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***PROCEEDINGS OF THE NATIONAL ASSEMBLY***

The House met at 09:00.

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

# EXTENSION OF DEADLINE FOR AD HOC JOINT COMMITTEE ON PARLIAMENT AND PROVINCIAL MEDICAL AID SCHEME REPORT

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, I move:

That the House, subject to the concurrence of the National Council of Provinces, extends the deadline by which the Ad Hoc Joint Committee on Parliament and

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Provincial Medical Aid Scheme has to report, to

28 September 2018.

Motion agreed to.

# EXTENSION OF DEADLINE FOR CONSTITUTIONAL REVIEW COMMITTEE REPORT

(Draft Resolution)

The CHIEF WHIP OF THE MAJORITY PARTY: Deputy Speaker, I move:

That the House, subject to the concurrence of the National Council of Provinces, extends the deadline by which the Constitutional Review Committee has to report, to 28 September 2018.

Motion agreed to.

# CONSIDERATION OF LEGISLATIVE PROPOSAL TO AMEND IMMIGRATION ACT, ACT 13 OF 2002 AS SUBMITTED BY PORTFOLIO COMMITTEE ON HOME AFFAIRS

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Mr D M GUMEDE: Hon Deputy Speaker and hon members, good morning. This Bill before us intends to amend the Immigration Act, Act 13 of 2002 to be consistent with the Constitution of the Republic of SA. It instructs immigration officers and legal enforcement agents to bring illegal immigrants before courts within 48 hours of detention or arrest, which is in line with section 35 of the Constitution.

This Bill arises from a Constitutional Court Order which declared the Immigration Act inconsistent with the Constitution, which then ordered that the amendment be made within two years starting from the date of the decision, which was 29 June 2017 as a corrective measure. We therefore table this Bill before the House for consideration and action. I thank you. [Applause.]

Mr I OLLIS: Deputy Speaker, before you proceed, on a point of administration: The thumb print readers on this side of the House here do not recognise our thumb prints. So, cannot record our attendance. There is about five or six of who cannot record our attendance today.

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The DEPUTY SPEAKER: Alright, we will have it sorted out. In the meantime, the video has captured you. [Laughter.]

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY moved: That the House, in terms of Rule 273(3), gives permission that the legislative proposal be proceeded with.

*Declaration(s) of vote:*

Mr M H HOOSEN: Deputy Speaker, we had this point today because the Constitutional Court ruled last year. As hon Gumede has mentioned, section 34(1) of the Immigration Act is inconsistent with the Constitution. Essentially, the Court ruled that it is unconstitutional to detain any person without trial and to do so, falls short of the right to a fair trial in our Constitution.

It is quite astonishing that after all we have been through as a country to bring about a constitutional democracy, we still have such a law which allows this government to arrest and detain people without trial, in place. The apartheid

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government used the same tactic. In fact, in about 1964, the General Laws Amendment Bill was passed by the apartheid government in this Parliament. That law, which was more commonly known as the 90 Day Act, was designed to detain political prisoners without trial. It is the same law which was used to detain ANC and PAC leaders. Some of them probably still sit in this House today and could tell you ghastly stories of their experiences.

The irony is that this recent ruling by the Constitutional Court is almost exactly as that law. In fact, it is worse because the Immigration Act, in its current form, allows Home Affairs to detain foreigners for a period of 120 days. Section

34 of the Immigration Act is about detention and deportation.

For many years, Home Affairs was arresting foreign nationals, detaining them without any trial and deporting them. In many cases many of the families of these foreigners had no idea where they were; again, a stark reminder of the manner in which the apartheid government used to operate to target their enemies.

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Who would have ever believed that the same laws that were used to detain ANC leaders would today be used by the same ANC leaders against foreign nationals? The ANC is doing to foreigners what the apartheid government has done to them.

This is a shocking indictment on the ANC. They should hide their heads in shame and embarrassment, and offer an apology to the hundreds of African citizens who were detained in our country without trial.

In fact, when we dealt with this matter in our portfolio committee recently, I offered Minister Gigaba an opportunity, on behalf of his political party and the government, to apologise to those foreigners, most of whom are from African countries, for detaining them without trial. He refused to take up that opportunity. Instead, the ANC members in the committee came to his defence, arguing that it was this Parliament that passed the law and not the Minister. Well, when things go well, they stand here and claim all the credit; and when things go wrong, they want to play the blame game.

They cannot have it both ways. They must take responsibility for this pathetic piece of legislation which was used for years to punish foreign nationals.

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Well, today at least we would like to offer that apology. We are sorry that we have a government which has passed such a law in South Africa. Unfortunately, the South African government does not see it fit to do the decent thing and offer an apology. However, we are committed, as the DA, to ensure that our laws are amended in a way that respects your constitutional rights. If you are here today, go out and tell the world, as a foreigner, that this ANC-led government does not respect its own Constitution and have been using apartheid laws to punish you.

Another concerning trend is developing in the Department of Home Affairs. More often, judgements handed down by our courts are being disrespected. This judgement by the Constitutional Court, for example, was passed in June last year. It is now almost a year and the department has done absolutely nothing since then. It was only about two weeks ago when the department wrote to the committee, pleading to us to introduce a committee Bill. This is simply not acceptable and it is very unlikely that we will meet the deadline of the Constitutional Court.

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Finally, although late, we welcome the eventual attempts to correct the Immigration Act, and will make sure, as the DA, that we do not repeat the same mistakes that the ANC made many years ago. I thank you very much. [Applause.]

Prof N M KHUBISA: Deputy Speaker, it is understood that our law will always be under review from time to time. The chairperson of the portfolio committee rightly maintained that these proposals are meant to amend Act 13 of 2002 so as to revise and align the provision in section 34 – the Immigration Act relating to the detention of illegal foreigners for purposes of deportation within the constitutional within the constitutional rights set out in section 12(1) and 35(2)(d) of the Constitution of the Republic of South Africa.

As we know that the court declared that section 34(1)(b) and

(d) of Immigration Act were inconsistent with section 12(1) and 35(2)(d), particularly these sections do not allow for automatic judicial intervention when an illegal foreigner is detained for purposes of deportation and do not allow for detained illegal foreigner to challenge the lawfulness and the validity of his detention in person in court within 48 hours.

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The court gave Parliament 24 months duration to correct this anomaly. The Constitutional Court also ordered that a detained illegal foreigner must be brought before a court within 48 hours of his arrest in person and this pertain particularly to those that had been detained prior to the constitutional order.

Chairperson, this department has a role to play. It has a duty to manage immigration effectively, securely and efficiently in the interest of economic development and national security.

The core function is to facilitate secure movement of people through and out of the ports of entry.

As the NFP, we have said from time to time that we have a problem with our borders because they are porous. At the same time, we work with our African brothers and sisters and the international world to ensure that we allow investors to come and invest in our country. Therefore, it is the department that provides documents, visas, passports, permits and all other documentation and also deportation.

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In the interest of this, the NFP would like to support the proposals and hope that from time to time, other laws that are inconsistent with the Constitution will be dealt with. Thank you very much, Deputy Speaker. We support.

Mr N SINGH: Hon Deputy Speaker, I am not going to take the House’s time in explaining why it is necessary that we have this amendments, we have a very long day ahead of us. Safe to say, hon Deputy Speaker that what is of concern is that more often than not the court seems to be telling us what to do and what not to do. This just says that our legislative drafters need to look at the legislation very carefully when it is drafted to see if it is going to stand the master of any court challenge.

I raise this constantly at the programming committee and hon Frolick will know this that we would like to look at all legislation where the courts have asked us to amend. What I am concerned about is that it has taken a year before this amendment has come before this House. We will support these proposals and we think it is in the interest of those

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foreigners that this amendment be adopted by the House when it comes to the House. Thank you very much.

Mr M N PAULSEN: Deputy Speaker, we just celebrated Africa Day a few days ago. One of the key objectives for which the Organisation for African Unity, OAU, was established was to foster unity of the African people because our leaders back then recognised that there is more that connects us as black Africans than that which divides us.

The treatment of African immigrants, in particular, by the Department of Home Affairs is despicable. The legislative mechanism that allows such discrimination must be done away with.

Section 34(1)(b) and (c) of the current Immigration Act was correctly declared inconsistent with section 12(1) and 35(2)(d) of the Constitution of South Africa. This was so because this section: Firstly, does not allow for automatic judicial intervention; and secondly, does not allow detained illegal foreigner to challenge the lawfulness of his detention in person in court within 48 hours.

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These two sections of the Constitution clearly outline the manner in which those who are detained are to be treated. Nothing in the Constitution indicates that this should exclude illegal immigrants.

The EFF, therefore, believes that there is no reason as to why illegal immigrants should be treated any different than other criminals. Therefore, section 24(1)(b) and (c) of the Immigration Act, Act 13 of 2002 either needs to be repealed or properly amended so that the Act and the Constitution do not contradict each other. Thank you very much.

Mr H P CHAUKE: Deputy Speaker, the ANC supports this process that we are going to be engaging with in the portfolio committee to amend the Act. Now, the mistake that the DA is making is that they want to blame to a Minister of Home Affairs that this law is being challenged at the Constitutional Court. The laws that we pass here are Parliament laws.

Let me teach you these things because you don’t know how legislation is done. Once the executive brings the Bill to

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Parliament, Parliament then takes the process. That process becomes the law that we come and debate and pass in this House.

Because you talking immigration ... Let me tell you what is the problem with the DA. You that your leader here in the Western Cape, Helen Zille, when she said that there are so many immigrants that comes from the Eastern Cape. In your mind, it is about the immigrants that are coming from the Eastern Cape that are flooding Western Cape.

We have one of the best laws when you look at the international immigration laws – anywhere in the world. South Africa still has the best laws. We, therefore, are going to comply and ensure that we meet that constitutional mandate that has been given to us. It is not a problem, just don’t politicise it to an extent that you want to put blame on the poor Minister. He has not done anything. It is Parliament’s responsibility to deal with such matters.

You are always obsessed with our Ministers and we are warning you, should you continue being obsessed with our Ministers, we

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are going to take it on you and we are going tell you how racist you are. When you deal with issues of immigration it is about black people and nothing else.

Let’s go to the committee and amend it. Let’s make sure that we create immigration system that is humane, that is acceptable in the whole world. This is what we must do. So stop this politicking. We are very happy that you are going to support us. Once you support us in that committee, and we pass it here, it’s our law; it is not the ANC law anymore. Thank you very much. [Applause.]

The DEPUTY SPEAKER: Hon members, the motion is that permission be given to the Portfolio Committee on Home Affairs to proceed with the legislative proposal. Are there any objections?

Agreed to.

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES - SUSPENSION FROM OFFICE OF MAGISTRATE V T GQIBA, CHIEF MAGISTRATE IN EAST LONDON

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Mrs M R M MOTHAPO: Deputy Speaker, hon members, this is the Report of Portfolio Committee on Justice and Correctional Services on the suspension from office of Magistrate V T Gqiba**,** Chief Magistrate in East London dated 16 May 2018. This Report was unanimously adopted by the portfolio committee on the 16 May this year.

The Portfolio Committee on Justice and Correctional Services having considered the Report of the Minister of Justice and Correctional Services on the suspension from office of Ms V T Gqiba, the Chief Magistrate at East London tabled in terms of section 13(4)(b) Magistrate Act,1993 reports as follows:

Ms V T Gqiba is the Chief Magistrate in East London and the commission resolved to charge her with misconduct. In that Ms Raphahlele, the Head of the Cluster and Chief Magistrate, Port Elizabeth, had arranged a meeting between the members of the Family Court Sub-committee of the Chief Magistrates Forum to be held 23 March 2015. That particular meeting was then cancelled.

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However, Ms V T Gqiba still travelled to Pretoria on state’s expense, purportedly to attend the meeting, whereas she attended to matters of a personal nature. Ms Gqiba did not have official authority from her Head of the Cluster to travel to Pretoria on 23 March 2015. Her trip to Pretoria resulted in a total financial loss of R6 803 87 to the department. Besides that, she also submitted a travel and subsistence claim dated

24 March 2015 amounting to R595 87.

The commission is of the view that Ms Gqiba failed to act with integrity or failed to act at all times in a manner which upholds and promotes the good name, dignity and esteem of the office of magistrate and the administration of justice all processes ensued and were followed. The person leading the evidence on behalf of the commission subsequently presented the tribunal with proof that Ms Gqiba had previously been severely reprimanded by the then Chairperson of the commission, the hon Mr Judge President Ngoepe, for similar transgressions.

