard that we got for the past four years.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: House Chair, let me start by acknowledging to the hon member that, indeed, the introduction of contraband into our correctional facilities is a continuing challenge that confronts us and as a result I have recently asked the department to provide me with a more comprehensive report on the state of security in our correctional facilities, which would include the introduction illicit objects and other forms of security transgressions as well as measures that have been taken to improve security at our correctional facilities.

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There are other measures that we are exploring, for example, the National Council of Correctional Services is reviewing draft policy on the introduction of CCTVs into our cells to monitor activities for the protection and security of inmates as well as officials and also to assist us to be able to deter contraband and other illegal activities in our cells. We do have challenges of security infrastructure that in some instances has become obsolete as there is constantly a need to renew technology at a cost and of course financial constraints limit our ability in some instances even where technology is available to acquire such technology in respect of all of the 243 correctional centres that we run nationally. Thank you.

Ms T J MOKWELE: House Chair and hon Minister, the reason why you are releasing offenders after having served a quarter of their sentences is because you and your managers said prisons or correctional facilities are overcrowded. So, don't come here, Minister, and mislead the country about that matter. We have questioned you many times about this matter; nonetheless, it is not an issue. The issue that I want to raise is that since the cellphones have been there, inmates are having access to them and the research points that 30% of those cellphones are brought by your warders to put it properly.

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If you were a caring department to these people, you will ask yourself why these warders are bringing ... [Interjections.]

Ms G G OLIPHANT: House Chair, on a point of order. The cellphone question is mine. So, I don't know what's happening. It is Question 22. Can the hon member leave the cellphone issue, we will address it later?

The HOUSE CHAIRPERSON (Ms M C Dikgale): Hon Oliphant, can I put this request for the last time. Can the hon members allow me to chair this meeting? That's my request. Hon Mokwele, continue.

Ms T J MOKWELE: I am saying this cellphone matter is the same, its part of the goods that are smuggled into our prisons. So ...

Setswana:

... o reetse ka tlhoafalo, mma. Ga ke batle go go utlwisa botlhoko.

English:

Have you gone deeper into this matter as a department as to why warders continue to do illegal practices of smuggling of goods because we understand that when they bring those things into the cells, in return, they get something. My question to you, Minister,

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is that: Are you paying the warders well in such a way that they will at least reduce the illegal practices that they do in order to get extra money? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: House Chair, firstly, I think that the conduct of our officials should not depend on whether their remuneration benefits in their opinion are adequate or not because this is public service. What comes first is one's commitment to serving the people of this country by taking up a position in the public service, anyway. However, I do want to indicate that when I took office, it came to my attention that an agreement that was reached in 2009, commonly known as the Occupation Specific Dispensation, OSD, had not been fully implemented. That would have resulted in certain additional benefits enjoyed by certain of our members. Over the past two year or so, having clarified the legal position, I gave an instruction that all the benefits due to those members that qualified under the OSD be forthwith paid to them. This has since been implemented. There have been some challenges here and there but overall we are happy that we have managed to put that issue behind us so that we can focus on other challenges.

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Let me indicate that where ill discipline encroaches into the conduct of our officials, we have acted. There are institutions that have been put in place to ensure that there is swift consequence management that is effected as and when misbehaviour is detected. Thank you very much.

Ms L C DLAMINI: House Chair, I think my question has been covered by the Minister's response. I wanted to check if there were officers who were found to have been involved in smuggling of goods into correctional centres.

Mr E M MLAMBO: House Chair, I just needed to check, I do however know that the response might require statistics but I am more than willing to get written response from the Minister: If any comparison with regard to smuggling of goods into prison was done between the state-owned and the privately-owned prison facilities, is privately-owned prisons better than publicly-owned prisons?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: House Chair, it is something we can establish. All I would say at this point in time is that the fundamental distinction between privately-owned and public facilities as in the government-owned and run facilities is that privately-owned facilities are based on contract. So, we

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contract them to take up a specific number of inmates in terms of a service level agreement and therefore, there is never an issue of overcrowding and any of the challenges that you would encounter generally in a public facility. The conditions are therefore naturally more conducive. Also because there are compliance conditions attached to the contractual arrangements that ensures that those facilities are likely to be run more efficiently and effectively than the public facilities.

Of course the reality is that we have a challenge of overcrowding, amongst others, in our correctional system, which we cannot avoid because it is not up to us as to how many people get sent to jail, it depends on society out there as to how many people commit crimes. Our facilities can only take so many people whereas private facilities, in terms of the agreements, they will always be at 100%, they will never be on 101% or 98%. So, everything is preplanned and therefore they will never have the kind of challenges which public facilities have and naturally even the challenges the hon member is alluding to are likely to be less prevalent there than in public facilities, which we have no option but to accommodate whatever number that is brought to it. Thank you.

Question 21:

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Chairperson, overcrowding is one of the challenges that the department is managing continuously through the integrated justice system by participating in accordance with the multi-pronged strategy that has been operational since 2006. The multi-pronged strategy consists of the following dimensions: managing levels of remand detainees through actively participating in the integrated justice mechanism such as the National Efficiency Enhancement Committee chaired by the Chief Justice; Provincial Efficiency Enhancement Committees chaired by various Judge Presidents of the respective provincial divisions of the High Court; National Operational and Inter-Sectoral Committee on Child Justice and other co-ordinating mechanisms in the sector; managing levels of sentenced offenders by improving effective and appropriate use of convention of sentence to community correctional supervision, release on parole and transfers between correctional centres; ensuring progress with the Department of Correctional Service's capital works programme to upgrade correctional facilities and build new correctional centres which are both cost effective and rehabilitation-oriented; enhancing community corrections so that it can be better utilised as an appropriate sentence for less serious crimes; and encouraging community involvement in social re-integration of offenders back into their communities in order to assist in reducing levels of repeat offending.

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On 06 December 2016, 84 of the 243 sentenced were populated above 150% which is a norm that was set by agreement between the department and the parties to the dispute which was before Judge Saldanha in the Pollsmoor case. This figure increased to 92 centres on 31 December 2017 due to the increasing number of inmates who had to be accommodated in correctional facilities. However, a positive aspect is that the number of centres populated above 200% decreased from 19 to 12 during the same period. The complexity for the Department of Correctional Services is that it does not have a right to refuse the admission and detention of inmates due to overcrowding because refusal is equivalent to breaching Section 165(5) of the Constitution, which provides that an order or decision issued by the court binds all persons and organs of state to which it applies. Thank you very much.

Mr J M MTHETHWA: My follow-up question is: As we agree that overcrowding is a major challenge that we are facing in our prison centres, do you have a long-term plan on the table which can solve this problem once and for all?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: The long-term ultimately can be found revolutionary from the resolutions of the ruling party when it adopted the goal of achieving radical

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socioeconomic transformation. We are one of the most unequal societies in which you have the very rich on the one end of the spectrum and the very poor, many of whom live in squalor and overcrowded conditions which are conducive to the manifestation of violent crimes and other antisocial behaviour. We do not have to go very far. Here in the Western Cape you would recall that high incidences of violence and especially murder have been identified in some of the so-called black areas which are part of the legacy of apartheid. I wish Ms Zille to understand the implications and the impact of colonial legacy on the socioeconomic profile of this country.

Until we resolve the underlying drivers of crime which lie in the socioeconomic circumstances that are unique to our country, we will continue to experience these challenges. So, the long-term solution, in my view, lies not in building more prisons or diversion with regard to trying to find alternative sentences for offenders, but it lies in reducing the level of offending behaviour in society, especially as it affects the most vulnerable, namely women and children. As you know, the National Development Plan, NDP 2030 envisages that women would be able to walk freely without fear in the streets and all people are, and feel safe. That can only be

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realised if the socioeconomic conditions of our people change radically for the better. I thank you.

IsiXhosa:

Mnu L B GAEHLER: Siyabulela Mphathiswa ngale nkcaza. Zininzi iijele endikhe ndazihambela ingakumbi phaya eMpuma Koloni kwaye isisimbonono into yokuba zigcwele kakhulu nabantu baphetheke kakubi. Iingxaki zinganinzi nanjengoko nawe uzibeka. Enye yeengxaki yeyokuba abantu abanezakhono zokujongana nabantu ukuba baphume ngengqawula banqabile. Nawe ungandivumela kule nto ndiyithethayo.

English:

There are some people who are good role models behind cells and are there because of the crimes they committed. Don't you think it will be good if you could release some of these people who can help in community building on parole? Is that possible? That will reduce the overcrowding because the jails are really overcrowded. You know that is the truth. Is there no chance that those people can be released on parole to reduce overcrowding? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: As I indicated earlier, it is imperative and it is the law that persons, first and foremost, must complete at least half of their sentence before they

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can qualify for parole, except in certain exceptional circumstances and those circumstances include remission of sentence by the President. For example, where the President, in addition to having the past of pardon of remitting sentences or effectively reducing the sentence which could result in people being released early, there are also other provisions. For example, in the Correctional Services Act, Act 111 of 1998, and in the Criminal Procedure Act, Act 15 of 1977 that can also be used especially in the less serious offences where sentences can be converted from custodial to other forms of sentence.

Yes, it is true that certain inmates come into our correctional facilities highly educated with a variety of skills. In addition, we at correction services, as part of our rehabilitation programme, impart diversity of skills in many areas of human endeavours. Also, this helps to prepare our inmates upon release to be able to provide for themselves. We have had those inmates who have distinguished themselves in various areas of human excellence in the arts, music and so forth, which we strongly encourage.

We are currently looking at gradually revising our priorities in line with our White Paper and our legislation to ensure that greater emphasis is put on rehabilitation and reintegration which should be

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the ultimate objective of a correctional system as opposed to a prison system which we inherited. I am mentioning this because, up to this day, the bulk of our budget still goes into incarceration because of the legacy of our correctional centres having been seen as prisons prior to the shifting policy. We continue to work hard in partnership with others to ensure that the ideals that we have set ourselves to are fully realised. I thank you.