She attended a course in Copenhagen and received an amount of R12 598 00 as incidental expenses. She could not furnish

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authority for the expenses incurred which resulted in a loss to the department. On two other occasions she claimed for air tickets from the Magistrates’ Commission, and payments were made into her bank account while these tickets were already paid for by the magistrate Mdantsane. On another occasion, Ms Gqiba again submitted a transport and subsistence claim for payment. It was discovered that the department already paid for the air ticket and car hire expenses for the same period and the same trip.

Having heard both parties’ submissions in this regard, the Presiding Officer recommended that Ms Gqiba be removed from office, as contemplated in section 13(4) of the Magistrates Act, 1993. Ms Gqiba was given the opportunity to lodge written representations with the commission.

Having considered Ms Gqiba’s representations, the Presiding Officer indicated that he had no additional reasons for his recommendation to submit to the commission. The recommendation reads as follows: Having considered the Report from the Magistrates’ Commission and the Minister’s suspension and removal of Ms V T Gqiba from the office of magistrate, the

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committee reports that it concurs with the suspension and recommends that the NA resolve not to restore Ms V T Gqiba to the office of magistrate. Thank you Deputy Speaker.

Mrs G BREYTENBACH: Hon Deputy Speaker, public confidence in our judiciary and in this case more specifically the magistracy, depends on a variety of factors. Firstly and for obvious reasons, the manner in which the cases are brought before the magistracy are finalised both in respect of expenditure case management and in terms of the civil and criminal manner in which it should find facts and then apply the law to these facts that are utterly importance. If and when an accused person or civilian is unhappy with its findings, a proper recourse by reviews and appeals are available to errors made in good faith.

Secondly, and of importance for us as Members of Parliament in respect of this item, we must remember that public confidence in the judiciary is also a dependent on the manner in which the magistracy through the Magistrates’ Commission and this Parliament, deals with issues of relegation of misconduct by individual magistrates. Our oversight role in this regard is a

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very important one - it is a function, like the exercise of all public power, to be performed in a rational and reasonable manner.

To second guess or to try to reverse the decisions of the Magistrates’ Commission on the merits of any allegations of misconduct against individual magistrates can never be deemed as remotely linked to our purpose in this regard. Our role is to oversee whether the due process won’t mark by impartiality, objectivity and fairness was followed by the commission. The Minister, we are asking for a resolution that the magistrate in question not be restored to office after serious findings of dishonesty were made against her.

On this call, we are satisfied that not only was the process prescribed by the Magistrates Act duly followed, but that the recommendations in respect to sanctions is propositional to the misconduct of which the magistrate was found guilty. We support this Report and the recommendations by the Minister. Thank you. [Applause.]

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Mr S P MHLONGO: The law courts as an arm of the judiciary plays an important role in administering justice for cases that rarely make media coverage. It is the law courts for are at the cold face of justice in our communities. Therefore, these courts must be lead by men and women of impeccable character. We must make it easy in particular for black women and men to ascend to positions of magistrate and judges. But we do not condone corruption in any form of its manifestation particularly by people given the responsibility to administer justice.

For this reason, we sadly have to agree to the suspension of the East London Chief Magistrate. Under the leadership of Magistrate Gqiba as Chief Magistrate in East London, the court has been dysfunctional and not served the purpose for which it was intended. The accusation that she abused her travel benefits does not befit someone occupying the office she occupies. Therefore, the EFF supports her suspension in this regard. Thank you.

Mr S C MNCWABE: Deputy Speaker, hon members, our magistrates as the Presiding Officers of the judiciary must be above

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reproach. As dispensers of justice, they have a moral duty to the people to be of sober habit and paragons of virtue.

Looking at a long list of allegations of misconduct directed at Chief Magistrate Gqiba, it is inconceivable that these are qualities which are desirable for a magistrate.

How do you expect the citizens of our country to respect judicial decisions when the presiding officers behave this way? How do we expect the citizens of our country to have faith in the judiciary when the presiding officers are guilty of dishonesty? We strongly believe that such incidents do nothing to inspire confidence in the judiciary and; it is for this reason that the NFP supports the recommendations of the portfolio committee. Thank you.

Mr N SINGH: Deputy Speaker, the IFP shares the commission’s view that the judicial officer must act with integrity at all times because it is the judicial officers that meet our justice. Although the financial loss here is greater than R10 000 or R12 000, I think that is not point. The fact that the person has transgressed as a person of authority; we will support the removal of the magistrate.

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But, I want to appeal that we act with the same resolve with government officials who are defrauding ourselves greater amount of money that the R12 000 because that’s where we need to take action. But hopefully, when we consider the amendment to the public audit act then we will have mechanisms in place to find that we can deal with these officials who are stealing in a very big way. We support the Report. Thank you.

There was no debate.

Question put: That the Report of the Committee be adopted, including the recommendation that the suspension from office of Magistrate Ms V T Gqiba be confirmed.

Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters and National Freedom Party.

Question agreed to.

Report adopted and suspension from office of Magistrate V T Gqiba confirmed.

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**CONSIDERATION OF REPORT OF STANDING COMMITTEE ON AUDITOR- GENERAL - ON PUBLIC AUDIT AMENDMENT BILL**

The CHIEF WHIP OF THE MAJORITY PARTY: Hon Deputy Speaker, I move that the Report be adopted.

Motion agreed to.

Report accordingly adopted.

# PUBLIC AUDIT AMENDMENT BILL

(Second Reading debate)

Mr V G SMITH: Deputy Speaker, Ministers and Deputy Ministers, comrades, hon members and the Auditor-General and the team in the gallery, good morning. Four days ago, this august House considered and approved the budget for the 2018-19 financial year. The budget is an important means by which government service delivery programmes are realised.

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In order to ensure financial management integrity, and in line with section 188 of the Constitution, the Auditor-General, as the supreme audit institution in the country, must audit and report on all accounts, financial statements and financial management of all national and provincial departments and administrations; all municipalities; and any other institution or accounting entity required by national or provincial legislation to be audited by the Auditor-General

Year after year, the Auditor-General reports astronomical amounts of unauthorised, irregular and fruitless and wasteful expenditure.

The reasons attributed to irregular expenditure, in the main, are procurement without competitive bidding or quotations, non-compliance with procurement procedures and non-compliance with legislation related to contract management. These, hon members, are basic control measures that cannot be too difficult for state officials to comply with.

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Deputy Speaker, in this period of very difficult economic times, every cent of taxpayers’ money must be utilised to extract maximum value.

During the previous financial year, the Auditor-General reported fruitless and wasteful expenditure, at a national level, in the region of R5 billion. The Auditor-General also reported irregular expenditure in the previous financial year of about R45 billion excluding an amount of about R20 billion which related to the Passenger Rail Agency of South Africa, Prasa, contracts.

As we speak today, all of us are aware that the lack of prudent financial management within local government sphere has became dire as reflected by the Auditor-General’s report tabled last week.

The local government report tabled reflects fruitless and wasteful expenditure of R1,5 billion which is an increase of 71% from the previous year. The report also reflects an amount of R28,4 billion of irregular expenditure which is an increase of 75% from the previous year.

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During the presentation of this report last week, the Auditor-

-General said, and I quote: “Despite his office’s constant and insistent advice and caution to those charged with governance and oversight about administrative lapses since 2013, their counsel has largely not been heeded”.

Deputy Speaker, notwithstanding the fact that legislation such as the Prevention and Combating of Corrupt Activities Act of 2004, the Public Finance Management Act of 1999 and the Municipal Finance Management Act of 2003, the situation with regard to prudent financial management still leaves a lot to be desired and this untenable situation cannot be allowed to continue under our watch.

Unlike in the case of the Public Protector, the Public Audit Act does not empower the Auditor-General to make recommendations with remedial actions that are binding, as a measure to ensure that financial losses suffered by the state, through poor financial management or corruption can be recovered.

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To date, actions by auditees to recover these losses have been unsatisfactory. This is also true even with respect to the recovery or consequence management enforcement, expected from the executive authority against defaulting accounting officers.

Deputy Speaker, we believe that the continued mismanagement of taxpayers’ money can be stopped and will be stopped when immediate and harsh consequent management is meted out, regardless of the station in life of the defaulting party.

The accounting officers, directors general and management boards as the primary custodians of taxpayers’ money already have a responsibility as reflected in the Public Finance Management Act and in the Municipal Financial Management Act to prevent irregular fruitless and wasteful expenditure, or at least to recover all such unauthorised expenditure.

The amendments to the Public Audit Act that we present this morning, Deputy Speaker, are intended to empower the supreme audit institution to refer material irregularities detected during the audit to the relevant public agencies. In turn,

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these public agencies are expected to do their job and to take appropriate action against all parties guilty of financial misconduct.

Simply put hon members, the Auditor-General must facilitate or initiate forensic or other investigations that must be conducted by the relevant agencies such as the Hawks, the SA Police Service, the Public Protector, the Special Investigations Unit and others.

These law enforcement agencies will be required to regularly update the Auditor-General and also Parliament on the progress of all such investigations.

Another power granted to the Auditor-General is the authority to raise and issue a certificate of debt against all accounting officers, who are found to have acted contrary to the Public Finance Management Act and other legislation.

The certificate of debt will be issued against the accounting authority, be it the director-general, the board or the

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municipal manager to personally repay funds lost to the state through poor financial management.

On an annual basis, the Auditor-General must report all instances of certificates of debt raised to the Speaker of the National Assembly, in order to allow Parliament, during the oversight exercise of departments, to demand accountability in terms of progress with regard to repayment.

Let me also indicate, Deputy Speaker, that all individuals or entities that are issued with a certificate of debt will be granted the opportunity to make representation as to why the certificate should be withdrawn and as is usual practice, can seek a review from the courts of this land if they so wish.

Hon Deputy Speaker, it is incumbent upon Parliament and it is definitely opportune at this time, to condemn in the strongest possible terms all those who intimidate, threaten or attempt to bribe the auditor general’s employees to soften or falsify uncomplimentary audit reports. [Applause.] Ours is to ensure that the audit environment is such, that the staffs of the

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Auditor-General can do their work without fear or without favour.

With that said, my colleagues will elaborate on these and other powers within the amendments that are intended to ensure, that every cent of taxpayers’ monies is put to the best possible use, for the benefit of the entire citizenry of our country and not for the corrupted few that continue to be present within the public and the private sector.

Deputy Speaker, I take this opportunity to thank all stakeholders and interested parties that participated during the public consultation phase as we drafted these amendments. We thank the committee support staff for their diligent and professional work. Finally, I would like to personally thank members of the standing committee for their co-operation and constructive participation.

Hon members, on behalf of the Standing Committee on the Auditor-General, we humbly present this Bill for ratification and approval. I thank you. [Applause.]

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Mr A R McLOUGHLIN: Deputy Speaker, it is a novel experience for me to stand at this podium today and applaud a piece of legislation. My usual task is to level severe criticism on either the latest Division of Revenue Bill or the current Appropriations Bill. Under the circumstances, it gives me great pleasure to stand here today and announce that the DA is in full support of most of the provisions of this Bill.

The office of the Auditor-General although a Chapter 9 institution in terms of the 1996 Constitution of the Republic of South Africa, has actually been in existence for more than

100 years.

During the course of its history it has achieved an outstanding reputation for the quality and integrity of its work, both in South Africa and in many other countries where its influence and assistance have extended. It has been consistently headed up and staffed by men, and more recently, women, who have been amongst the finest members of the auditing profession in South Africa.

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At present the Auditor-General has an office in every province in South Africa, employs a total of approximately 3 500 employees, about 1 200 of whom are audit employees and registered audit professionals and approximately 1 300 of whom are in the process of training to become chartered accountants, CAs, or registered audit professionals. The Auditor-General’s office is responsible for conducting audits of almost 1 000 auditors every year.

During the course of these audits those involved often come across information that would be clear evidence of corruption, fraud and collusion and many and various attempts to hide such activities from the authorities.

Such information has, in the past been brought to the attention of the senior management of the relevant auditees in the hope that the necessary remedial action would be taken.

However, it has, since 2011, become an ever increasing frustration for the AG**’s** staff to report the same misdemeanours to the relevant management year after year without any visible or ascertainable attempt by that Management to rectify or curb the discovered malfeasances

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which not only remain but increase. The evidence of this is to be found in the most recent report tabled by the auditor- general on his audit findings on municipalities.

The auditor-general states, and I quote, that “the latest municipal results indicate that the AG’s audit counsel in the previous year has largely not been implemented, at best, or totally ignored, at worst, as the audit outcomes reflect the very state of governance he had painstakingly cautioned against.

About two years ago the members of the Standing Committee on the Auditor-General collectively took note of this situation and, under the able leadership of its Chairperson, the hon Vincent Smith, decided that something needed to be done. That something, involved much work and many meetings and the result is embodied in the Bill before the House today.

This Bill will effectively achieve five main objectives. Firstly, the Bill empowers the auditor-general to refer any suspected material irregularities discovered during an audit directly to a relevant public body for investigation and,

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where appropriate, the institution of legal action against the perpetrators.

Secondly, should accounting officers or accounting authorities of auditees, fail to implement the AG’s recommendations relating to any material irregularity within the time frame stipulated, such accounting officers or authorities render themselves liable for remedial action.

In cases where a financial loss to the state is sustained, the Accounting Officer or Authority will be directed to recover the losses from the responsible persons. If this does not happen the AG may issue a certificate of debt requiring the Accounting Officer or Accounting Authority to themselves repay the sum concerned to the state.

Thirdly, the AG is empowered to conduct performance audits and conduct audits of certain international bodies and associations. Fourthly, the AG’s office will establish a remuneration committee which will, through consultation with other relevant stakeholders, ensure that employees of the AG are remunerated in line with the South African Auditors

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profession in general; and Fifthly, the AG will, in future, be able to recover any unpaid audit fees due by state entities, directly from the National Fiscus**,** and cede these debts to the National Treasury for collection. This is to enable the AG’s office to focus on its core function rather than having to play the role of a debt collector, which is tedious and time- consuming.

The implementation of the new powers granted to the auditor- general in terms of this Bill will involve a financial burden on the state. For the first year of operation the cost is estimated at R34 million and in each subsequent year the AG will have to submit a request for funding through the normal budgetary channels.

While the DA supports this Bill, I feel it necessary to emphasise that, if it were not for the actions of the ANC-led government failing to take action against those in its ranks who serve only self-interest, the introduction of this Bill would not have been necessary in the first place.

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Most of those non-performing and poorly performing municipalities referred to in the AG’s report should have been placed under Administration by their relevant provinces in terms of Section 139 of the Constitution years ago. The ANC’s reluctance to take any steps to hold offenders accountable or to ensure that breaches of the provisions of the Public Finance Management Act, PFMA, or the Municipal Finance Management Act, MFMA, were met with suitable and serious consequences can only be attributed to a fear of reprisals, either in the form of a loss of votes or a loss of indirect financial support or, perhaps personal attacks from aggrieved cadres who may lose their sources of income in the process.

It recently came to my attention that Eskom, for example, had budgeted a sum of R72 million for office chairs; R72 million for office chairs? This sum had been allowed by Treasury.

However, when Eskom attempted to increase its budget request to R240 million for office chairs, the request was, rightly, turned down by Treasury.

I queried this budget line. A decent office chair costs in the region of R2 000; R72 million would therefore buy 36 000

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office chairs! They only have 45 000 employees in all and I cannot believe that 80% of them all need a new chair in 2018. This doesn’t even take into account the 120 O00 chairs that Eskom were apparently hoping to buy with the R240 million requested.

That would equate to 2 and a half chairs each! Really! My olfactory organs detected the presence of a huge odious and decaying rodent!

The only explanation offered by the Eskom delegation for this request was that they were hoping to have effected some office upgrades. Well, Deputy Speaker, I don't know whether you believe that or not. I certainly do not! However, I do know that there is a general election looming and that the ruling party is in dire need of funding. I say, “Thank God for Auditors!”

In contrast, the DA takes the information received from the AG seriously. We cannot claim to be a party of honesty and integrity if we do not show ourselves to be so, even when to do so flies in the face of public opinion.

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We have felt in instances compelled to take remedial action against specific members of our party in order to protect the integrity of the party as a whole. To those of our critics who predict a rift in the party or dissent in the ranks, I am sorry to disappoint you. All is well in the DA. All you are seeing is us preparing for an election. the result of some necessary house cleaning. There is no impending split in the DA.

The DA supports the Public Audit Amendment Bill and wishes to thank all those hard-working and dedicated individuals who had a hand in crafting this piece of legislation. We trust that the office of the auditor-general will now become the power for the promotion and protection of democracy that it was always intended to be. I thank you. [Applause.]

Mr M N PAULSEN: Deputy Speaker, most of the people on this side are probably involved in all that wholesale looting. The EFF supports the Public Audit Amendment Bill because an Auditor-General, AG, which has the necessary legislative power to refer irregularities to the police, the Hawks and other law

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enforcement bodies including the Public Protector, is long overdue.

For the longest time, we have witnessed the ANC in national, provincial and local government collapse all administrative and governance capacity deliberately to allow for wholesale looting. We have witnessed how billions were stolen at Electricity Supply Commission, Eskom, South African Airways, SAA, Denel, Passenger Rail Agency of South Africa, PRASA and other state-owned entities while the AG continued to issue reports which did not translate to accountability or recovery of stolen monies.

The looting in municipalities has left many councils bankrupt, unable to pay for bulk purchase of water and electricity, yet the AG issued warnings year in year out. The ANC continue to undermine AG’s recommendations. We have all municipalities in the Free State where the state of finance has collapsed completely and the AG has recommended that these councils must be placed under administration.

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However, the ANC has not done so, instead, section 100 is used in certain provinces for the purposes of settling internal ANC factional squabbles and I agree with the chairperson, hon Smith that yes, we should save every cent but more importantly I think we shouldn’t have thieves that steal our money and also public representatives that protect them.

We have auditors in Ekurhuleni Metro threatened and chased away like dogs during an audit, but the ANC because of its cowardice pretend like this did not happen.

We have majority of municipalities, of whom 86% according to AG do not comply with key legislation. How then do we expect residents to continue to pay these municipalities and we continue to give them money through the Division of Revenue Act, when we know for a fact that they cannot account on how they spend public money?

The National Treasury, despite constitutional powers to safeguard public money, has failed to arrest culprits for wrong condonations, deviations, accruals and illegal virements.

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While we support the Public Audit Amendment Bill, we recognise that this is only the beginning. We should actually go after those that steal taxpayer’s money.

The state must build internal capacity across the all state levels, departments, state owned entities and institutions such as AG, Public Protector, Human Rights Commission that supports our democracy.

The AG must have its own capacity to conduct all audits in government and not reply on the corrupt and immoral audit companies such as KMPG. Let them audit each other with their corruption in the private sector, but let’s build capacity of the AG, attract talented young and black people in particular and women, by paying them well, create conducive work environment and protect taxpayer’s money. Thank you very much.

Mr N SINGH: Deputy Speaker, it is strikes that unauthorised and wasteful expenditure in our departments is crippling the state and lane waste to basic service delivery.

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Today we consider watershed amendments to the public audit act which deals with consequence management not that mechanism have not been in place. Hon Smith referred to the PFMA, MFMA AND Prevention Combating of Corruption Act but these were not implemented and that is a biggest fault of this government.

We have beautiful legislation and beautiful Constitution but we don’t implement when we need to. These amendments that we considered today put in place measures to recover loses to the state and to refer fraud to law enforcement agencies and we hope that when the law enforcement agencies concludes their findings that many of this people who are found guilty of fraudulent transactions are put behind bars. They must go to prison.

This Act is significant moving forward but it is ironic that the most substantial and unwarranted objections when we had our public hearings came from municipalities, particularly on the constitutionality of the Bill and surprisingly the biggest objection came from legal advisors from EThekwini and it is no wonder that they chased away audit staff from EThekwini who were conducting audit. It is no wonder that there are reports

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on the weekend papers of alleged fraud which might be instigated by the Mayor herself. So, we would like the ANC to investigate this and if there is any hint of any fraud by the Mayor, then she should be suspended until those investigations are concluded. That will be good governance we will see.

We dealt in this Bill with the issue of distress audities. Now this distress audities are audtities who can’t pay the Bill and most of them are municipalities and some of them are small entities and we can understand but most of them are municipalities and we can’t understand why municipalities can’t pay their audit fees because they budget for them. They have those Budget accepted but when it comes to time for payment they don’t have the money. It is because they use the money on unnecessary expenditure. They even use conditional grants to pay things like salaries and this is something that we shouldn’t allow.

I just want to follow on hon McLoughlin; he made a very important point and something that we as South African need to do. In some of the other countries like New Zealand, Canada, etc. they don’t do regularity financial audits because the

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books are in order and what they do is value for money audit and that is what we should be moving to. How can they pay R72 000 for hair? We need to find out how we have paid for this bottle of water, was it R50 or R60? All what the auditor

does is to check the invoice and if there is three quotations, fine well and good.

Finally, we want to thank the Chief Justice for raising this matter on the powers of the Auditor-General when he spoke at the Conference of African Auditors and he lightens the power of AG to that of the Public Protector. So, thank you Chief Justice. We support this amendment. Thank you.

The DEPUTY SPEAKER: Hon Singh, you must make my job to audit your time a pleasurable one.

Mr A M SHAIK EMAM: Deputy Speaker, the NFP supports the report on the Auditors-General, AG, tabled here on the Public Audit Amendment Bill.

Allow me to start of by saying that I think this is long overdue and particularly let me add that given the fact that

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in the last week, we have heard media reports of the serious challenges at local level in terms of the municipalities. I think the EThekwini Municipality is one such example.

Yes, if you want to know about Cape Town, Kannaland, Oudtshoorn, George, is where they manipulate the books, so I hope the AG looks very seriously to that and I think hon Singh was saying is correct that is whether you are getting value for money. You tell the auditors and the book keepers what you want to tell them, so, it doesn’t mean that if you got the clean or an unqualified audit that it is indeed unqualified.

Clearly, it is not if you know how to manipulate the books of course you will get unqualified audit year in and year out.

The is generally the problem but let me also add and I must agree with my colleague, hon McLoughlin that yes, the office of the AG is over hundred years old and it is true but I want to remind you about something that this corruption with regards to the AG started long before 1994 and I am going to give one good example where the then Prime Minister gave strict instructions to the AG not to look at certain transactions. Now, please go back and read all that and you

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know what I am talking about. So, that is where the issue with regard to corruption and bribing the offices of the AG started.

What we are doing here today, is to try and close those gaps to ensure that we have clean audit and that people perform adequately and correctly in order to save the taxpayer’s money. No, you know I hope the AG is going to audit your books because you have been stealing R60 million every year with regard to the office’s constituency officer. Now, I don’t know what you are showing because you don’t have constituency offices and staff there. So, I hope the AG is going to pick up that as well. So, for me, it is a serious problem but we want to add something while we appreciate and value the amendment to this Bill, it will be of no value if there is going to be no consequences for those that have breached this and that is the problem we seem to be having year in and year out. The very same people repeat offenders are continuously in those jobs and going on about their businesses as usual while disobeying and stealing the monies of the taxpayer’s and nothing happen to them.

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I think we need to also engage with the labour union, the Department of Labour and things because people hide behind the law when you find them guilty, they want to take you through to court and you can do very little about it and for years you have to continue paying them even when they are under suspension. So, we need to look at these things holistically but the NFP supports this amendment here today. Thank you very much. [Time Expired.]

The DEPUTY SPEAKER: Hon members, join me in welcoming the pupils and other people in the gallery. Welcome to Parliament. [Applause.]

Mrs C N MAJEKE: Hon Deputy Speaker, hon members, our guests in the gallery, the UDM supports this Bill.

On the 23rd of May, the Auditor-General, AG, released the 2016-17 municipal audit outcomes with a theme: Accountability continues to fail in local government.

In 2013, when the 2011-12 municipal audit outcomes were released, the AG highlighted, amongst others, a lack of

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decisive leadership to address ... and accountability by ensuring consequences against those who flouted basic processes that were hampered by municipal governance.

The Bill we are debating today gives more powers to the AG to enforce accountability by, amongst others, issuing a certificate to the debtor and referring the matter to the relevant body for execution. This will go a long way to enforce consequence management of all public institutions.

For years the AG has pointed out the basic things that public institutions should do to achieve position audit outcomes.

However, it looks like these are deliberately ignored as audit outcomes regressed and irregular expenditure is on the rise.

The Bill must be able to assist those in leadership to show the required interest to do better with public finances.