Ms T J MOKWELE: Hon Minister, I heard you saying that there are mechanisms which the department is using to deal with the matter of overcrowding in prisons. I want to check with you what the outputs of those mechanisms are. Have you ever measured them and checked them? Again, I think the department is spending lots of money on private prisons. When are you going to do away with private prisons and redirect the funds that are allocated to those private prisons to capacitate those in the public?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Chairperson, perhaps with regard to the last question, let me indicate that there is no policy at this point to do away with the Public-Private-Partnership prisons which was a policy adopted many years ago. Those facilities have been there for a decade, probably even longer. There has been strong proposals to expand that policy given the benefits

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that it carries in terms of some of the efficiencies that have been proven to have been realised through that system. There has been constant evaluation of the cost benefit of various models in this regard.

I may just indicate that two years ago we announced in the budget speech that we are going to revert to rebuilding the in-house capacity of the department to do own maintenance of our correctional facilities using offender labour. This will be part of putting to practice the skills that we impart to our inmates in this regard. That work has resulted in the appointment of facility directors in all of the six regions whose role is to ensure that they build the capacity within the department to achieve that, especially in the light of austerity measures and other challenges.

My apologies as I forgot the first question that the member has asked. Let me indicate that over a decade ago, we were at 60 000 un-sentenced inmates - what is the English word? I will remember it now - the remand detainees, yes. Through various interventions we have managed to reduce that number down to just over 40 000. So, almost 20 000 bed space was recouped as a result of the reduction in the number of persons awaiting trial. This has resulted in the number of interventions which include ensuring that persons who are

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incarcerated for petty offences are, as quickly as possible, removed from the system. This includes situations where persons are not able to pay bail because of financial difficulties and end up in jail for essentially being poor; things like minor offences such as shoplifting, and so forth. I must warn that if you find somebody in a correctional facility for shoplifting, sometimes that person had been shoplifting and got arrested for the 19th time.

Therefore, we try ... Well I accept. That is why I referred to the underlying challenge of addressing the socioeconomic disparities in our society. Until we have cracked the back of that fundamental conundrum in our society, we will continue to have challenges which find their way elsewhere in society and in this instance, resulting in overcrowding of our prisons and overloading of our criminal justice system unnecessarily.

Mr O J SEFAKO: Thank you very much hon Chair. My follow-up was almost covered. Are there outreach programmes? We would love the community out there to assist, particularly the NGOs which will run with such programmes and ensure that this overcrowding does not reach alarming ... That's my follow-up question.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: We, at the Department of Correctional Services realised that we are not an island in isolation within the broader governmental system in South Africa and society. The underlying drivers of crime directly impact on us because it means each time people are arrested and convicted, we have to make room for them. So, to act proactively in this regard, our inmates volunteered to participate in outreach programmes and also as part of ploughing back to society. I can indicate, for example, this year we have targeted some 1 300 schools where we would effect, as part of the Memorandum of Understanding with the Department of Basic Education, repairs at disadvantaged schools by repairing leaking roofs and cracked walls; replacing broken ceilings and repainting; clearing the playgrounds; assisting with establishing food gardens; and so forth. Those are skills that we impart to our inmates in our correctional facilities and which can then be used to promote developmental objectives within the communities and in partnership with those communities surrounding our correctional facilities. That is one way in which we are also trying to make our humble contribution to addressing the developmental challenges that confront our society. I thank you.

Question 25:

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, no, the department could not reduce the inmate population from 250% to 150% continuously on a month to month basis, since the High Court's ruling due to constant referral of inmates by the courts to the centre in particular. I may say though that at the time of the six month deadline that was set by the court, at that point, we managed to meet the deadline, as I am informed and therefore complied with the court order. However, this is to indicate that sustaining that level of occupancy has proven to be a challenge going forward because of the fluctuation of the numbers of inmates that are referred to our correctional facilities by the courts. As and when awaiting sentence, inmates are sent to our correctional facilities by the courts.

Though the strategies for reducing the population are implemented in consultation with the Criminal Justice System, role-players, the department transferred some of the remand detainees from Pollsmoor, remand detention facilities to Pollsmoor Medium A in order to reduce the population to manageable levels.

The occupancy percentage dropped from 200% as per daily unlock of 31 December 2016 to 157% on 31 December 2017. However, the occupancy increased to 171% on 31 January 2018. The reduction strategies are

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implemented in all the centres, and the objective of the occupancy of 150% was included in the National Action Plan for reducing overcrowding. I thank you.

Xitsonga:

Ms B T MATHEVULA: Ndza khensa, Mutshamaxitulu. Holobye ...

English:

... it has been proven that prisoners are now moved from Pollsmoor to other Correctional Centres across the country, for example Kimberly and Bloemfontein. Don't you think that by not improving the conditions in Pollsmoor forcing prisoners to be sent to other provinces, you are depriving them of the rights to be visited by their families and also spreading gangsterism to other prisons?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, it is true that there are new challenges that result in an attempt to address one problem and create another, as the hon member has indicated by way of an example. Of course, the further difficulty that she has not mentioned is that awaiting-trial inmates or detainees or so-called remandees are awaiting trial in the area where they are detained. If you remove them from that area to another area, the effect of that is the distances simply increase.

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So the cost of transporting inmates to attend court, and very often more than once, results in additional costs as well as resource constraints on the part of the department. Of course, the rights of offenders have to be taken into account including visitation rights. Normally, the offenders that get to be removed are those that have been sentenced. In fact, the Pollsmoor facility was converted to become an exclusively remand-detention facility because of the category that is unstable as opposed to sentence the offenders who are obviously settled and you are able to plan more effectively around them.

The reality is that you either build more facilities at a huge cost and it takes a long time in terms of government processes to eventually plan and successfully execute the construction of the new facility. So in the short term, it is not an immediate solution to expand the capacity of the facility to accommodate more inmates. The challenges will continue to be there and we are doing the best we can, to manage them. I thank you.

Ms T J MOKWELE: Chairperson, to refer to the Minister it is surprising that the department knows that Pollsmoor is one of the overcrowded prisons in South Africa and the most dangerous one. Up to date, you were reminded by the courts to do something. Hon

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Minister, it is evident that nothing will happen in the next ten to 15 years to come. Your department will continue to increase gangsterism in our prisons and also deprive the inmates their rights. Hon Minister what is your department doing other than building the facility? Now, you are having a court order that you need to comply with. What is it that you are doing to make sure that you comply with this court order? Thank you very much.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: As I indicated, as and when the fluctuation occurs and we find ourselves above the threshold or upper limits set by the court. We continue to implement various interventions to bring down the numbers. The reality is that we cannot pre-empt the ever fluctuating incidents of crime in society. From time to time, there are eras where there is an escalation, for example of incidents of violent crime. The reality for Correctional Services is that we cannot refuse referrals of offenders or suspects to our correctional facilities by the courts. At the end of the day, it is up to us to ensure that regardless of whether we have space to accommodate them or not, we have to simply accept them. Obviously, that throws away any attempts to defect any planning to redirect resources because you will never know at any given day what's the influx of new inmates that need to be accommodated are going to reach our correctional facilities that one

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day alone. So, we have to deal with the matter literally day by day not month by month or year by year. That is the reality of the unpredictable nature of the challenges that we are confronted with.

Certainly, one of the interventions we made was to make sure that we reduce the numbers and we retain the levels way below those that resulted in the judgement in the Saldanha case as I indicated at no point have we exceeded 200% and we have been hovering around below 150% or just above the 150% and the worst scenario if my facts were correct was just over R170%. It is a continuous struggle which we have to engage on a daily basis. It's not a problem where you can bring a rocket scientist that will bring a silver bullet to fix the problem forever. You have to grapple with the problem literally on a day by day basis. Thank you very much.

Mr D L XIMBI: Chair, I think, I am covered by what the Minister said. Really as a Committee of Justice, we visited Pollsmoor, Free State where other inmates were transferred. We visited also Northern Cape. I know it cannot be overnight, but we will monitor that. I also think after some time, we will invite the Minister in the executive undertaking. Thank you, Chair.

Question 10:

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, the status of the current backlog, as at 23 February 2018, is as follows. A total of 1 556 offenders serving life sentences, sentenced prior to 1 October 2004 - the so-called Van Wyk cases - have not yet been considered by the Correctional Supervision and Parole Boards, the CSPBs.

The number of lifers who have not yet been considered for placement, as at 23 February 2018, is as follows: Eastern Cape, 305; Free State and Northern Cape, 136; Gauteng, 222; KwaZulu-Natal, 349; Limpopo, Mpumalanga and North West, 537; and Western Cape, 7. The total is 1 556, as I indicated at the beginning. Thank you very much.

Mr J W W JULIUS: House Chair, I think it's still an extraordinary backlog. However, let me use Rule 247(4) in the two minutes I have been given.

Parole is parole, and before I get to my follow-up question, I would like a preamble. There is something about what the Minister said earlier that I didn't understand. That was based on a response to a follow-up question earlier. That was that the Minister - I didn't get it, just for the sake of clarity - didn't get the call by the DA to send, to commit ... to consider sending Schabir Shaik back to

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jail. I think that the Minister said he will consider it now. So, there is no need for the DA to make a new call. I am DA. I am making the call. I just want to get clarity. Did the Minister say it earlier?

Then, I will come to my follow-up question on this question. I am still within my two minutes' speaking time.

During June last year, the Minister admitted that there were extraordinary backlogs regarding the consideration of prisoners serving life sentences. He also stated that the reasons for the backlog were the lack of social worker reports and outstanding restorative justice interventions. This resulted in an increase in litigation against the department, as well as judgments being given against the department. It also led to an increase in overcrowding. My question is: What progress, if any, has been made to address these issues? If none, why not? Thank you, House Chair.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chair, with regard to the first question, let me indicate that it is my understanding that this session of Parliament is one where members of the executive are asked questions to provide relevant information, and our task is to do exactly that. If the hon member

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wants to make a specific request or register a particular grievance with the department, I would suggest that the hon member does so in writing to ourselves, clearly stating the nature of the grievance and what it is he is requesting be done - of course, preferably indicating the legal basis on which he is requiring the department to perform a particular act. Obviously, we can only act on the basis of the laws that bind us.

As regards the second question, indeed, there has been significant improvement. I indicated, earlier on, that when we started three or four years ago, we were rejecting almost 95% of the recommendations of the National Council of Correctional Services because those profiles were coming, in most instances, lacking in critical detail relating to relevant information of the offender.

I can indicate that, at this point in time, I am advised that we are approving almost 100% of the recommendations of the National Council of Correctional Services. This is precisely because the interventions that we made, the introduction of committees that went into various facilities that were particularly problematic where these problems of profiles that were incomplete were being realised, have started to bear fruit. The department and the various centres are now providing us with complete records that enable us to make

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proper decisions. This is as a result of significant improvement in the administration. So, most of the decisions that we are making are no longer on the basis of administrative inefficiencies. They are now on the basis of merit, and this is a significant improvement in the handling of parole applications.

So, for example, we now have profiles that have well-motivated reports by social workers and psychologists. These address how offenders have responded to rehabilitation, including interventions that target offending behaviour, skills and other interventions in terms of rehabilitation programmes. Thank you very much.

Mr J W W JULIUS: House Chair, on a point of order: You said I should take my seat and that you'd come back to me.

The HOUSE CHAIRPERSON (Mr A J Nyambi): A point of order directed at whom?

Mr J W W JULIUS: Where does one make a point of order - to anyone? To whom does one make it?

The HOUSE CHAIRPERSON (Mr A J Nyambi): I am asking because you are rising on a point of order. I am asking to whom it is directed.

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Mr J W W JULIUS: I am explaining to you. Earlier, while the Minister ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Alright. I am recognising you.

Mr J W W JULIUS: ... please sit down and afterwards ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Make your point. I am recognising you.

Mr J W W JULIUS: Just on a point of order, Chairperson: The question earlier was about my needing to confirm. I didn't hear prior to that that the Minister had made an undertaking. Now, in this House, the NCOP, we have the Select Committee on Petitions and Executive Undertakings, and I want to record it, as an executive undertaking, whether the Minister undertook earlier to consider sending Schabir Shaik back to jail. It's a simple one. Did the Minister say it or didn't he? Klaar. [Finished.] Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chair, as I understood it, the hon member alluded to a call that was made, of which I was not aware, and I did undertake to, and I did go and look

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at my records and see if such representation was ever made to my office; and if indeed so, to establish what was done to it. Alright? Of course, I would be more than happy to give feedback - even to the DA, specifically, in that regard. [Interjections.] However ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Julius, accord to the Minister the very respect you get when you are on the floor. Continue, hon Minister. You are protected.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chairperson, I only deal with matters that are properly before me, and I have explained the process that the hon member can follow. I have also made undertakings to establish if I do have any requests or submissions before me. If it turns out that there is such, I will deal with those requests, accordingly. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon Minister, we now come to Question 6, asked by the hon Engelbrecht. Hon Minister, that is your last question for the day from your package.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Is it not Question 22?

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Ms T J MOKWELE: Chair, can we get clarity with what is going to happen with that question? The member is not in the House.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I apologise. We are on Question 22.

Ms T J MOKWELE: But you said it was the hon Engelbrecht.

The HOUSE CHAIRPERSON (Mr A J Nyambi): I made a mistake. It is the hon Oliphant's question.

Ms T J MOKWELE: Oh.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister, we are dealing with Question 22, asked by the hon Oliphant.

Question 22:

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Hon Chairperson, that was the cellular telephones matter that was the subject of contestation earlier.

Chairperson, the reply thereto, is that the department use the views the illegal acquiring and usage of cellular telephones by inmates as

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a serious bridge and a challenge, I am advised that the department has intensified searching operations all the centres planned and unplanned on a regular basis.

Officials sensitise various platforms about smuggling unauthorised items into correctional facilities; failing which disciplinary action is taken against them; further confiscation upon discovery either from the member of the public or official or an inmate as well as arrests are being effected upon such discovery. Problems of smuggling in of contraband including cellphones continue as I indicated in my earlier response, to be a challenge. And I have also indicated that although we have introduced a number of interventions, strategies and facilities to assist us in countering these incidents the challenge continues to persist.

We are looking at the introduction of modern technology in this regard to assist us and I can report to the House that as recent as this past week we have uncovered a syndicate that was using cell phone technology in the committing of offenses impacting on members of the public. And we will continue working with other law enforcement agencies, State Security Agency, the National Prosecuting Authority, the Hawks and others to ensure that we deal with this challenge at a multi-prompt level. I thank you.

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Ms G O OLIPHANT: Thank you, Chair. I heard the Minister when he said there is action, I want to understand - there was this law, Minister, where the prison warders was taking the inmates to the phone booth, are the Telkom phone booths still there? Or that law is now dead because people are doing things from inside. You know this thing goes with the number - you understand when I say with a number. So they do the number from inside is going around in the community; now I want to understand as to where is the law of the phone booth whereby the prison warder would be standing there and listen to what the inmate is saying?

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chair, I also receive calls from inmates from time to time at correctional facilities from the Telkom numbers. I don't know whether they call from the booths or from any other source. I also receive SMSes and Whatsap messages from time to time and I am not sure whether those would be coming from inmates or from inmates directly or from their relatives or friends outside of prison - you know - raising concerns, etc.

I always refer those to the officials in the department and of course it's part of their responsibility because they usually have the cellphone number as to the person who would possible be

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approaching me because they have a grievance that they want me to address. So, I always advise the officials to also check whether this cellphone that has been used is part of the contraband and the message could have been sent from a correctional facility or not. [Interjections.] Eh, let me not go there.

However, so far we know that from time to time there is confiscation of large numbers of cellphones from our correctional facilities we will not deny that. In fact, the hon member earlier on gave specific number of an incident contraband which included cellphones was recovered at Pollsmoor prison on a search. So, those are ongoing searches and disciplinary action is taken against both inmates and officials where officials are involved to ensure that we continue to wage the struggle.

Let me also indicate that the issue of gangsterism is prevalent in our correctional facilities especially your bigger centres where you keep more serious offenders. There is a task team that is established at an intersectoral level that is specifically targeting gangsterism. And in some instances intervene by breaking the gangs up by splitting them moving them to other correctional centres in order to disrupt their activities.

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We use other methods of elevating their status from medium to higher risk, etc, depending on the serious security risk levels that they may have been imposing to society and to the security of the correctional system as well. Thank you.

Ms T J MOKWELE: Thank you, Chair. At least, Minister you have confirmed that there is no system in your department and that is why even the inmates are taking advantage of contacting you directly. And by confessing to us Minister, you are telling us that, no what is happening in my department is normal, they can call me at any given time - and there is no problem, I check with my officials and then my officials can't even tell where the cellphones are coming from.

It is a concern hon Minister. You are not convincing us that there is anything that there is anything that your department is doing to combat this. I don't know, I know you will tell us that no, don't worry the matter is before the managers and all those things, but to tell the honest truth, hon Minister, we are not convinced. Those cellphones are used to increase the practises of gangsterism in prisons, and those cellphones are also used to terrorise communities outside the prisons and yet up to today there is no system that you are using! It is just normal searches as they normally do.

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Some of us go to those prisons and ask the head of prisons to tell us what is it that they are doing to combat this? But my question - they don't have anything. It is only to say that if they suspect that in cell number 3 there are cellphones they go there are search; now I am asking you, is it not possible for your department to use the system of tracking parolees; can it be also used to track the cellphones and other illegal materials that are smuggled into prisons? Thank you.

The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Thank you, Chair. As I indicated earlier in the light of various incidents of Security Bridge in our security facilities I have directed that a full report be compiled that is multifaceted which focuses on various aspects of security to correctional securities so that we have a comprehensive picture of the extend of the challenge. For example, I visited Pollsmoor - I think it was earlier this year - yes in January where there was an escape of four inmates and I was able to follow sequentially the full sequence of events that led to that escape and it made sense why the escape would have occurred.

As a result I immediately directed that certain measure be taken and be implemented to make sure that such an incident did not occur because it was very clear as to what was the gaps in the security

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system that resulted in those escapes. So, upon receiving that report, I think I will be in a better position to fully appreciate the nature of the security breaches; their causes, and what measures if any have been taken to be able to evaluate how effective those measures are, what is the stage of security infrastructure in our securities; are there breaches as a result of ill discipline amongst officials and what consequence management has occurred in that instance, etc.

So, until I have received that comprehensive report I would not be in a position to give a full and I suppose convincing enough response to the hon member as to the measures we are taking to address this challenge. Thank you, Chair.

Mr D L XIMBI: Chairperson, I thank the Minister because he partly answered my question but I was going to ask whether you cannot work with the police or state security, the Hawks, because I understand that it is not only in prison - this thing is taking to outside, I don't know whether you have any trained unit within the prison which can be like the Hawks, which specialise in fighting crime in the prison and working with other agencies like the police the Hawks and others? Thank you.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chair, luckily the Minister of Police is sitting next to me and can inform the House that we already have maiden encounter this week - and it was on Monday - we have committed that we should have regular interactions to deal with matters of mutual interest on a regular basis. Fighting crime in prison, out of prison in society generally is the function of the police generally speaking. And, of course, as and when an offence is committed in our correctional facilities it is immediately reported as such to the police.

There is a close collaborative relationship between us and the police to deal with various matters including gangsterism and other criminal offences. I mentioned earlier on for example that even the transporting of the inmates from our correctional centres to court is actually done by the police. And where escapes occur in those circumstances we work closely with the police and give them all the co-operation they need in subsequent investigations, etc.