Simple actions aimed at improving internal control systems, and to eliminate governance risks and other concerns must be implemented with relentless vigour. The aim must be to improve governance and service delivery by putting people first. We support the Bill. I thank you.

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Mr W W WESSELS: Hon Deputy Speaker, the FF Plus supports the amendment Bill. Upon implementation of these amendments we will find many accounting officers indebted to the state. One of the biggest reasons for the high levels of corruption, mismanagement and misconduct which plague government departments, entities and, especially municipalities, is the lack of consequences for officials who transgress.

An important amendment is the addition of the definition of material irregularity, which states that, a material irregularity means any noncompliance with or contravention of legislation, fraud, theft or breach of fiduciary duty identified during an audit that resulted in or is likely to result in a material financial loss or the loss of a material public resource or substantial harm to a public-sector institution or the general public.

This can actually also be stated as the definition of the management of most of our municipalities in South Africa. To combat financial mismanagement, the amendment Bill is a step in the right direction, but if other legislation, such as the Municipal Finance Management Act, MFMA, and the Public Finance

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Management Act, PFMA, were adhered to, these amendments would not have been necessary. If the political will existed, it would not have been necessary for the AG to fulfil the function of ensuring consequences for transgressions. One example is article 32(7) of the MFMA which provides that a municipal council must take all reasonable steps to ensure that cases are reported to the police where irregular expenditure constitutes criminal offences. But this has not been done since the MFMA came into existence.

The need for this amendment Bill is not an achievement but an indictment against the ruling party for neglecting the implementation of legislation, for not instilling consequence management and for allowing the levels of irregular, fruitless and wasteful expenditure and corruption to reach the high levels where it is now. Money is being lost and services are not being delivered. We are not getting value for money. This Act will be a step in the right direction but we need the political will to implement legislation, to adhere to legislation and to actually answer to the plight of the people out there, to provide services, value for money and to enact responsible governance. I thank you.

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Ms D CARTER: Deputy Speaker, the Bill is a tale of two stories

— one of bad, corrupt and failed governance; and the other, of responsible governance in an attempt to plug the gaps, and to stop the cesspool of corruption and greed from breaking through the dykes.

The difference between good and bad governance is the adherence to a set of values, including the values of the rule of law, transparency and accountability.

Our constitutional order is based on the supremacy of our Constitution and the rule of law. It provides that conduct that is inconsistent with it, that is with the Constitution and its values, is invalid and that the obligations imposed by it must be fulfilled.

Our Constitution is a recipe for good governance. It provides, for example in chapter 3, that all spheres of government and all organs of state within each sphere must provide effective, transparent, accountable and coherent government for the Republic as a whole, and be loyal to the Constitution, the

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Republic and its people — the very principles of good governance.

The point is that if the leadership of all the organs of our state were ethical and responsible leaders who respected and gave effect to the values of governance set out in our Constitution — such as that of accountability and the complementary need for consequence management — then there would be no need to consider amending the Public Audit Act to give the AG teeth and the authority to ensure that those who have done wrong are held accountable and face the consequences of their ill-gotten, corrupt and criminal actions, instead of being protected by their criminal and mafia-like political elite with whom they loot and plunder the state in a symbiotic gluttonous relationship.

Local government, which is near collapse and which probably represents the greatest threat to our democratic order, is a point in case. Here is the MFMA and here are the regulations. This is a classical example of over-regulation; of trying to plug the gaps to ensure accountability. Many of these

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regulations tie up, strangle and choke responsible administrations in knots of bureaucracy.

In order to stop the rot, we must now amend the Public Audit Act to give the AG the teeth and the power to take remedial action, to ensure that losses suffered by the state are, where possible, recovered, as well as to refer certain suspected material irregularities for investigation.

I recall that as far back as 2014 Cope made a plea in this House that the AG could no longer afford to be a Chihuahua but that we needed it to be transformed into a Pit Bull Terrier.

It would be remiss of us not to thank and congratulate the select committee under the chairmanship of hon Vincent Smith, for their hard work and dedication to ensure that the AG is empowered.

Finally, we condemn the harassment, threats and intimidation of the staff of the AG in carrying out their duties. I thank you.

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Ms R C ADAMS: Hon Deputy Speaker, hon Ministers, and Deputy Ministers, hon members, good morning. Hon Deputy Speaker, I would like to take this opportunity to join hands with my colleagues in supporting the Public Audit Amendment Bill B13 of 2018 of the Public Audit Act, Act 25 of 2004, as tabled by the Chairperson of the Standing Committee on Auditor-General.

Hon Deputy Speaker, let me from the onset indicate that the report on this Bill has been unanimously adopted by the Standing Committee on Auditor-General. Most importantly, hon Deputy Speaker, we support the object of this Bill subsection 1(a) as to provide for the Auditor-General to refer suspected material irregularities arising from an audit performed under the Public Audit Act to a relevant public body for investigation. This Bill further empowers the Auditor-General subsection 1(b) to take appropriate remedial action to issue a certificate of debt where an accounting officer or accounting authority fails to recover losses from a responsible person and to instruct the executive authority to collect the respective debt.

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The Public Audit Amendment Bill also provides for additional reporting requirements of the Auditor-General and for defraying of certain audit fees as a direct charge against the National Revenue Fund. Hon Deputy Speaker, subsection 1(a) of this Bill is leveraged with Resolution 3.137 of the 54th National Conference of the ANC, which resolve that corruption should be reported to law enforcement agencies and it must be compulsory in the public sector. The review of this Act also complements Resolution 3.7.2.3 of the 54th National Conference of the ANC, which requires that Parliament must review the resolutions, policies and laws regarding the accountability and reporting of the public institutions. Hon Deputy Speaker, more capacity is required for the Auditor-General to deal with remedial action and the capacity can only be effective if it is included in the legislations and empowers the Auditor- General. Therefore, the audit responsibilities of the Auditor- General are meant to be supreme and independent, subject only to the law and the Constitution.

Hon Deputy Speaker, let me conclude by emphasising section 65 of the Constitution and that it empowers Parliament to perform oversight of the public institutions and the state-owned

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enterprises, SOEs. Therefore, the additional powers of the Auditor-General to take remedial action will impact positively in the oversight role of Parliament and in ensuring that there is accountability due to the fact that Parliament relies more on the reports of the Auditor-General. Thank you. [Applause.]

Ms Z S DLAMINI-DUBAZANA: Hon Deputy Speaker, hon members, hon Ministers, hon Deputy Ministers, hon Deputy Ministers, visitors and the youth there, hello. Hon Deputy Speaker, we are happy as the ANC that all the parties, especially the members of the Standing Committee on Auditor-General do support the Bill. However, there are some perceptions that we need to clarify as the ANC, that the amendment of the Bill was not based on how the ANC has performed on this term from 1994 to date. If you look at that, then you lose the main focus of why the Bill was then amended. This Bill was initiated by the committee and we had very good reasons to do that. The main reasons for really looking at the amendments, amongst others, firstly, were some definitions which were causing some ambiguousness and we had to deal with them. We were to ensure that there were certain discretions that are being used by the Auditor-General on some institutions, where he saw that as he

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performs the work of audit in these institutions, there wasn’t much money that he gets.

Remember that our Auditor-General actually generate his own revenue from running the business of auditing, such as those institutions like the museum, libraries ... Then through the Bill, we were empowering the Auditor-General to use the discretion. Irrespective of that, it should be included in the Bill that he should be able to do audits in the international institutions and association. What I am trying to clarify here is that hon Deputy Speaker ...

*IsiZulu*:

... thina singu-ANC siyabonga, sibonga kakhulu ukuthi lo Mthethosivivinywa sivumelene ngawo sonke singamalungu aleliya komidi. Abanye ke manje sebe sesimweni sokhetho esingalungile sokuthi beme lapha bezoziqhayisa [grandstanding] basho izinto ezingekho ukuthi noko lo Mthethosivivinywa siwuchibiyele ngoba bekukhona ukuntshontsha okukhulu obukade benziwa yi-ANC.

*English*:

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Now, if anybody in the opposition - especially the DA, assumes that, then take the people to jail, make indictment and take them to court. There are institutions to deal with that rather than to come here and argue about those things.

Secondly, the issue is about what happened in Durban where the staff of the Auditor-General was removed. In that case, we are also saying as the ANC, let the court take its own time. Let the investigation be done, but other than that, we really say thank you and thank you to the Chair of this committee, Mr Vincent for his stewardship and thank you to the hon members and the Office of the Auditor-General up there. In the fifth term, as this committee, we are very proud that we are going to leave a very good legacy of the good oversight mechanism instrument. I thank you, hon Deputy Speaker. [Applause.]

The DEPUTY SPEAKER: Hon members, that concludes the debate. Are there any objections to the Bill being read a second time? No objections, agreed to. The Bill will be sent to the NCOP for concurrence. Chief Whip, thank you for your small heckle, it triggered my memory.

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Debate concluded.

Bill read a second time.

# LIVE THE LEGACY: TOWARDS A SOCIOECONOMICALLY EMPOWERED YOUTH

*IsiNdebele*:

Nom G J SKOSANA: Asithokoze Mhlonitjhwa Sekela Somlomo, amalunga ahloniphekileko weNdlu, iintatanyiswa ezikhona nama Sewula Afrika woke, lotjhani emini.

*English:*

Hon Deputy Speaker, we are holding this youth debate just 17 days before 16 June wherein we will be commemorating 42 years of that historic day of June 16 1976. Indeed as a nation we have to value the contribution of young people in our struggle. We are also holding this debate just three days after we have laid to rest a veteran photographer who is well- known for his historic photo that he took on 16 June 1976 in Soweto. Speaking at his funeral during the past weekend, the Deputy President, hon David Mabuza, had this to say:

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Mr Sam Zima immortalised an 18-year-old, Mbuyisa Makhubo, carrying a lifeless body of young Hector Petersen. To this day this iconic photo remains a reminder of our past and a reminder of our history. It became an emotive historic feature that forever defines how the June 16 1976 narrative was told here at home and in the world at large.

This year marks 65 years since the Bantu Education Act was introduced, which effectively deprived generations of black South Africans of quality education and skills and consigning them to grinding poverty. It is no surprise that the apartheid Minister of native affairs Hendrik Verwoerd said, and I quote:

Blacks should never be shown the greener pastures of education. They should know that their station in life is to be hewers of wood and drawers of water.

This statement alone displays how the apartheid government understood that education is indeed a liberator and deliberately and systematically denied this for black people in order to disempowered and effectively exclude them from

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playing part in the economy. In the words of our struggle icon, President Madiba – Dalibunga – said, and I quote:

Poverty is not an accident like slavery and apartheid. It is manmade and can be removed by the action of human beings. [Applause.]

Hon members, the socioeconomic inequalities of our country run deep and were entrenched by the distortion created by the apartheid regime in our education and training system. Indeed this is not as a result of an accident. It is a fact of history, and we will not shy away from it. This has negatively affected the development of our society. It has determined who has access to quality education and who can access the economy. The ANC has played a pivotal role in correcting the ills of the past and has concerted its efforts in breaking the bondages which connect our society from the legacy of apartheid. The ANC, through the Freedom Charter, declared that doors of learning and culture shall be open; education shall be free and compulsory; and higher education and technical training shall be open to all by means of state allowances and scholarships awarded on the basis of merit.

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Fellow citizens, education is a basic human right and has been made an apex priority by the ANC. Juxtaposed with the thinking of Verwoerd and other constructors and supporters of apartheid, the ANC, in its *Ready to Govern* document said:

The goals which we have set cannot be achieved unless all people are empowered through education and training. For active involvement as citizens in the democratic process and as workers in the economy, we believe that education and training is a basic human right and that all individuals should have access to lifelong education and training irrespective of race, class, gender, creed, age, sexual orientation and physical or mental disability.

For us education is pivotal to economic prosperity assisting South Africans to escape the poverty trap characterising many of our communities. It has also to reach beyond economic goals enabling South Africans to improve the quality of their lives and contribute to a peaceful, concerned and democratic nation.

In true “thuma mina spirit”, the ANC committed to strengthening measures to improve access to higher education

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with the ultimate goal of achieving free higher education to the poor and the missing middle.

The ANC-led government, since it took power in 1994, has ensured that students coming from poor families with an annual gross income of R122 000 are provided with financial aid through loans and bursaries in order to access both university, technical and vocational education and training institutions. Funding allocation to support student financial aid increased from R21 million in 1991 during the time of Tertiary Education Fund for South Africa, Tefsa, to

R23,7 billion in 2018-19.