So, I am very pleased with the positive relationship that we have already started to generate between me and my colleague sitting next to me. I look forward to us strengthening our partnership in the fight against crime both from the corrections and the justice point of view. Thank you.

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Mr M CHETTY: Thank you, Chairperson. Firstly, by your own admission, hon Minister, I wonder whether you are willing to divulge to this House whether you received a call from Schabir Shaik as one of the inmates. Secondly, by your own admission confiscation of large number of cellphones have taken place ... [Interjections.] ... Chair, are you deciding that you are going to co-chair because I don't know what is happening here now?

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

Mr M CHETTY: Thank you, Chair. I don't need your protection by the way. Criminalising an act does not eradicate the problem. It merely forces it to continue underground for inmates to be able to use cellphones while detained it would be a reasonable assumption that correction officers facilitated these activities.

For the past four years, we have been asking you: What is the department doing to ensure that they not only catch the guilty inmates but also reprimand any officers who have enabled these acts to occur. What you are doing so far is not working. What is going to be different about these plans compared to the past four years?

Thank you, Chair.

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The MINISTER OF JUSTICE AND CORRECTIONAL SERVICES: Chair, with all humility, I am beginning to suspect that the hon member had a question prepared before hand and did not hid the responses we have given so far to twig the question to take out the aspects that have already been responded to.

I have already indicated that I have decided to request a comprehensive report from the department along the lines I have mentioned earlier so that I have a fuller appreciation of the nature of the problem, it suites the measures that have been implemented and the proposed the way forward in order to evaluate their efficacy and to - in the process - direct that certain improvements be effected based on the facts that shall have been put before me in order to begin to turnaround the situation.

We have successfully turned around the situation with regard to a number of areas where there were administrative inefficiencies as I alluded to in responding to the earlier questions. I am confident that even in this instance we should be in a position to nip the problem in the bud. Thank you.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you. Hon Chatty, the protection that you are enjoying is not exclusive to you; it's applicable to all members in the House.

Let me take this opportunity to thank you, hon Minister of Justice and Correctional Services for availing yourselves and dealing with the questions in the NCOP. Thank you. Once again, it will not do us any harm it's still in order to congratulate the new Minister of Police, hon Cele. [Applause.] And you are welcome in this august House of the NCOP.

Question 6:

The HOUSE CHAIRPERSON (Mr A J Nyambi): The first question is from hon Engelbrecht, question 6 and in terms of the rules, the necessary arrangements has been and hon Labuschagne who will be standing for hon Engelbrecht. Hon Minister, we are dealing with the first question.

The MINISTER OF POLICE: Hon Chairperson, I thought by wishing me luck you would have said go home now. [Laughter.] All individuals employed as new members of the South African Police Service, especially as police trainees are subjected to the following test in the selection process: psychometric assessment which include neuroty

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season, functional literacy, conspicuousness and social desirability; physical assessment fitness; medical examination; and interviews. There will several issues that will be raised in interviews. Thank you very much.

Ms C LABUSCHAGNE: Chairperson, currently the police are exempt from the fire arms control act. Will the Minister undertake to amend this Act in order to ensure that police meet the same standard for the use and possession of the fire arm as any other citizen of the country as far as their basic skills?

The MINISTER OF POLICE: Chairperson, well, as far as I understand, there are still subjected to all test that ordinary South African undergo. Of course with the ordinary citizens it will be stricter that they get guns but it doesn't necessary follow that if you are a South African police member you get the gun as if you are buying the dozen of eggs. You still follow some processes which is a part of the first question answers which will tell us that indeed you are able. You can control yourself. You can control the way you think because the gun is a dangerous thing to have. So, we must be satisfied that you are fit to carry the gun. Thank you.

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Ms T J MOKWELE: Hon Minister, congratulations for the appointment and we hope that you will serve the country with honesty and unbiasedness and we hope that all the criminals will be arrested. The cases will be investigated and those to be found guilty will be arrested and prosecuted irrespective of who they are.

You know, we are lucky to have you because you were once at administration side. We are having in the country reservists and I don't know whether I am using the proper word.

Setswana:

Ee, ga ke lekgowa. Nna ke ngwanyana wa Motswana wa ko Supingstad ...

English:

... you can't even tell me how to pronounce. Now, the skill that the department is putting into this people is a skill that the department also ...

Setswana:

... le ka se dirisang go netefatsa gore botlhokotsebe bo a fedisiwa le gore re nna le sepodisi se se itseng tiro ya sona gonne ba na le maitemogelo a mantsi.

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English: ... but it appears to us that your department doesn't consider these reservists, instead there are the ones that are doing the work more than the police themselves but when coming to vacant positions they are not considered and they are just like that yet they are still serving with integrity and everything that you might find in a police officer. What is it that your department is doing to retain these people?

The MINISTER OF POLICE: Hon Member, I was so happy when I saw you leaving. I thought you wouldn't come back. [Laughter.] You have just came back on time. The question raised is a genuine question. As it stands today I received a document with long signatures of the reservists seeking the meeting with the Minister. Well, we are trying to have the meeting next week.

Once upon a time when one was in this environment, we did deal with this matter because we do find it unfair to keep them there without any progression in their lives. Nobody is allowed as a human being to be stagnant in life. You must progress. What we did, we make a special dispensation.

Okay, firstly, for you to be a South African police member you must be thirty years and younger. You must be matriculated, no criminal

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records, and you must be healthy. One thing that we cut-off that time and I don't know if they have retained was the licence before you join and drivers licence must be part of training because for an African child is such a difficult thing to get the licence before you go to work, so we said it must be part of training. So, we had a big number and I can't remember the number but it was big where we relax many of these things and the issue was raised to say but they are not fit. How do you have them in the system if they are not fit? Those that are in the system, please keep them there. We relaxed some things like the matric, the age and all that and many of them were taken in the system.

We don't have a problem to relook for instance they showed me another one today, I think he is 33-years-old. He got a BA degree but he is a reservist and he can't be a police officer because his age is 33, but they don't take on board other skills that are around there. Maybe, I love to come back and report on this matter but is on the table as we speak. Thank you.

Mr O S TERBLANCHE: Minister, please allow me also to congratulate you on your appointment and the DA want to wish you well. We are looking forward that you are going to be successful in reducing the crime in this crime.

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Earlier this year members from all political parties in the National Assembly were astounded when deputy police commissioner Masemola acknowledge that some members in the police can't read or write sufficiently enough to record incidents, write statements or record information at crime scenes even in their pocket books.

We are aware that the department spend billions of rand over the last 24 years to rectify that, yet at the acknowledgement of the deputy commissioner himself apparently they haven't succeeded fully yet. How is it possible and should it not be a basic requirement for admission into the service? Thank you.

The MINISTER OF POLICE: Chairperson, I hope the DA will extend my honeymoon. The members of the South African Police Service that are in the system, I don't have exact figure now but they are about 197 000 and is one of the biggest organisations. There will be still more or 50/50 of the members that were there before the new dispensation.

If you get in that category of the members before the new dispensation were not subjected to the presence situation of getting matriculated. By the way even that came late under the new dispensation. There are people that were doing that organisation

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having not seen the school. Having not! If they did we think that their masters were telling them. There were people that were called kings constables. Their admission criteria were that can you hold the sjambok strong? They were trained three weeks here at Kouberg and other areas. They were automatically absorbed. So, there is a lot and a huge backlog of those people but I agree with you. We should have covered some ground by now because there was a lot of money put on this old studying where older people are allowed to go to school through ABET. [Laughter.]

So, it should have covered some ground. It has covered some ground but is unlike to be in the ABET as you go to school, you pass matric or any other class. I agree. I was taken aback myself by the figures given by General Masemola but even now you saw that one the test is a functionality of reading, writing and all of that. Maybe we take it for granted that you are matriculated, it doesn't follow there after that everything we expect and we need from you, it is so. I have seen people having degrees and all that and you can see that the person is not educational functional very well, so it doesn't follow that because you have that degree then you are fine. Maybe we do need to add some ways of how do check that situation including those that we need to help through the ABET and all the kind of

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thing but I agree with you. It is a situation that needs to be quickly corrected.

Ms E PRINS: Hon Minister, does the skills test serve as an indicator of placement in the different sector of specialising within the police service? All the members before me asked the questions that I worked out ask, so please thank you. That is my question.

The MINISTER OF POLICE: Chairperson, I will do that and I concur. I will take the message forward that you work with them and I will invite all other members to make contribution towards the betterment of our men and women in blue.

Question 1:

The MINISTER OF POLICE: Chairperson, yes, the National Rail Crime Combating Forum, NRCCF, and Provincial Rail Crime Combating Forums, PRCCFs, have been established. Metrorail and Transnet are part of these forums whose purpose is to address the identified crime patterns and threats in the railway environment through joint operational and tactical planning.

Dedicated rail police personnel is deployed in accordance with identified railway infrastructure crime patterns and threats. The

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members assigned to rapid rail police units are trained to deal with identified crime threats. Operational and tactical plans, including crime awareness campaigns, are implemented by the NRCCF and PRCCFs. With focus on the stabilisation and normalisation of specific situations, integrated and multidisciplinary operational plans are implemented according to the identified crime patterns and threats. Focus-compliance operations are also implemented by designated second-hand goods officers who are responsible for enforcing the Second-Hand Goods Act.

Joint educational crime awareness campaigns that include relevant stakeholders such as commuter forums, the Passenger Rail Agency of South Africa, Prasa, the SA Police Service, community police forums, etc, are being implemented to mobilise communities in the fight against infrastructure-related crimes. The Prasa is currently addressing environmental design gaps that contribute to the easy access of railway infrastructure. The PRCCFs, comprising all relevant stakeholders, are monitoring cases where suspects have been arrested in terms of the Criminal Matters Amendment Act, Act 18 of 2015, to ensure the successful prosecution of arrested suspects.

Thank you.

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Ms E PRINS: Chairperson, through you to the Minister: We know you as a very hard working person. Will the Minister be visiting the stations in Cape Town and elsewhere to assess the safety threats staff and commuters face on a daily basis? Thank you.

The MINISTER OF POLICE: Chairperson, fortunately today we finished the schedule we will follow in trying to deal with matters. In Cape Town, the Cape Flats is part of the area that we will concentrate on. As such, I think we are visiting Gugulethu on Tuesday. Because of the current troubles, we have an extra deployment there to go and see members and, if we can, talk to communities.

By the way, the best way of fighting crime is to involve communities. That helps you in a bigger way than people putting handcuffs on people with their hands tied behind their backs. If we don't involve communities, it is just not going to work for us. So, on the matter of gansterism, the Cape Flats ... currently, the Western Cape - Langa and Nyanga and all that - is the murder capital of the Republic of South Africa. So, there is no way that we cannot concentrate on such an area. The Western Cape is at the top of the agenda.

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We are dealing with other things, such as taxi violence. Tomorrow, we have an urgent Minmec meeting to deal with the taxi violence. We cannot stand by and stomach what happened in Pretoria where a young man doing his fourth year at the Tshwane University of Technology was put in the boot and burned. So, these are the things we need to do. Yesterday, there was a huge cash heist in Randburg where they stole gold and all that. We have prioritised these things, and we will be moving around that - not just the Minister and Deputy Minister but also the tactical teams, people who functionally can respond to these matters.

Yes, we will be inviting you, asking you, and listening to what you think can be done to make South Africans feel safe.

Mr W F FABER: Chair, through you to the Minister: I like it. You shoot straight and to the point. The National Transport Movement, NTM, claimed to have proved that former Prasa chief executive officer Lucky Montana instructed security managers to torch the trains during an NTM strike in order to undermine their campaign that was exposing his corruption. This was so that NTM members could be blamed for the torching and legally dismissed. It is further claimed that Montana and other high-ranking officials not only

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orchestrated but also covered up the arson and even rewarded the real arsonists for their deal.

These 700 wrongfully dismissed NTM workers have just won a Constitutional Court case and are due to be reinstated. Is the Minister aware of these allegations, and will he undertake to investigate this matter and report back his findings to this House? Thank you, Chair.

The MINISTER OF POLICE: Chairperson, what I know about it is what I read in the media, but nobody has formally raised the matter with me, per se. It might have been raised with the SA Police.

Perhaps going back to the hon Mokwele who asked whether we would act wherever we suspect crime, well, I have been asked, and some people have asked me directly whether I would arrest my comrades.

[Laughter.] I said that I am not going to arrest any face. I will arrest people who commit crime. It doesn't matter who you are - whether you are bright or dark and all that. [Interjections.]

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

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The MINISTER OF POLICE: One day you might be found guilty of getting too excited. [Laughter.] Including what you have raised, hon member, to say if somebody opens a case, if somebody finds ... look ...

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

The MINISTER OF POLICE: I don't care who says what. We will talk about this thing. The SA Police is a highly skilled organisation. Maybe that is undermined because the leadership doesn't say much about it. We have just finished under Phahlane, and I am sure you will raise an issue about that. We have finished organising more than 100 BSc degrees in the SA Police, including master's degrees, in the laboratories. So, don't undermine the SA Police's skills.

If those relevant structures have to go deeper on the matter raised, either by individual South Africans or by the situation, as you say, they will have to be pursued and followed. Yes, I will report back here but, more than that, take them where they are supposed to go - through the criminal justice system and the National Prosecuting Authority. We hope prosecution will work. I don't know whether prisons or correctional services, I hope it will work until the formal chain of steps that should be followed is satisfied. The agencies have found that you are supposed to go through that chain.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you, hon Minister. Hon Mokwele, are you covered?

Ms T J MOKWELE: No, Chair, I am not covered. Hon Minister, there is a trend that police officers are found to have committed crimes of smuggling drugs and other illegal substances through ...

Setswana:

... motsamaiso wa terena. Mme mapodisa a fa ba diragatsa mokgwa o wa botsukunape le botlhokotsebe, ga ba bone letsogo la molao. Ba bangwe ba tshwarwa, mme morago ga matsatsi o fitlhele ele gore go tlhoka bokgoni jwa matseka a a tsayang kgetsi, ga ba a tsaya kgetsi mo go kgotsofatsang kgotlatshekelo gore kgetsi eo e ka emela bosekisi. Ka jalo ke go botsa gore, ke eng se o tlileng go se dira jaaka Tona e leng gore e amogetswe ke Aforika Borwa yotlhe ka matsogo a mabedi go netefatsa gore botsukunape jo bo dirisiwang, ka ...

English:

... the mode of transport, especially that of trains ...

Setswana:

... bo a fedisiwa mo nageng? Ke a leboga.

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English:

The MINISTER OF POLICE: Chair, pardon me, but my Setswana is pretty limited. I thought the hon Mokwele was troublesome. [Laughter.] The things you say are part of the original question - the lack of safety on trains and public modes of transport in South Africa, not only trains. I have just said we have invited a special Minmec meeting to talk about the taxi industry as a mode of transport. This industry carries 60% to 70% of the South African working population, schooling population, and people who travel for social reasons.

It is unacceptable that the mode of transport that is used by the majority, even trains, is not taken care of. By the way, this includes drugs and the SA Police members that are found to part of and involved in criminal activities. People say I defend the police. I will defend the police where they do right. I love them. They say they are the most corrupt group of people. I don't agree.

[Interjections.]

No, they don't sell human body parts overseas. You know, we are investigating serious cases and chasing groups of people that steal human body parts and sell it overseas - a second profession that people will never blame because they are that profession. I am sure, young as you are, your heart is very strong, and I guess your heart

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would be expensive and sell for good money. [Laughter.] However, nobody wants to talk about that corruption. Nobody wants to talk about corruption at a chief executive officer level. It is new.

So, let's find the crime wherever it is, and hit it, and hit it hard, including the SA Police Service members. About two days ago, I was on television and ambushed by the SABC who played a clip of an embarrassingly rude member of the SA Police Service at the Midrand police station. I don't know what that young woman had done to them to treat her like that. As we speak, those three officers are suspended. [Interjections.] Yes, they are suspended 24 hours down the line. We expect everybody to act the way they are supposed to act in protection of the South African population, and this includes the SA Police. It includes everybody, also teachers that impregnate our kids at school. [Interjections.] All those people should be dealt with. [Interjections.] Well, for now, I am talking about teachers, not about the ANC.

Those people should be dealt with wherever crime is found, but the members of the South African community should also help us to expose crime wherever they find it. We have a tendency of saying, if it is the ANC, we look the other way. If it is a member of this party, I look the other way. Let's get together and say it is our time to

fight crime and fight crime very hard. You are invited. Let's all fight crime. Thank you.

Question 2:

The MINISTER OF POLICE: House Chairperson, during the 2017-18 financial year, until the end of February 2018, a total of one ... okay ... one million, four hundred and sixteen, three hundred and eighty six cases were not brought before the court ...

Ms N P KONI: Can you repeat those numbers?

The MINISTER OF POLICE: It's 1 416 385 ... [Interjections.] ... were not brought before the court. Some of these cases might have been reported in previous financial years, and only finalised in 2017-18. All are still under investigation.

So, herewith a breakdown per province.

I don't know whether to go for those ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): No. No, I can ... If it's statistics, in terms of the Rules, hon Minister, it is allowed just

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to table it. Then we will get to the detail. If it's statistics ... the details. But you can deal with the crux of the question.

The MINISTER OF POLICE: Okay. There are the figures. They are on the tabulated form per province. And then, below that table, a total of three hundred and thirty-one, six hundred and one ...

[Interjections.]

Ms N P KONI: Wait! Wait! [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Minister, I know they are enjoying you. So, I'm still in charge. Don't listen to them. Hon Koni, you are not chairing.

The MINISTER OF POLICE: Ja, man, I'm enjoying them. [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Ignore them!

The MINISTER OF POLICE: Three hundred and thirty-one thousand, six hundred and one serious cases are currently under investigation. Herewith is the breakdown per province.

So I will jump the table again. [Interjections.]

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

The MINISTER OF POLICE: There is a document ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon members. He's going to table the detailed response so all of us are going to have it. It's allowed in terms of our Rules. Continue, hon Minister.

The MINISTER OF POLICE: Well, the question has been, how many have been brought before court. Those are the numbers that are there. So, it is not possible to indicate how many will not be brought before court, due to the fact that the solving of each case depends on the availability of leads and evidence. Meaning, that some of these cases might be solved in the future.

So that will be the answer, minus the tables that are here.

Mr L B GAHLER: I'd be happy if, when you answer me, you look at me as you look at those ladies over there! [Laughter.]

Minister, there are a lot of people ... a lot of cases ... murder cases that are not resolved. To go through the years ... Some of those are termed as what you call cold cases. There are a lot of

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cases. I think I penned you a letter, and I know you're going to answer me in that ... from the committee's ... There are a lot of court orders that are not being implemented.

So, it's ... We've got to agree, the police there are good police and there are bad police. They're not all good. There are some bad policepersons.

Now, unfortunately, some people cannot find closure because these cases ... some of them don't even make it to court. They make it to court and it's struck off the role because of poor investigation.

Now, what is the department going to do to capacitate the investigation officers because that's where we lose it ... at that level. Are there any plans to capacitate the investigation officers so that some people can find closure on their loved ones who are lost? Thank you.

The MINISTER OF POLICE: I don't know how to look at you and still be ... [Laughter.] Unfortunately, the ladies are properly placed.

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No, I fully agree with you. There are two issues. One big issue is corruption within the organisation. It depends on who you are and then your case will never be solved.