In line with the resolutions of the ANC’s 52nd and 53rd national conferences, the ANC government has ensured that it accelerates the implementation of a new financial support model to ensure that academically capable, poor, working class and middle class students are supported to access higher education and receive fully subsidised free higher education and training. [Applause.] In order to achieve its intended access and success rates, fully subsidised cost of study would include tuition fees, accommodation, meals, transport,

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essential study material or learning resources and a stipend to cover meals and other essential living needs.

*IsiNdebele*:

Kwamabala, siyaraga.

*English:*

Cheers. [Applause.]

Hon members, in line with the commitment of expanding college infrastructure as spelled out in the ANC 2014 national election manifesto, the ANC-led government has seen the need to roll out nine new and two refurbished colleges. In moving towards achieving the National Development Plan, NDP, 2030, additional funding of R2,585 billion was availed for bursaries to fund children from poor and working class families entering technical and vocational education and training, Tvet, colleges. Government has over the past 13 years invested

R16 billion in the development and building of student accommodation, including the construction of the Universities of Mpumalanga and that of the Northern Cape. In terms of the this year’s national budget as presented by the Minister of

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Finance, the largest reallocation of resources toward government’s priorities was on Higher Education and Training, amounting to funding of R57 billion over the medium-term. The ANC-led government is proud to implement this major step forward towards our goal of guaranteeing access to higher education and training for South Africans. This is a deliberate action on the part of the ANC to turn things around.

*IsiNdebele*:

Kwamambala, siya raga, siyaphambili.

*English:*

Fellow citizens, despite the challenges, we take pride in the great strides which we have taken since governing. Remarkably, in 2014 – just after 20 years since the dawn of democracy – adult literacy had already improved from below 70% to 93%. The matric pass rate was 75,8% in 2014, up markedly from 53,4% in 1994. Of the learners who passed in that year of 2014, 79% of them were African, 8% Coloured, 4% Indian and 9% White, representing a significant shift in the number of successful black matriculates since 1994.

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In 2012, 82% of enrolments in universities were black, comprising 70% Africans, 6% Coloured and 6% Indians, with 18% being White. In 1995, only 50% were African while 38% were White, 6% Coloured and 6% Indian.

*IsiNdebele*:

Kwamambala, siya raga, siyaphambili.

*English:*

The ANC in its policies has consistently committed to an integrated education and training system that, amongst other things, pursues skills development as a tool to develop our people and contribute to the economic development of our country. This system is one that has assessed and recognised prior learning and skills acquired through experience. In this regard, we speak of the recognition of prior learning and the artisan recognition of prior learning. Education and skills are fundamental requirements for creating a prosperous society. Economic development requires various skills, and South Africa needs more artisans. That is why we encourage the youth to look beyond our universities and into Tvet colleges.

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The ANC should be commended for ensuring that financial need is no longer a barrier for accessing education and training opportunities. Despite other competing social needs, the ANC- led government has reaffirmed its commitment to provide fee- free education to students coming from poor and working class households with an annual gross income of up to R350 000.

*IsiNdebele*:

Kwamambala, siya raga, siyaphambili.

*English:*

Hon members, we wish to remind our country and citizens that it is the ANC-led government that commissioned a study in March 2012 through the Department of Higher Education and Training to investigate and advise of the feasibility of making university fee-free for the poor in South Africa. It is the ANC that resolved during its 53rd elective conference in Mangaung in 2012 to implement fee-free higher education for South Africa. Therefore, this is and has been the ANC policy to implement free education to the poor. Educating the children of the poor and working class is our policy and we are implementing our policy.

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*IsiNdebele*:

Sithokoza khulu kwamabala, Sihlalo. [Iwahlo.]

Mr Y CASSIM: Hon Chairperson, the DA is committed to building One South Africa for all. It is a mission inextricably linked to the socioeconomic empowerment of young South Africans, the majority of whom have been dealt a raw deal.

This, fellow South Africans, is a historic mission.

As young South Africans, we are not born equal - far from it. The circumstances of our birth continue to determine the social conditions that we grow up in and the opportunities that we will ever live to access.

By design of the apartheid regime, if you are white, yours is most likely a life of freedom and opportunity, if you have the misfortune of being born poor and black, the reality is entirely different.

You will immediately be part of the 55% of South Africans living under the poverty line, decent healthcare and safety

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will evade you, you will likely be one of the 50% of grade 1 pupils who never live to write a matric examination. Most certainly you would be one of the 80% of children who would receive an education that today, under this government, is considered among the very worst in the world — an education that will consign you to a lifetime of poverty.

It is no coincidence whatsoever that a black child in South Africa is still 100 times more likely to grow up in poverty than a white child, that 93% of those in poverty are black South Africans who make up 79% of our population, that 27,9% of black South Africans are unemployed and that white households on average earn six times more than black households.

According to a Statistics SA report, the first 1 O00 days in a child’s life could hold the key to unlocking his or her life potential. By the age of five, almost 90 percent of a child’s brain will be developed. These are the formative years where factors such as adequate healthcare, good nutrition, good quality childcare and nurturing, a clean and safe environment, early learning and stimulation will, to a large extent,

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influence his or her future as an adult. It also states that the development of a child begins as early as the start of a woman’s pregnancy with good nutrition and medical care for the mother being essential in order for her to deliver a healthy child.

Fellow South Africans, with a history of separate development, building One South Africa for all, starts with ensuring that every child, from their conception, has the same opportunity to succeed. The advancement of socioeconomic empowerment for those dealt a raw deal is not a zero-sum game. It does not necessitate the disadvantaging of one race in order to advantage another.

What is needed are stable, well run governments focused on delivering world class social necessities to South Africans deprived of them and ensuring equality of opportunity - this how one goes about building a fair society. A pregnant mother must have access to the necessary nutrition and medical care so as to not disadvantage her child even before is born.

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She should then have access to a child support grant, at the very least in line with the child poverty line, as was proposed by the DA and rejected by the ANC in the appropriations committee, so as not to stunt her child’s development.

Her community should be safe and clean, backed by a competent local government unlike the over 60% of municipalities described as dysfunctional by the Auditor-General. Her child should have access to a school with decent infrastructure, a reality not helped by the ANC government cutting the school infrastructure budget by R7,2 billion. The school should have teachers with the necessary qualifications, who are held accountable through competency tests and a national education inspectorate.

The same child should go through schooling on the same footing as every other child, in a school disincentivised from culling, like we do in the Western Cape, with the prospect of matriculating and accessing a free year of skills training as proposed by the DA. He or she should then be able to access higher education whether they can afford it or not or use

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their skill to gain employment or start a business backed by government subsidised mentorship and start-up capital facilitated through an opportunity centre.

Fellow South Africans the struggle for a fair society, one where every child has equality of opportunity in one South Africa for all is a struggle that will make or break our nation. There is an African proverb that reads: “A child who is not embraced by the village will burn it down to feel its warmth.” I put it to you that every child born into a raw deal undermines the very essence of our freedom and democracy.

Thank you. [Applause.]

*IsiZulu:*

Nk M KHAWULA: Ninomona ngoba ngisasemusha ngineminyaka engu-

16. [Uhleko.] Isihloko sanamhlanje simayelana nokufukula abantu abasha kwezomnotho. Kuyihlazo ukuthi emva kweminyaka engu-42 saba nesiteleka esiyinqophamlando sika-1976 e-Soweto. Namanje abantu abasha basathwele kanzima ngalolu hlobo. Ngo- 2014 mhla kusungulwa imali yokwelekelela intsha i-DA ne-ANC babejabule sengathi kukhulu okuzozuzwa abantu abasha kodwa thina njenge-EFF sasazi ukuthi akukho lutho okuzozuzwa yintsha

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Namhlanje, emva kweminyaka emine isibalo sabantu abasha abangasebenzi senyuke kakhulu. Abantu abasha abangasebenzi balinganiselwa ku-52%. Namanje uHulumeni usafaka iziphakamiso ezifanayo nalezi ezike zabakhona phambilini zajika zangasiza. Ayikho indlela uHulumeni aqinisekisa ngayo ukuthi abantu abasha bayavikeleka ekuxhashazweni ngabaqashi ezindaweni abasebenza kuzo. Sithi siyi-EFF umhlaba awubuyele ezandleni zabantu bakithi bese kuthi izimayini zingene ngaphansi kukaHulumeni ukuze kudaleke amathuba emisebenzi. Ezokumbiwa phansi mazibe ngaphansi kukaHulumeni ukuze uHulumeni asungule izinkampani nezimayini ezizoqasha abantu bakithi ubaholele ngendlela ikakhulukazi intsha. Uma sesizibambele thina njengezwe kwezezimayini zizokwazi ukwakha izimboni ... [Ubuwelewele.]

*English:*

AN HON MEMBER: Order Chair! Order Chair!

*IsiZulu:*

Nk M S KHAWULA: ... amaningi azoqoqa labantu abasha abagcwele imigwaqo ngenxa yokungatholi imisebenzi.

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*English:*

AN HON MEMBER: Order Chair!

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

*IsiZulu:*

Nk M S KHAWULA: Lokho kuyothuthukisa isizwe ...have uphapha wena heyi. [Ubuwelewele.]

*English:*

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Khawula, can you take your seat please. Please take your seat.

*IsiZulu:*

Nk M S KHAWULA: Wena ufuna ingqindi wena. [Ubuwelewele.]

*English:*

The HOUSE CHAIRPERSON (Mr C T Frolick): Please take your seat. [Interjections.] Hon member why are you rising?

Mr G S RADEBE: Hon Chairperson, on a point of order: Can you just correct hon Mam’Khawula ... [Interjections.]

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

Mr G S RADEBE: My point of order to Mam’Khawula was that I wanted to ask her a question ... [Interjections.] but now she has just insulted me.

The HOUSE CHAIRPERSON (Mr C T Frolick): No! Hon member, no, you are now out of order. You must tell me if ... why you wanted to ask ...

Mr G S RADEBE: But before she sat down Chair she insulted me.

The HOUSE CHAIRPERSON (Mr C T Frolick): Do you want her to answer a question from you or not?

Mr G S RADEBE: Can she answer a question Chair?

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, are you prepaid to answer a question.

*IsiZulu:*

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Nk M S KHAWULA: Hayi! Uyangiphaphela lona. [Ubuwelewele.]

*English:*

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat hon member. [Interjections.]

Mr G S RADEBE: But Chair that is not parliamentary. [Interjections.]

*IsiZulu:*

Nk M S KHAWULA: Kodwa enye yezinto eyenza kushode ... [Ubuwelewele.]

*English:*

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

Mr G S RADEBE: That is not parliamentary.

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

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*IsiZulu:*

Nk M S KHAWULA: ... noma kulahleke imisebenzi wukuthi imikhiqizo eminingi ilandwa emazweni ngaphandle kunoma ikhiqizwe lana bayilanda ngaphandle njengezinto eziningi nje Uma nibheka ngisho izingubo ezigqokwayo la eNingizimu Afrika zonke ziqhamuka ngaphandle ngisho nefenisha engabe intsha yakithi la iyafundiswa ukuthi izenzeele yona, kulandwa ngaphandle. Noma sekuqashwa kwenziwa isiqiniseko ukuthi abantu abasha abaqashwa. Yikomasipala abantu bakithi abaqashwa, uyoze uqashwe ngoba waziwa. Yingakho ubona izwe lakithi intsha isize yangena kwizidakamizwa. Uhulumeni okhona ukhohliwe ngabantu abasha ukuthi babamba iqhaza elikhulu ngo-1976 bezabalazela leli lizwe. Kuyimanje babakhohlwe nya kodwa sithi thina

njenge-EFF, woza 2019, sizonikhombisa ukuthi kuholwa kanjani, kuqashwa kanjani. Izimayini lezi enimatasa nizithatha niziyisa ngaphandle.

Futhi nina ninomkhuba omubi wokuthi intsha uma kufanele iqashwe ikakhulukazi nini Hulumeni ka-ANC, kufanele umuntu wesifazane aze asebenzise ubulili bakhe. Lento ibuhlungu nale yogugwaziswa. Iyenzeka komasipala. Ungangichiliza lapho kodwa iqiniso uyalazi. Uze waxoshwa le emkhandlwini weza lana

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ePhalamende ngoba yile nkohlakalo le ebeniyenza. Izindlu anibaniki, niyaqashisa ngazo niyazidayisa, lezi zigebengu lezi. [Ubuwelewele.]