I'm not on Twitter. I'm not on anything. [Interjections.]
Nothing. But I'm told by those who monitor these tweets that the biggest one is the Senzo Meyiwa issue. This I'm told. I have already met the commissioner and asked how far we got. I don't want to pre-empt the thing but I have begun to suspect that something went wrong. Not professionally, but otherwise, something went very wrong there. [Laughter.]

IsiZulu:

Eyi madoda heyi! Babethathwe kuphi laba bantu?

English:

Secondly, is the capacity that you are raising. One big issue of capacity ... detectives have no head. There is no divisional head of the detectives. So, below that, there will be many acting-acting. Police cannot be Hollywood. There will be many acting-acting in vacant positions that would be helping the young people on the ground to do the work.

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If we had our way, we would be dealing quickly. There are four crucial areas that are no incumbents. Crime Intelligence is vacant. Hawks are acting. Protection Services is acting. And detectives.

And then the third one would be the training. I agree. That's why sometimes you look to other agencies that we collaborate with to help our ... [Inaudible.]

At that level, again, do we have the best selection methods? Because, not just because you are a police you go there and work that kind of work. Lot of upgrading that we need to do there, and we will be doing in. I'm sure we will bring the report back here, starting with getting the head of the detectives and trying to get the best person and lastly to equip them to get the equipment.

I was told yesterday we had a very special project that we are supposed to do. There is a machine called Grabber. The world is using G5. We are still using G2. So, if we don't upgrade those matters we are not going to be ... But, definitely, it is one area that we will have to look very closely at with speed and get the results I promised.

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Ms T WANA: Chairperson, Minister, the follow-up question is this: Then issue of lack of infrastructure ... I'm coming from the Eastern Cape. For instance, in Ngqeleni... the situation there is not conducive for the police ... The cells at some stations are very small.

Secondly, in the Eastern Cape there are cases that were investigated but we don't hear any follow-ups in terms of putting those people who were investigated and the investigation are there but there is no one who is saying such-and-such a case ... For instance, there was a case of Malangeni in Qumbu where he was gunned down right in front of his children. To date there is nothing that we are hearing.

Lastly, Minister, ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Wana, so that we are consistent: It's a supplementary question. We are allowed four; one per member. Supplementary question.

Ms T WANA: Thanks.

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

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The MINISTER OF POLICE: The infrastructure question is one big question. No doubt about it. In my previous life I went to one police station at Flagstaff. No water at the police station. No toilet at the police station. We just don't know. What do they do? We tried JoJo. I don't know if they sent the JoJo and all that.

Human beings must be surrounded by proper conditions for maximum functioning. So, it is one just thing ... as somebody has raised this thing of the police that are not promoted and all that. We discovered that 20 years in one rank ... Surely, you wake up to go to work and come home to sleep. You've got nothing to do with work and all that.

The infrastructure is supposed to be one of the best. At least, when the police go to work, they must feel that they are at work and begin to enjoy it. It has been raised time and again by yourselves, portfolio committee and all other structures that they work around the police, CPF and all that ... Sometimes is ... blamed the infrastructure as responsible for the death of the police, as there is that issue right now at Ncgobo. People believe that if infrastructure was better, those police would have responded better.

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So, that's a question that we will be working hard on it to work on the infrastructure. I think there is a long list that has been raised by the portfolio committee with management that we will have to look at it and begin to implement on that particular thing.

But, unfortunately, it's not only the police that must deal with infrastructure of policing in the rural areas. Roads. Roads, because sometimes you just don't know where you are going and you are not going to risk that place.

So, I think it will have to be a collective effort of government in that particular area. Water and sanitation. You are now going to have police throwing out there ... no water no sanitation, nothing.

So, I think the interministerial clusters and all that maybe have to be invited by yourselves here, and we all tell what is the portion we are doing there to make the situation better.

Ms N P KONI: Minister, I would agree with you that there are many unsolved cases, like the case of the football star, and many cases of women who were raped and brutally killed. Many cases of women who are still missing to date.

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I would like to ask you if you would agree with me ...

IsiZulu:

... ngikuthume e-Marikana ...

English:

... and make sure that you arrest people who were involved in the killings of those fathers who lost their lives, because their wives and children, still to date, are suffering.

So, my question to you is, ...

IsiZulu:

... uyavumelana nami na ukuba ngikuthume uye e-Marikana? Ngiyabonga.

The MINISTER OF POLICE: Send me. Marikana issue. One of the worst incidents under the life of the new dispensation.

But I know there are police that are charged there. I know it. There are police that are charged. I have gone through ... I have to revise the Farlam Commission recommendations. I know that there is supposed to be compensation which does not replace any life.

Compensation does not replace... There is no value ... There is no

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price on the head of any human being, especially those that were breadwinners.

So, there are things to be followed in Marikana and we see how far do we end. I think, even politically, that will have to be fixed but also legally and socially going forward.

The first point you made of many cases not solved ... maybe ...

IsiZulu:

... ngiyesaba ukuthi ...

English:

... I might not have a truck to carry, if I invite that members must bring the cases that they think they were wrongly handled. The cases that they think the victims were treated unfairly, and we see how far do we take it.

Some of these, as hon Ghaeler has said, are cold now. Very cold because if you don't deal with it ... It's known, if you lose the case on the crime scene – because that's where you win or lose the case – sometimes you find the dead body sleeping there for a long

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time and you ask, are these police mad. They are still trying to win the case two years down the line by being good in the crime scene.

So, we can take those ... some of them ... and make sure that, if we resolve half of them, life would be better. But our best bet is that, from now on, is become very difficult for criminals not to be detected, found, tried, sentenced.

So, if we push that, but also with those that we think we can retract them and find them and do justice for the victims.

Ms T J MOKWELE: Hon Minister, hon Koni was just asking whether you agree with her that you will go to Marikana.

Hon Minister, I'm having this case number ... case number 175/07 ... I hope someone is writing from your department ... /2013 ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, there are records here.

Ms T J MOKWELE: This is the case Ms Susan Matlapeng from Mogwase Unit 5, South. Ms Susan Matlapeng was brutally murdered. Raped and murdered. The family members are having knowledge of the suspect.

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The suspect is staying within Mogwase. The case was opened in Mogwase police station.

Up until today, hon Minister, no one has been arrested. Why? Because of incapacity of the detective.

Now, I'm appealing to you, hon Minister; I'm not asking you a question. I'm appealing to you, please, please take it upon yourself and make sure that the perpetrator is arrested, is prosecuted and is sentenced.

Because, why I'm saying this ... there are five more cases related to the very same person of raping and killing. Fortunately, the fifth person couldn't die. She's the one who alerted and we were able to link these cases. But up until today, nothing is happening.

So, I'm appealing to you, hon Minister. This is a very sensitive matter. Let's take it like that and make sure that this case and the family of Ms Matlapeng are at least finding a closure to this heartbreaking situation. Thank you.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele ... yes ... as you correctly said, it's not a question. Before you raised your very

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serious matter, the hon Minister indicated that it's available for all the cases that are outstanding that we think we can take it up with the department.

So, the Minister will comment if he's interested in commenting when dealing with Question 16 of hon Ximbi. We are dealing with 16, but there's nothing, hon Minister, before dealing with the question of Ximbi, to comment on what was said by hon Mokwele. Hon Minister?

[Interjections.]

No, it's four supplementary questions. [Interjections.] No, it's four: it was Gaehler, it was Wana, it was Koni, and Mokwele was the last one. It's four supplementary questions. [Interjections.] It's four. I'm very alert, hon Dlamini. I said "Wana". Hon Minister?

The MINISTER OF POLICE: Yes, but, those two comrades are having a ... [Laughter.] [Inaudible.]

No, the ... definitely, this one is to sit down and talk formally about it. Get those document and we work in a formal structure dealing with it. But get the permission to meet me from your CIC so that you are not accused ... [Laughter.] ... so that we work on the matter. [Interjections.]

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

Ms T J MOKWELE: Yes, on a point of order. I am a public representative assigned by the EFF to do the work. We are writing Ministers letters. We are meeting with Ministers ...

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okay ...

Ms T J MOKWELE: ... on strictly work-related matters.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okay, no, it's fine.

Ms T J MOKWELE: So, I don't have to ask any permission from the CIC. He knows that we meet you on which matter. Thank you. Don't worry.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele, you do have the permission. No problem. You do have the permission.

The MINISTER OF POLICE: Well-understood, Comrade Mokwele. Well-understood.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thank you.

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Question 16:

The MINISTER OF POLICE: Hon Chairperson, Operation Fiela reclaim one that is Operation Shanyela, was implemented from 27 April - just five days after my birth day - to 31 March 2016. The following is the executive summary of the deployment and successes achieved during the operation. Chairperson, I will seek permission to read this portion of the statistics otherwise all these are the statistics on that.

So, but as you have granted me the permission.

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

The MINISTER OF POLICE: However, the executive summary goes in like this: Total operations conducted were 25 614; arrests for just other crimes, were 187 978; foreign nationals arrested, were 13 932 and I am not sure if they were all arrested. I want those ...

IsiZulu:

Ngifuna labo ababekhahlela amaphoyisa.

English:

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... those who were kicking the police somewhere, the other day - the total arrest was 201 910; the total joint deployments where you have the special task teams with other departments and all that, were 434 533; total confiscated vehicles, were 1 097; firearms, were 15 781; liquor,

IsiZulu:

... amabhodlela otshwala ugologo.

English:

... everything, your blue, your red, your gold and everything were 252 339 litres; dagga, there were 26 192 357 dagga grams; dagga plants, were 10 893; total action executed persons searched ...

[Interjections.]

Ms T J MOKWELE: That is a herb!

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

The MINISTER OF POLICE: The total action executed persons searched, were 1 295 381; premises searched, were 84 406; vehicles searched, 547 240; vehicle control points, 52 000 and roadblocks were 3 947.

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So, that is an executive summary of all these figures. So, I would not go to those figures, for if I do, definitely we will sleep here.

The HOUSE CHAIRPERSON (Mr A J NYAMBI): Thank you, hon Minister. Hon Ximbi.

IsiXhosa:

Mnu D L XIMBI: Mphathiswa ohloniphekileyo, ndiyabulela.

Ndiyaneliseka luhlobo oyibeke ngalo. Ingaba ikwanguye kusini na lo-Operation Fiela oncede kakhulu eNgcobo?

English:

Is it part of the Fiela project that helped our police at Engcobo? Otherwise, I am satisfied. [Ndiyaneliseka.] Thank you, Minister.

The MINISTER OF POLICE: Engcobo was a special project focussed to respond to the Seven Angels Ministries Church. Yes. We had to respond to Mancoba Seven Angels Ministries Church or whoever. They are now four angels. They are four, three are gone forever.

[Laughter.]

[Interjections.]

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I do not know what started at Engcobo, but we are getting a lot of information. What we can say about Engcobo, is that 10 firearms were stolen from Engcobo and we have recovered nine. One has been dropped in the toilet. So, we have not recovered that one which has been dropped in the pit toilet. However, we have arrested that person who has dropped it.

There are now six people that have been arrested, out of 37 plus three that have been arrested for criminal activities not linked to Engcobo, but from Engcobo and from that church, they conducted those criminal activities in KwaZulu-Natal.

So, there has been some sort of the centre of evil that the deployment there is trying very hard to deal with it. We will be visiting soon, to go and see the forces there and talk to the community. The community is quite satisfied up to this far, but they have send the message to say please the police must not be taken away. There are about 500 police there and I am not sure that we can keep them all there. However, indeed the situation of policing will have to improve, but I want to repeat and say thanks to the community of Engcobo. They worked very well with the police and they have so much assisting us to achieve whatever achievements we have achieved there. Thanks.

Siswati:

Ms L C DLAMINI: Ngiyabonga Sihlalo. Angibonge kakhukhulu nakuwe Ndvuna ngetimphendvulo takho, ngiyatibuta nje kutsi ingabe bangakhi bomake nebantfwana labatsintseka kulobugebengu bakulemiklamo beniyenta.

English:

Especially women who are sexually assaulted or child trafficking and women trafficking, I know you may not have statistics and maybe they are part of what you have there; I am just asking myself that how many women and children were affected?

The MINISTER OF POLICE: Chairperson, the bottom line is that the women victims are doubled. No doubt about it, besides the population that we are 48 to 52 million and I think we are going to 53 million now. Women are found to be easy targets for every criminal. Hence, within the police, we are enhancing and putting more resources on the special unit that is dealing with women and children issues.

Yesterday, it was raised in the House of those 57 SA Police, found to have criminal records and 30 of them; they worked with this sensitive area of women and children. So, we immediately removed all those.

Usually, your best ways of policing and the criminal justice chain is measured on the safety of women. If you do not have women feeling safe and believing that they are safe, nobody will. So, it is where you need to concentrate on the protection, the response and making sure that that category of our people is safe. There is difficulty in that category and it is called sins of passion.

IsiXhosa:

Mnu L B GAEHLER: Ndiyabulela, Mphathiswa ohloniphekileyo. Ngokwenene u-Operation Fiela... [Interjections.]

The HOUSE CHAIRPERSON (Mr A J NYAMBI): Hon Gaehler, closer to your mic.

Mr L B GAEHLER: ...wanceda kakhulu, kuba apho akhoyo ulwaphulo-mthetho lwehla kakhulu. Ndi ke ndayibona phaya kweza dolophu zethu, eMthatha apho bekugqogqwa abantu abaphula umthetho kusenziwa yonke loo nto? Ingaba angaphinde abuyiswe kusini na lo Operation Fiela? Ikhona nento yokungathi sele kudlelwa urhulumente lo zizaphuli-mthetho, ingakumbi xa ujonge le into yaseNgcobo. Kuyafuneka ukuba bakhe bathuswe kakhulu kwezi ndawo zinezinga eliphezulu lolwaphulo-mthetho. Loo nto iya kutsho yenze ukuba bayazi ukuba noko umthetho ukhona? Enkosi.

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The MINISTER OF POLICE: Yes, well, usually things that we find to be working we modernise them and we bring them back. There has been a lot of that call. I know there are preparations afoot that we go for and work hard on having to, and so everybody did say there was minimum achievements happened, so we will look at that and we will see when and how do we come with improvements of that.

Mr O S TERBLANCHE: Hon Chairperson and hon Minister, you gave us impressive numbers about the results achieved in this Operation Fiela. My question then is Commissioner, General, no, Commissioner, no Minister ... [Laughter.] Chairperson, let me put it straight.

The HOUSE CHAIRPERSON (Mr A J Nyambi): No, hon Terblanche, you are protected. A general is always a general, it is still a general but now he is a Minister.

Mr O S TERBLANCHE: Thank you. May I just explain hon Chairperson, when he was a general, myself and him used to work together. So, that is the confusion.

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

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Mr O S TERBLANCHE: Minister, going forward now, obviously this operation was a huge success, but it did not stem the tide of crime yet in this country and my question is: Going forward Minister, what are you going to do different or what else are you going to do to ensure that crime is going to be tackled and you know impacted on in the future? Thank you, Minister.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon General Minister, it is your turn now.

The MINISTER OF POLICE: Well like ambassadors, generals are permanent titles.

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

The MINISTER OF POLICE: However, it does not matter, how you call me. You know, nothing certifies in this work like hearing people saying, "The life is better." And my colleague - we were together in the police - anything that works, we will have to improve on it and make sure that it does work. The Operation Fiela, Operation Shanyela, Operation Sweep, means just that. By the way colleagues, there is nothing called, eradication of crime. You manage crime to the acceptable levels. Nowhere, nowhere, even when Jesus Christ had

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only 12 disciples, there were criminals among those. There were criminals. [Interjections.]

The biggest one was Judas Iscariot. So, you will deal with crime to the acceptable levels. It should not just be normal that somebody has been raped, somebody has been killed, it must jerk up the community in that particular area that somebody has been. So, those are the levels that we want to push, including the questions.

One major problem that we will have to resolve, at one stage it looked very good, is the visibility of the police around communities. If you do not resolve the relationship and the visibility - you see all of us here as you drive and you see a blue light you recheck yourself. It does not matter who you are and no matter how clean you are, you recheck yourself when you see the blue light. Just think what does a blue lights do to criminals. They turn around or go back and all that. Hence, if you do that there will be less car highjackings, less stealing of cars, less of money stealing on the roads which is called cash heist, less rate of the malls, less rate of the jewellery shops and all that. So, it is one thing hon Terblanche that we are going back to work on the visibility.

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There was a time when if you move in Johannesburg, nowhere you would not see the police on the high way, nowhere you would not see the police car in the exit of Menlyn Park, Sandton and all those malls. The police were there. People thought that we have imported more and yet it was the same number, depending on how you deploy them, including cutting from the head. There are too many of us at the head office. There are too many of us at the head office. Too many. [Interjections.]

Ms T J MOKWELE: Doing nothing!

The MINISTER OF POLICE: I do not know if we are doing nothing. [Interjections.]

Ms T J MOKWELE: Yes, I agree with you!

The MINISTER OF POLICE: However, too many of us at the head office, that will help the Bobby on *The Bold* on the bit going out there. So, those are the things that we will be working on them and we will be reporting the progress that we would be making. Standing here, when it comes to crime matters, tomorrow will be better than today.

Question 7:

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The MINISTER OF POLICE: The Directorate for Priority Crime Investigation, DPCI or Hawks, will capacitate the cyber unit in the 2018-19 financial year by filling of the following vacant posts: At Salary Level 12 there will be 10 posts; at Salary Level 10 there will be 12 posts; at Salary Level 8 there will be 87 posts; and at Salary Level 7 there will be 87 posts. Remember, this is a new approach; it has not been enforced before. That is why there are so many people falling under Hawks, specialising on cyber crimes. Thanks.

Ms C LABUSCHAGNE: Hon Minister, it must firstly be said that the Cyber Crime Unit under the Hawks are doing a fantastic job, despite their limited resources. My maths is not so good, I don't know in total how many people you are going to add. However, the occurrence of this kind of crime over the past years has increased and so has the sophistication around it. Yet, this unit is severely underresourced, and you promise now that it will be resourced.

Despite the SA Police Service budget cut and the resourcing of these units: Is there anything else that the Minister can undertake to make sure that this unit is capacitated to keep track with the sophistication and the amount of cyber crimes in South Africa?

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The MINISTER OF POLICE: Well, I agree that it is one of the highly sophisticated units within the SA Police Service but as I have said it is not the only one. For example, in their laboratories and their ballistics you will find a lot of BSC graduates and other people who are specialists. The trouble here is the budget. The environment where I am now is better when it comes to budget than the environment where I come from, at Agriculture. [Laughter.]

Unfortunately agriculture saves us when it comes to GDP but nobody cares about it when it comes to budgeting. Here it is better but everybody has been told to reprioritise. That is a big term in budgeting. It means I am giving you nothing new; just look around and make means with what you have. That is when you sit down and you work on these figures.

Unfortunately, crime fighting is a very tight knitted chain. If one element of policing is sick, it affects and impacts on the whole chain. You need to arrest. You need to investigate properly. You need to prepare for court. You need to predict. You need to react. You need to prevent. You need to find those that have committed crime - and everybody must be strong.

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However, the question you asked has to do with prioritisation, which would mean that at a certain time there may be more units who could be critical than the one we are talking about now. How far and how much do we move towards addressing that scenario? We told that this drought of money is not going to be too short; it is going to be very long. I hope that the Forfeiture Unit will get more money from criminal proceeds because, by law, that money must go back to fight crime, although the Treasury doesn't do very well on that one while we send it to them.