*English:*

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Point of order

Chair!

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes hon member, what is the point of order?

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Chairperson, on a

point of order: My point of order is that it will be important for us to listen sometimes to what the speakers are saying because MaKhawula said ...

*IsiZulu:*

... ufuna ingqindi omunye umuntu.

*English:*

Firstly, I don’t know if you understood what that means. Secondly, MaKhawula also accuses us, as the ANC side, to say

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that women need to get jobs they have to ... I think it is important to listen because sometimes when things are said, they are just allowed to pass and they are very unparliamentary.

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you for the point of order hon Minister, we will check the Hansard.

Mr M HLENGWA: Thank you very much, hon Chair. I was just thinking as I was seated in my seat that if we were to do a straw survey right now, and just ask how many members of this House falls in the category of youth, which is 18-35, you would find that the majority of them are on the opposition benches.

Those on the government party don’t take the youth seriously. There is probably just one or two who are below 35. [Applause.] So, if you would allow me Chair we could just do a straw survey now. Those below 35 please raise your hand?

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon Hlengwa?

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Mr M HLENGWA: There you go. There you go.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Hlengwa, hon Hlengwa!

Mr M HLENGWA: Chair.

The HOUSE CHAIRPERSON (Mr CT Frolick): You are not allowed to do that. You are allowed to address the House. Can you do that please? You are completely out of order.

Mr M HLENGWA: Thank you Chair. At least now we know though that the majority of people that take the youth seriously are on the opposition benches, not on the ANC bench. [Applause.]

On the outset Chairperson, let me pay tribute to ubaba Sam Nzima who captured that historic moment for all South Africans and in particular young people to remind us of where we come from and to daily motivate us to where we are going. For us to know that our struggle was not an easy one and therefore on a daily basis it is our duty and responsibility to protect it.

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Hon Chairperson, high unemployment continues to be the ban on young people in this country with very little effort to actually grow the economy. With very little effort to get young people into jobs and the continued failure to create a conducive, enabling environment for young people to get jobs. This needs to be the priority of South Africa moving forward to make sure that youth are youth at work.

How is it possible that young people are expected to have experience when they apply for jobs, because the only way to gain experience is to get experience? So without having ever had a job how do you expect young people to have experience?

It is therefore important that moving forward we scrap the requirements for an experience on low-entry jobs to ensure that young people are able to getting into those jobs and breakdown those barriers, which inhibit them from getting jobs.

Hon Chair, let me speak about the challenges of the black child – the black youth who after university, after TVET education must go back home and pay black tax.

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It is unfortunate that it has to happen but it is the condition in which we leave under; because our parent had to bear the brutal brunt of apartheid. They have to bear the brutal brunt of inequality and oppression. So we are expected to go back home and build our homes, to support our parents. But how do we do that when we are continuously taxed.

The IFP proposes Chairperson, that for all students who come out of universities, Universities of Technology and TEVET education – for the first three years when they actually get a job, and those who earn below R500 000, must be given a tax break so that they can be able to meet the collective responsibilities that they have at home.

Chair, moving forward, let us make sure that we get young people jobs, and make sure that they make a meaningful contributions in this country. I thank you.

Mr S C MNCWABE: Thank you, Chairperson. Hon members, about 42 years ago, our youth rallied, and high school learners from all over Soweto decided to march against Afrikaans as a medium of instruction.

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However, our youth in South Africa are faced with a multitude of vastly different social, political and economic challenges today. The very high rate of youth unemployment is concerning, especially that this includes unemployed graduates as well.

Hon Chair, any society that condones such blatant exclusion of its youth from the mainstream economy is bound to head for civil strife and social upheaval.

This trend is not only unacceptable, but it is extremely dangerous for the country. South Africa is sitting on a ticking time bomb of social discontent and drastic intervention is required if we are to get a chance of building a strong nation. Drug use and abuse by our youth is another challenge we are facing.

Cannabis, heroine, nyaope and wunga is systematically tearing away at our social fabric, leading to crime, domestic violence and a general sense of despair amongst our youth.

The NFP, however, believes that drug abuse is really a symptom and not a primary cause of many South African issues, stemming

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from the socioeconomic imbalances and inequality in our society.

Hon Chair, our country and our continent is also facing a huge problem of ageing leadership. It cannot be correct that we do not have any young person in the leadership structure of the Pan African Parliament.

The all senior citizen structure’ in that institution won’t assist in paving the future for the continent. In this regard, we applaud hon Julius Malema for the vibrancy he portrayed during the seating of that Parliament. He portrayed what young African leadership can do given a chance.

The time of the old dictators who want to die in power without grooming any young leader must come to an end in this continent. [Applause.]

We urge all political parties as the NFP in this country as well as in the continent to groom young people for senior leadership positions.

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Yes, we need our senior leaders for experience, for guidance and for institutional memory, but we believe that in the process the young leadership must be groomed for the future of the continent.

Finally, the NFP wishes all the young people of our country a happy and safe youth month. Thank you.

Ms C N MAJEKE: Chairperson and hon members, the hon KwanKwa is not in the country otherwise he will be the one doing this.

The National Youth Day is marked against the reality of a country that is experiencing economic hardships with sky rocketing youth unemployment, chronic poverty and deprivation. These challenges mean that government needs to increase investment and human capital development.

In addition, to improving basic education the training systems must be transformed so that the young people can acquire relevant and quality skills that can help them to master their lives and contribute to the socioeconomic development of the country.

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For this to happen, it will amongst others require the following: Increasing investment in retaining institutions; re-orienting the curriculum to introduce practical entrepreneurship training; decentralising training to local authorities, including local artisans at village level; and linking turning institutions to the labour market for absorption.

We also need to promote youth citizenship in an inclusive manner. The number of youths that is forced to go to the street is on the rise as a result of poverty; lack of employment and loss of hope.

Chairperson, in this regard there is a need to decriminalise socially alienated street youth. They should be made to feel secure and should be facilitated to take advantage of emerging economic opportunities.

More efforts should be put in place to rehabilitate young offenders and drug addicts. This calls for a change in attitude, an outlook amongst policy makers and respect the

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activities and aspirations of young people, especially those in the streets.

We need a strategy to assist young people to be entrepreneurs and this strategy should include - not being limited to - continuously improvement of the National Youth Policy; monitoring and evaluation and improving youth access to credit; consistently providing business development service for youth and improving institutional and enterprise network.

At the core of the issues that weigh against young people is corruption; especially among those who are charged with the important task of governance. The dividends of democracy should reach all our people, more especially the youth.

The youth itself has a considerable responsibility of fighting corruption. Youth must refuse to be co-opted into this evil act against the most vulnerable sectors of our society.

Youth must expose all corrupt activities and elements from all sides of power in society in general so that their own development can be possible.

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Whilst these challenges affect all young people, female youth are significantly worse of; and special priority needs to be applied to the social cultural and political recognition they deserve.

Chairperson in conclusion, youth must work together as a social force, and as an integral part of a broader community, take lead in championing their own development, must develop their love for reading and learning to build the betterment of themselves. I thank you.

Mr W W WESSELS: Chairperson, more than half of the people in South Africa under the age of 24 are unemployed. The majority of our Grade 4 pupils are illiterate. The Progress in International Literacy Study 2016 assessed South African children last out of 50 countries – behind much poorer countries.

Only 29% of 2011 first-year students graduated, this mostly because of academic failure. Our basic education system is failing the youth. Giving free higher education will not solve the problem and will be fruitless if our basic education

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system and especially early childhood development are not put in place and there is no access to quality early childhood development and basic education. We have to focus on the future. We have to learn from history and not repeat it. We have to focus and live in the present and focus on the future.

*Afrikaans*:

Die jeug word in die steek gelaat deur die regering, want die verlede word vir alles wat verkeerd is, blameer. Daar is geen fokus op die toekoms nie. Die jeug word in verskillende kampe ingedryf, en ek stem saam met die agb lid van die EFF dat niks verander het sedert 1976 nie. Die jeug is nie vry nie, want die jeug word gyselaar gehou deur die regerende party vir sy eie politieke gewin. Daar word nie op die toekoms gefokus nie. Daar word nie gekyk hoe die jeug werklik ’n bydra kan lewer nie. Daar word nie gefokus op basiese onderrig nie. Daar word nie gefokus op moedertaalonderrig nie. Daar word slegs gefokus op korttermyn politieke gewin. Die jeug is gyselaar van die ANC se wanbestuur, sy verkeerde politieke prioriteite, en sy swak politieke wil.

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Aan die einde van die dag het die jeug ’n bydra om te lewer – swart en wit. Die jeug kan van Suid-Afrika ’n baie beter plek maak as die jeug in staat gestel word om dit te doen. Hou op met korttermyn politiekery en aanvaar dat die jeug ’n bydra kan lewer. Ons hoor in hierdie Huis gereeld hoe daar totaal en al gediskrimineer word teen jong lede van hierdie Huis.

*English*:

Ageism is rife in this House. Then the ANC, the ruling party, tries to convince us they are serious about the youth and youth empowerment. They are not. They should start speaking what they are speaking out there in this House as well. I thank you.

Mr W M MADISHA: Chairperson, the courage, resilience and sacrifice of our youth, as initiated by the events of

June 1976, were decisive in the events that eventually brought an end to apartheid and heralded the beginning of democracy and a period of hope – hope of a better life for all our people. The sad reality is that this legacy bequeathed upon our nation, especially that of a better life for our youth,

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has been squandered and sacrificed at the altar of patronage, greed, corruption and state capture.

Our Constitution set out the vision and the broad means for our socioeconomic emancipation and placed upon government the task of its realisation. This is the legacy that was bequeathed to us by the youth of 1976, and we must now ask this question: What future and what legacy have successive ANC-led governments bequeathed to the nation, the youth in particular, of today and the future? From the advent of democracy, it was evident that if the shackles of apartheid, of unemployment, of poverty and of inequality were to be broken, then education, skills development, economic growth and job creation would be of paramount importance.

Instead, over the past 10 years, spending per pupil in our basic education system has declined by 10%. Over the past eight years, the average size of a Grade 4 class increased from 41 to 48 pupils per class in our poorest schools. Recent assessment shows that 78% of Grade 4 pupils cannot read for meaning, 66% of Grade 5 pupils cannot do basic mathematics, and that amongst the poorest 70% of the population, less than

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5% actually enter university. With declining growth rates in real terms and growing unemployment, the unemployment rate for the youth younger than 25, using the expanded definition, has now escalated to more than 67%.

I must say that Solomon Mahlangu, Tsietsi Mashinini, and all those who came before them, will be ... this is extremely bad. [Time expired.]

Mr S N SWART: Chairperson, the ACDP welcomes today’s debate and, as we remember the 1976 youth uprising, we acknowledge that the struggle then was not just about education but also about the future. So, today’s debate, to live the legacy towards a socioeconomically empowered youth, is very welcome.

The ACDP shares the widely held view that there is a critical need for skills development and job creation. Our young people represent 66% of South Africa’s population, and the challenge at hand is how to harness this collective potential to be productive and contribute to the growth of an inclusive, knowledge-driven, industrial economy. The youth unemployment rate is still alarmingly high – other speakers have referred

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to that – at 52%. Entrepreneurship, we believe, if supported by the right policies, can provide an effective solution. We also look forward to the Jobs Summit that President Ramaphosa referred to, which will look at what is needed to ensure the economy grows and becomes more productive, thus producing more jobs, particularly for our youth.

It is also imperative that young people have access to good basic education, good tertiary education, and skills development opportunities, and have access to technology and finance to fund their projects or start-up businesses. It is a matter of great urgency that we draw young people in far greater numbers into productive economic activity. Programmes such as the Employment Tax Incentive, as well as working in partnership with business, organised labour and communities can result in creating far more opportunities for young people to find employment through internships, apprenticeships, mentorships and entrepreneurships.

We also need to encourage our youth to become more technologically savvy. From a young age, children are quick to learn how to use cellphones, for example. Let us build on this

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to encourage our youth to become developers of new technology, for example by learning how to code. In this regard, we commend Portia Mlangeni from Code of Change, which is building an ecosystem of computer coding skills and digital entrepreneurs in secondary schools to help build the new South African economy. They believe the youth has all the idealism, enthusiasm, energy and intellect needed to transform society today. They just need the tools and someone to say: I believe in you. That is our job – to say we believe in you. You are the youth. You are the key to our future.