I hope we will encourage them to find the money because there are quite serious amounts of money and properties that are seized by that unit. If it comes back to fight crime, it can assist significantly. Help us on that one by saying: Get the proceeds of crime back to the crime fighting units. Then, life will be better! Allow us to try to do the best in terms of responding in the absence and the drought of money as it happens at the present moment.

The CHIEF WHIP OF THE COUNCIL: Hon members and hon Minister, we were supposed to be dealing with Question 19 but hon Ncitha is not in the House. Unfortunately, I don't have anything in front of me about a person that will be standing in for hon Ncitha. The next question

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The CHIEF WHIP OF THE NATIONAL COUNCIL OF PROVINCES: Chair, it was earlier communicated to the Presiding Officers that there was an arrangement made with hon Samka.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Chief Whip, in front of me, there is nothing. I asked the front Table and they confirmed that there was nothing arranged. So, we come to Question ... [Interjections.] Order! [Interjections.] I am done with that question, not unless you want to challenge my Ruling and there is a procedure. [Interjections.] You can't address me! [Interjections.]

Hon members, can you take your seat? The next question was supposed to be Question 1. The response to hon Michalakis for Question 1 was given in writing. So, Minister, it means we go to Question 2, from the same hon Michalakis. There is a letter to confirm that hon Labuschagne is standing in for hon Michalakis. Anyway, before the hon Minister, let me take hon Essack.

Mr F ESSACK: At last! At last! Chairperson, I ... [Interjections] Chairperson, thank you ... [Inaudible.] I know that I am out of order, with due respect to you. I wanted to check if you will allow me to ask, as to: What is the Minister's opinion regarding the 2 000

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police personnel that are being withdrawn in terms of the budget?
[Interjections.] That's what I wanted to check with you!

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Essack, can you please take your seat? We are done with questions. Hon members, in terms of the Rule of the House, let me remind you: The first question from hon Michalakis was responded to in writing. Then the second question, in terms of the Rule, if it has been responded to in writing, it becomes a question for oral reply. So, now we are dealing with the second question. It is only the first one that was responded to, then we are dealing with the second one.

Ms T MOTARA: According to the Rules, a Minister will respond to a maximum of six questions for oral reply. The Minister of Police has already responded to six oral questions. So, anything over and above six becomes transmitted for written response.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Motara, you are 100% correct, but the one question has fallen off from hon Ncitha. So this will be the last question. [Interjections.]

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

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Ms T MOTARA: Hon Ncitha is back in the House. Ooh! [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Can we be orderly! Hon Labuschagne!

Ms C LABUSCHAGNE: Chair, I just want to remind this House that we are actually supposed to conduct this House according to Rules. Rule 249 says that any written question that is to be put to any Minister, which has not been answered within 10 days, should be diverted to an oral question on top of any questions that are scheduled for that day. Otherwise, the House must convene a separate day for all the outstanding questions to be answered.

So, according to the Rules, the following three questions on this Question Paper must be answered by the Minister without the opportunity of follow-up questions. He must give an oral reply in the House though.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Thanks, hon Labuschagne.

That's exactly what I explained. Hon Motara, you are the one who is just unnecessarily creating this confusion. Let's go ... There is no follow up. We are dealing with one of the two, hon Minister: Whether

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any investigation has place in kidnapping and assault of a certain manager? That is the question.

Question 2:

The MINISTER OF POLICE: House Chairperson, that's fine. Can I make a comment?

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

The MINISTER OF POLICE: House Chairperson, these two questions of Mr Michakalakis, according to an indication I have, they are supposed to be written questions. I am told they were changed this afternoon, which does put us on the back foot. I have been even told that once there is a square, it means it is a written reply and once there is a star, it means ... but I have two squares here. [Laughter.] So, I don't know why should we be pushed on the back foot?

[Interjections.] But the square is a rule. I can answer the questions; I am just raising my concern.

The HOUSE CHAIRPERSON (Mr A J NYAMBI): Hon members ... Take your seat. Hon members, let me assist you. In terms of the Rules of the NCOP - Rule 249, written reply not given. If the responsible Cabinet

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member has not replied in writing to a question within 10 working days of the day for which the question was set down for written reply and the member in whose name the question stands so request, the secretary must place the question on the Question Paper for oral reply. There is nothing new. We have done it even in the past. It is even in terms of our Rules. This is going to be ... Not on top of ... the Minister has responded to ... Let me finish my ruling. Take your seat hon Mokwele. The Minister has responded to five questions and this is going ... No, it is not six, it's five. I am presiding; I know what I am doing. This is the last question to the Minister. Hon Minister, we are dealing with your last question for the day. In terms of our Rules of the NCOP and you can set ... I don't know why are you shouting ... A point of order to who?

Ms T J MOKWELE: Whether it will be you or the Minister but it is a point of order.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Okay, let me take the point of order.

Ms T J MOKWELE: House Chairperson, the response of the Minister clearly shows that the Minister has been misled by his officials because they told him that when you see a square, it is a written

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reply and when you see the star it is oral reply, forgetting that each and every activity in the House is governed by the Rules of the House. I am appealing to you, Chair, it is clear that the hon Minister doesn't have proper answers. If he doesn't have proper answers, let's follow another Rule that says a special sitting will be held to deal with the matter. I don't know which Rule is that but I know that there is a Rule that stipulates that if the Minister didn't ... We must organise a special sitting where the matter will be dealt with. I so move.

The HOUSE CHAIRPERSON (Mr A J Nyambi): Hon Mokwele and hon members, let's not create a problem where there is none. The hon Minister was explaining the situation as per his understanding of what is written in front of him but he said he doesn't have a problem in responding to the question. Hon Labuschagne!

Ms C LABUSCHAGNE: House Chair, I need some clarity on your ruling, please, because you quoted Rule 249 but then you said that this would be the Minister's last question, but there are two questions on the Order Paper that have to be answered. I am not happy with the ruling because that is not according to the Rules.

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Yes, let me assist you. In terms of this Rule book, Rule 246(4), the very same Rule that was quoted by hon Mokwele, no more than six questions for oral reply may be put to the Minister in respect of any government department. That is why I said this is the last question because it is the sixth question.

Ms C LABUSCHAGNE: Hon Chair, I need some clarity. In the past four years in this House, we diverted unanswered written questions to oral questions. We had sessions and at one stage in 2015, we had a special day where we finished all the questions because there were lists of written questions that were not answered. So, what is happening now is that we are using a Rule that is not stated anywhere and there is no cross reference between those two Rules to close the accountability space of the Minister. What will happen and what will the results be, hon Chair, is that Ministers will stop answering questions in writing knowing that they can only answer six questions in the House. And the rate at the moment is that out of 40 questions that have been asked to Ministers in this term by the DA alone, only 17 have been answered. This is absolutely not how Ministers can be accountable. We will raise this. If you are not going to rule on this, we will drive this matter into the public domain. Thank you. [Interjections.]

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The HOUSE CHAIRPERSON (Mr A J Nyambi): Order! No, there is nothing wrong. Hon Labuschagne, I have made a ruling and quoted the Rules that we have that guide us. Let's afford the Minister an opportunity. If you are not happy with the ruling, there is a procedure you can follow to deal with it. Hon Minister, can you deal with the question?

The MINISTER OF POLICE: Which one? [Laughter.]

The HOUSE CHAIRPERSON (Mr A J Nyambi): Question 2.

The MINISTER OF POLICE: House Chair, I have both answers. You said one but last. The one of hon Michalakis.

The HOUSE CHAIRPERSON (Mr A J NYAMBI): Whether an investigation ...

The MINISTER OF POLICE: There are two questions. The one is manager and the other is auditor.

The HOUSE CHAIRPERSON (Mr A J NYAMBI): Skip the auditor.

The MINISTER OF POLICE: I skip the auditor and go to the manager?

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The HOUSE CHAIRPERSON (Mr A J NYAMBI): No, not one but two. Whether any investigation has taken place ...

The MINISTER OF POLICE: It is about the manager. Yes. I have an answer about the manager and an answer about the auditor. So, you are choosing manager. Okay. Yes, the investigation into the kidnapping and assault has taken place. The case number is BS/324/04/2013. All the available leads were followed up. Statements were taken and persons of interests interviewed without success. The case docket was closed as undetected on 9 November 2016. The motive is still unknown. Please, note that it is not a murder case as reflected in the question. The charges related to this case are kidnapping, hijacking and rape. Thank you.

The HOUSE CHAIRPERSON (Mr A J NYAMBI): Hon Labuschagne. Oh, it is not a follow up. Let's deal with the last one. Hon Minister ... You are not recognised. I am recognising the Minister. Hon Motara!

Ms T MOTARA: House Chair, you are now contravening Rule 246(2), which states that questions on question day that a member is only allowed to ask a maximum of four questions. If you allow this question from hon Michalakis, it will now be his sixth question. So the issue around ... If a member requests an unreplied question that

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has been submitted for written response to be put on the Order Paper for oral reply, it is not withstanding that a member can only ask for and the Minister can only answer six.

The HOUSE CHAIRPERSON (Mr A J NYAMBI): No, let me deal with it. Can you take your seat? Hon members, I don't know why we are creating a problem that does not exist. I said earlier on that what we are doing is not something new. We have done it for the past four years. Hon Minister! I am giving the opportunity to the hon Minister. If any person has a problem with the ruling, hon Motara, there is a procedure to deal with a ruling that you think is a problem. [Applause.] Hon Minister! Hon Essack, take your seat.

The MINISTER OF POLICE: Yes, investigations took place. The case number is PR/1360/02/2013. All the available leads were followed up. Statements were taken and persons of interests were interviewed without success. The case docket was then submitted to the senior public prosecutor for the decision on the prosecution. The senior public prosecutor decided that a formal inquest should be held and returned the case docket with inquiries. The case docket will be returned to the senior public prosecutor for the finalisation of a formal inquest as soon as all the inquiries have been responded to. The motive is unknown.

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I have another response of Mr Ncitha. Oh.

The Council adjourned at 18:30.

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