Programmers are in high demand these days. Their fluency in coding language is becoming increasingly invaluable and presents great opportunities for the future. The ACDP shares the view of Code for Change that every secondary school should teach coding. Programming languages are the languages of the future. Let us assist in this regard, and let us encourage our youth to learn programming at our schools. I thank you.

Mr T MAKONDO: Hon Speaker and Deputy Speaker, hon members, ladies and gentlemen, it is indeed a great honour in this august House to debate on the occasion of Youth Day under the

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theme “Live the Legacy: Towards a Socio-Economically Empowered Youth”. Youth are tomorrow’s Workers, entrepreneurs, parents, active citizens and leaders. The NDP’s vision lies in the hands of the youth. In order to enjoy freedom of our democracy, this beautiful country needs young people who are critical thinkers and futurist to map out their long term vision.

However, young people are confronted by a myriad of challenges, such as unemployment, inequality, diseases and poverty. The unemployment rate among the youth remains extremely high. Globally, the *World Atlas* ranks South Africa’s youth unemployment fourth in the World at 52.6%. Locally, the *Quarterly Labour Force Survey*, QLFS for the fourth quarter of 2016 released in February 2017 indicated that the youth remained the most vulnerable in the labour market.

All these challenges result into social ills such as substance abuse, high prevalence of crime and increase of HIV and Aids. The only solution to overcome all social ills is the provision of quality education from primary to tertiary levels. We were encouraged by ANC-led government, which resolved in 2017 for a

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full university subsidy for learners coming from poor background, despite the consequences to the national Budget.

Because it was a right thing to do, the ANC-led government made it happen. This will ensure that a son and daughter of domestic worker will move from poor category to the middle class category after the completion of their studies. A child whose future was bleak will now realise his or her dream of becoming a lawyer, a doctor or an engineer. Thanks to ANC-led government for decisive leadership. [Applause.]

There are a numerous factors impacting on youth unemployment. Among others, they are: The legacy of the apartheid spatial plan; slow economic growth; level of education; landlessness; and whilst, the majority are too reliant on the public sector to create jobs.

The National Youth Policy 2015-2020 clearly stipulate that young people don’t want a hand-out, but a hand up. The National Youth Development Agency is tasked with the responsibility of youth development and must work with public and private sectors in co-ordinated efforts to support young

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people with programmes aimed at skills development and entrepreneurship support.

Government alone cannot be able to create jobs for young people. However, through collaboration, partnership and alignment of youth programmes, we can make a significant contribution towards improvement of the standards of living of the majority of the young people. We have to acknowledge that the majority of young people do have skills; however, they find it difficult to get employment and or open their businesses.

It is therefore necessary for government to partner with academic institutions to engage in dialogues to determine whether their curricula serve the expectations of various employers in both public and private sectors. Academic institutions need to consider implementing more flexible curricula that focus on teaching students the skills and theory of evolving market-demands and emerging technologies.

The Agency need to lobby and partner with Sector Education and Training Authorities, Setas, in providing training to skilled,

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semi-skilled and unskilled young people. We also need to congratulate ANC-led government in making learnerships and internships available for majority of young people, whom at the end were absorb by both public sector and private sector.

During the state of the nation address, His Excellency, President Matamela Cyril Ramaphosa, emphasised the importance of partnership with organised labour, business and community representatives in creating opportunities for young people through internship, apprenticeships, mentorship and entrepreneurship.

The National Youth Development Agency should play a pivotal role in lobbying all sectors to devote resources on training more young people in preparing them to contribute positively to the socioeconomic growth and development in the country and the continent. The President further made commitments that the ANC-led government will continue to draw young people in far greater numbers into productive economic activity through programmes, such as the Employment Tax Incentive.

The ANC 54th National Conference of 2017:

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Highlights that the challenges of new technology and 4th industrial revolution require a revolutionary approach to training and skills development. Furthermore, the conference highlights the need to intensify and accelerate the placement of youth employment opportunities to generate skills and experience.

Allow me to highlight some of the achievements the ANC-led government made since 1994. The ANC-led government had since the year 2000 provided 200 000 internships to young people in the public service, and majority of them were absorbed into national and provincial departments.

The National School of Government further trained a total of

3 163 unemployed youth graduates through the Breaking Barriers to Entry program as a way to provide young people with basic skills to prepare them for employment. Whilst the National Youth Development Agency had provided more than 500 students with the Solomon Mahlangu Scholarship, the scholarship was able to introduce to encourage youth from disadvantaged communities to access higher education.

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The Department of Rural Development and Land Reform, in partnership with the National Youth Development Agency, had initiated a Narysec programme which targets unemployed rural youth aged between 18 and 25, in possession of Grade 12, as part of the rural economy transformation strategy, from poor rural wards.

Since inception in September 2010 to date, Narysec has recruited 23 141 rural youth in all nine provinces.

The ANC believes an empowered youth lead to rapid economic growth and transformation. When we empower the youth, we empower the nation. The ANC 53rd National Conference of 2012 resolved to ensure that our programmes and policies should focus on developing skills that are required by the economy so that the youth can become part of the mainstream economy.

Youth entrepreneurship has been amongst priorities during the state of the nation address with the aim of promoting growth and development. Globally, young people play a meaningful role in the small and medium enterprises. Furthermore, with regard

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to small and medium enterprises, they are key drivers of economic growth and job creation.

The National Youth Development Agency had initiated a very attractive and useful grant funding programme aimed to: Facilitate and provide employment opportunities of young people; and enhance the participation of young people in the mainstream economy, entrepreneurship and provide business support. Since initiated, thousands of young people were assisted with grant funding to start up their businesses.

The NYDA can proudly say: A young person who did not have a cent to pay a service provider, who will register a company for him, today has a company, and thanks to the NYDA Entrepreneurship Business Development Program. Let me encourage young people, particularly young women, to approach government institutions to seek financial support to start up their businesses. The ANC-led government is aware of the barriers preventing young people to fully participate in the economic activities.

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In order to overcome barriers to economic emancipation, we need to build an inclusive economy that is sustainable and resilient for the benefit of young people. As legislators, we support the National Youth Development Agency to continuously create dialogues such as Job Creation Indaba to engage various stakeholders and youth on matters impacting on their lives.

We want hail the Department of Agriculture in creating grant funding opportunities to support young people aspiring to open agribusinesses, such as Micro-Agricultural Financial Institute of South Africa, known as Mafisa. The Mafisa was established with the sole purpose of supporting agricultural related activities. The funding is directed towards the existing and new agricultural related activities. [Time expired.] Majority of young people were assisted through this program, and thanks to the ANC-led government. Thank you very much. [Applause.]

Mr S M JAFTA: Hon Chair, the vast majority of South Africans are young people. They account for half of the population.

There are about 10 million South Africans between the ages of

15 and 24 in terms of Statistics SA’s Quarterly Labour Force Survey. The future of these young people is bleak. The new era

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has yet to transform their material conditions, and many of them have committed to the life of narcotics.

Over 54% of young people are unemployed. The nation has been gutted by a growing chain of rural hunger, despair and sheer frustration among the young people. In the recent state of the nation address sponsored by President Ramaphosa, a concomitant undertaking to embark on a number of measures to address the unemployment challenge and to convene a Jobs Summit within the next few months to align the efforts of every sector and every stakeholder behind the imperative of job creation was announced.

The laxity of entrepreneurial opportunities targeting young people deprives this beautiful country the requisite skills that could sustainably galvanise our economy. The recently launched Youth Employment Service, Yes, provides a glimmer of hope for this young population. To improve the lives of our young population, we must provide them with the necessary support to initiate start ups, and government must allocate a quarter of its procurement spend to emerging SMME’s.

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The mining companies must empower their youthful workforce through investment schemes and community projects. We must make education fashionable. For every student enrolled at the university, the quality outcomes must be telling. We can produce a crop of engineers, researchers, scintists commensurate with our developmental agenda. I thank you.

Ms H BUCWA: Hon Chairperson, let me begin by sharing simple words from one of the leaders who has inspired me today, not because he spoke truth to power or fought for equal rights but that he lived that which he preached. Dr Martin Luther King Jr, echoes these words:

That our lives begin to end the day we become silent about things that matter.

He does not choose to place one issue above the other or one race over another but inevitably we lose our humanity the day we remain silent and refuse to speak out against injustices.

Hon members, we believe that every South African is of equal worth regardless of class, race, gender or creed. It is indeed

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great tragedy that, two decades into our democracy, young people remain locked out of opportunities. They are victims of an unjust system that continues to favour an elite few. It is easier for some to stand here and pretend they have a good story to tell yet they sit in ivory towers oblivion to the challenges that are faced by our youth on the ground.

For some of us it is unfathomable how one can continue to say they are doing well while a majority of the youth is still not free from the shackles of poverty, unemployment, while young women do not have total freedom of movement because of crime and lack of sanitary towels. The greatest irony of it all is that the government is celebrating 100 of Nelson Mandela. Let me state and quote one of my favourite quotes by him that says:

Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor; that the son of a mineworker can become the head of the mine; that a child of farm workers can become the president of a great nation. It is what we

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make out of what we have, not what we are given, that separates one person of another.

However, the unfortunate reality we face today is that we have over 9 million unemployed people; of the 20 million young people between the ages 15 -35 over 6 million are not in education, training or employment; 71% of schools have no library facilities and almost 60% of schools do not have computer laboratories; we have over 490 000 learners who dropped out of school between grade 10 and grade 12; 35% of students in institutions of higher learning dropout due to the lack of funding for tuition, accommodation transport and food; and 15% of South Africans abuse drugs. Statistics show that the number of addicts in the country has only registered 55 rehabilitation centres. This cannot be a good story to tell.

We have over 39 000 rape incidences that have been reported in the year 2016/17 alone. Over 15 000 pupils fell pregnant during the academic year of 2015. Hon Skosana comes here and tells us about adult literacy. I want to remind you that this a youth debate and let me educate you quickly. Of the four out of five, grade four learners are illiterate. That is not a

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good story to tell Sir. These are not characteristics of a growing state or one that seeks sustainable socioeconomic development with an empathetic focus on the youth. We remain the present and future of this country. There is no true freedom in poverty, unemployment, without quality education when our Tvet colleges are degenerating each day; when our students are subjected to inhumanely living conditions and lack of resources. We set them up for failure. When we fail to support young entrepreneurs, and glorify looting we fail our nation.

*IsiXhosa:*

Nibane nisithi niyathumana apha.

*English:*

The National Youth Development Ageny, NYDA, is the most corrupt entity that claims to support young people because 60% of its budget is only given to salaries.

*IsiXhosa:*

Nithumana phi, nimosha abantwana bethu nje?

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*English:*

The hon member further tells us about the 2012 report and he comes and glorifies it...

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

Ms H BUCWA: The hon member comes and glorifies the fees report of 2012. Let me remind you that it was the ANC-led government who buried that report until students protested in 2015. Today you come and mislead the House and claim that you wanted to give students free education. The critical point I want to emphasise again is the importance of education as a tool for empowerment of youth. It remains a tragedy that access to quality education remains skew according to income levels. In turn, it correlates with race. In other words, many students from low income households continued to be denied opportunities because of huge inequalities that exist in the country.

The expansion of access to education for all children has been one of the great achievements of the democratic era. The focus

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has included increasing the quantity of teachers, sometimes to the detriment of quality. Therefore, we see many of our students in institutions of higher learning struggling and you would find that we try to fix basic education problems in higher education. As a country we must invest quality technical and vocational education and training. A skilled university education is very important.

The funding of tuitions for students and education and training remains one of the predicaments that we have. For example, the Tvet college sector is underfunded by government. In 2016 the subsidies only covered 54% of the costs. In turn, this leaves over 50 government Tvets struggling under social and financial pressures from students, lecturers and staff.

The percentage of students who completed their National Certificate Vocational, NCV, declined while there is an increase in enrolments only 50% of those students completed their qualifications.

Chair, a DA-led government would prioritise our Tvet colleges by revising the curriculum and content provided to equip our youth with skills and to enable them to actively participate

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in the economy to be innovative and solve the challenges they face today. We will continue to advocate for more practical trainings and resources.

We would ensure that we amend the current funding policy to ensure that our students get their allowances on time. It is inhumane to allow students to register and only give them funding after five months into the academic year. What are they eating? Where are they staying and how are they getting to school? [Applause.] Our students would be provided with the dignified accommodation that would ensure a living and learning environment.

The DA’s proposal on the funding model in institutions of higher learning seeks to ensure that no student who is eligible to study is prevented to do so because they cannot afford to. It is to ensure that a child of a domestic worker can acquire education and be granted full cost of study. That those who fall within the missing middle would be proportionally subsidised. To suggest that the child of hon Ramaphosa must study for free is an injustice, it perpetuates

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inequality. Those who can afford must be able to pay their all academic tuition. [applause.]

Lastly chair, allow me to draw strength again from Dr King who states that:

I have a dream that my four children will not be judged by the colour of their skin, but by the content of their character.

The strides of the youth of 1976 were not in vain and should never be undermined, as they served as a great contributor to the freedoms we enjoy today. However, the time has come again for the youth to rise and take out the government and usher in a new beginning. The DA recognises and acknowledges the injustices of the past and seeks to achieve one South Africa for all where we can live in a free, fair, diverse country with equal opportunities for all. I thank you.

The MINISTER OF SCIENCE AND TECHNOLOGY: House chair,

Ministers, Deputy Ministers, hon members, this debate is taking place as we celebrate the centenary year of two of our

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icons, uTata uMadiba and mama Sisulu. As the youth of this country embark on the task of fulfiling their generational mission, they stand on the shoulders of these two giants. In their own way, these two icons of our struggle, for a better and inclusive ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister. Hon Minister, will you just stop there. Hon members, there is too many of you standing around in the passages. [Interjections.] Take up your seats please. Continue, hon Minister.

The MINISTER OF SCIENCE AND TECHNOLOGY: Thank you very much House Chair. In their own way, these two icons of our struggle fought hard for a better and inclusive South Africa to ensure that there was hope amongst our people. Hon Bucwa I quote, “Tomorrow will be better than today at a time when it did not seem possible, hence today we live in a South Africa alive with possibilities.”

Ours is a country that has a difficult past which continues to weigh heavily on the majority of our people, especially the youth. This is evidenced by the high levels of poverty,

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unemployment and inequality. Despite these challenges, the youth of our country are defying the odds. The youth are saying to all of us that we should not give them a handout, but give them a hand up. The ANC-led government has responded positively to this call by young people. This is because as government we see the growing youth population as a demographic dividend, meaning that the growing numbers of working-age adults can only strengthen our resolve to become a developmental state.

Hon Cassim, it is for this reason that we have expanded our training and skills development facilities to ensure that a larger proportion of our youth are capacitated to be economically active. The Department of Basic Education has introduced no-fee schools, scholar transport and nutrition, which has contributed to improving the primary education access level to more than 99%. We have also increased our focus on improving the employment chances of school leavers, so that we have increased the number of technical and vocational education and training, TVet, colleges and their enrolments has increased at an average of 23% per annum since 2013. So, we are not talking about what we are going to do,

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but we are doing it. [Interjections.] Last year alone,

21 188 artisans were trained, as reported by the Department of Higher Education and Training. At this rate, TVet enrolments are on track to reach the NDP target of 2,5 million. You need to read, hon Bucwa.

Last year, young people across the country stood firm in their demand for increased access to higher education and pushed for barriers to be broken down. Again, the ANC-led government responded positively. Today, young people from poor households who qualify to enter university but cannot afford to have been provided with access to fee-free education, and this is to the value of R57 billion. As Che Guevara put it and I quote: “The walls of the educational system must come down. Education should not be a privilege, so that the children of those who have money can study.”

The increased access to undergraduate studies will be coupled with increased funding for postgraduate studies. Through the postgraduate funding programmes provided by, for example the National Research Foundation Council for Scientific and Industrial Research, CSIR, SA National Space Agency, Sansa,

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and many other institutions, we have seen an increase in the number of children from poor backgrounds escaping the cycle of poverty – not only by becoming the first generation graduates in their families, but by being supported to complete master’s and doctoral studies in scarce skills.

Hon Bucwa, when I visited the Sansa facilities in Hermanus recently, I listened to three young women physicists by the name of Ms Mpho Tshisaphungo, Dr Rendani Nndanganeni and Dr Tshimangadzo Matamba - who come from rural areas of Limpopo, explaining to me the wonderful work they are doing around space weather. These three young women are not an exception. I was also mesmerised by a team of young engineers who did an outstanding job building the ZACube-2 microsatellite which we have sent off to be launched in the month of June in India.

The satellite will help us monitor veld fires to ensure quick responses and it will also help us to monitor ocean traffic, contributing to the oceans economy. These young people are testimony that South Africa is alive with possibilities. [Interjections.]

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As we enter the era of the fourth industrial revolution, we want young people to be the leading thinkers in areas such as artificial intelligence, machine learning, developing cyber- physical systems and leading the analysis of big data. In this regard we are proud of the work in data science done by a team of bright young engineers at the CSIR led by Dr Vukosi Marivate. They are using artificial intelligence techniques to extract useful information from data in different application, areas such as safety and security. This is a testimony that we are preparing young people for the fourth industrial revolution. [Interjections.] South Africa is alive with possibilities!

Despite the many challenges that our country is facing, the youth of today are the most educated ever ... listen honourable ... they are the healthiest sector of our population, they have embraced technology to become the most technology-savvy generation, and they are energetic and very ambitious. This researched is done by Human Sciences Research Council, HSRC, and the question that arises is, “What has the ANC-led government done to respond to the varied social and economic expectations of the growing number of young men and

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women in our country? It was a conscious decision that we produced this young people.

Since the dawn of democracy there have been a growing number of middle-class young people. Thanks to the conscious policies of our government that have expanded economic opportunities for an African child. I must indicate that the black middle- class still faces the challenge of access to opportunities for growth and development. Hon Hlengwa, today we are called middle-class people because of the policies that have been created.

We have seen a growing number of young people who have decided to start their own businesses, and as the government we have created policies and initiatives to support these young people. These are the young people who are saying, “Don’t give me a handout, give me a hand up”. In recognition of the importance of these young entrepreneurs, the ANC-led government has created the Department of Small Business Development. To support small, medium and micro-sized enterprises, SMMEs, the Small Enterprise Finance Agency, since its establishment, has supported over 286 000 SMMEs and co-

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operatives to the value of R5,5 billion, and the agency also facilitated the creation of 312 000 formal and informal sector jobs. The majority of the beneficiaries of these initiatives are young people.

Government has also created space and facilities for young entrepreneurs in the information and communications technology, ICT, sector to take advantage of the mobile application economy through the MLab. Through this initiative, young people in the townships are provided with the opportunity to gain highly sought after coding skills, hon Singh.

Hon Smit, recognising the need to address the challenge of youth unemployment, President Ramaphosa has launched the Youth Employment Service, Yes, initiative as part of the Thuma Mina campaign. In partnership with the private sector, the Yes initiative is aimed at creating employment opportunities for young people so that they too can be part of the new dawn.

Through initiatives such as this one, young people in Mdantsane, Khayelitsha, Tsakane, Diepsloot and other townships

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and rural areas will also have the opportunity to be economically active.

In order to deal with the issues of youth unemployment in a sustainable way, it requires deliberate and long-term investment. It is not an overnight thing, and that is what this government is focused on. President Ramaphosa has been saying in his media interviews recently that the issue of growing the economy and eradicating unemployment, especially amongst the young people, is his key priority. This is one of the areas in which we must all heed the call and say “thuma mina” [send me] to help resolve the challenge of youth unemployment through partnerships. We need all sectors of our society to work together with us as government to protect the future of this country so that each and every child can say that South Africa is alive with possibilities.

A young woman who is listening today may be saying, “I too want to believe that South Africa is alive with possibilities, but how will I be able to pursue my aspirations while I am likely to be killed by the person I love?” How do I believe that there is a brighter future for me whilst I am being

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violated physically, sexually, verbally and emotionally? Cases of femicide and violence against women and girls are on the rise, and all of us need to stand together in defence of young women in our country.

*Sepedi*:

MaAfrika-Borwa a mabotse, re kgopela gore le tlogeleng go tlaiša bana ba rena. Re kgopela gore re le batswadi re eme ka maoto, gobane batho bao ba tlaišago bana ba ka gare ga malapa a rena. Ke dikgaetšedi tša rena, ke baagišani ba rena, ke bomalome ba bana ba rena; re swanetše gore ge re bona ba tlaiša bana re ba bege maphodiseng.

*IsiZulu:*

Ngoba laba abahlukumesa labantwana sinabo emakhaya. Asimeni sithi kwanele.

*English*:

Not again, no more death. Not another life of a young woman. Let’s all stand together South Africans, enough is enough. I want to say to this young woman today. Yes, South Africa is alive with possibilities, because the Minister of Police last

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week announced the appointment of head of the Hawks, bringing new hope into the police system of this country. The new head has committed to stabilising and prioritising a quality investigative team that will ensure that cases will not thrown out of court.

The Department of Justice, working together with our judiciary is committed to ensuring that perpetrators not only get prosecuted but receive the harshest sentences, as we have witnessed with the sentencing of Sandile Mantsoe to 25 years for killing Karabo Mokoena. What we want to say is that more voices are needed to speak, as well as action - in terms of sentencing and harshest sentences.

Yes, this country is alive with possibilities – a country from which a young man called Trevor Noah, who now hosts a popular international comedy show, comes from. If you do not believe, yes, it is the same country where Caster Semenya, an 800 metres world champion record holder hails from. Yes, a country alive with possibilities; a country that honours its youth, hence Siyabulela Xuza was awarded the Order of Mapungubwe in silver for his contribution to scientific innovation – this is

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a young person with a planet named after him. If you do not believe, I dare say – yes, it is a country alive with possibilities. This is a country alive with possibilities for young people to thrive despite the colour of their skin, their creed, their sexual orientation or their current social status.

Hon Wessels, let me leave you with a quote by Kwame Nkrumah and I quote: “Those who would judge us merely by the heights we have achieved would do well to remember the depths from which we started.”

Hon Khawula, let me respond ...

*IsiZulu:*

... mama wami ukuhlukunyezwa kabantu besifazane kumele sibambane. Uma ingane ibika ithi ibiyofuna umsebenzi yase iyacelwa ukuthi ukuze ithole umsebenzi kufuneka kulalwe nayo. Kufuneka usukume umkhuthaze ukuthi akayobiko lolu daba ngoba sinawo umthetho ovikela abantu besifazane emisebenzini.

Sinayo imithetho ...

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*English*:

... what we call whistle-blower, where they can call in anonymously ...

*IsiZulu:*

... babike ukuthi bayahlukunyezwa singazi sizoma la kwi- podium. Uma ngabe ikhona into enjalo ukhona uNgqongqoshe Wezabasebenzi, Ngqongqoshe Wezokuphepha ukuze sikwazi ukubasiza ngoba yinkinga le ezinganeni zethu. Asime ngezinyawo sikubike uma ngabe kuyenzeka, masingathuli nako ngoba uma ukwazi kodwa uthulile ungakusho kuchaza ukuthi ukufana nalaba abahlukumeza lezingane. Sukuma ukubike ukuze sizivikele lezi zingane. Kufanele sibavikele ngoba ... hhayi hlala phansi ngiqede.

*English*:

Ms M S KHAWULA: I am standing on a point of order.

*IsiZulu*:

Awukwazi ukhuthi angihlale phansi.

*English*:

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

*IsiZulu*:

Nk M S KHAWULA: Le nto eshiwo nguNgqongqoshe iyangiphoxa futhi uNkosikazi Ngubane kusafuneka kwazi abalungelo abanye abantu nokuhlonipha ngokwezizulu. Uyabona kumanje uma uthi ngifana nalaba banye abantu. Uyakwazi ukuthi yinhlamba lokho okushoyo kumina.

*English*:

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

*IsiZulu*:

Nk M S KHAWULA: Ngicela uxolise manje.

*English*:

The HOUSE CHAIRPERSON (Mr C T Frolick): Please take your seat. Hon member, I am now switching off your microphone. [Interjections.]

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*IsiZulu*:

Nk M S KHAWULA: Cha!

*English*:

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

The MINISTER OF SCIENCE AND TECHNOLOGY: Thank you very much. The hon Khawula earlier on said to hon Sfiso Radebe ...

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

*IsiZulu*:

UNGQONGQOSHE WEZESAYENSI NOBUCHWEPHESHE: Uthe ngizokushaya

ngengqindi [Ubuwelewele.]

*English*:

That’s one of the issues that hon Khawula has a problem with. [Interjections.] Say it in ...

*IsiZulu*:

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... ngizokushaya ngengqindi. Asikhulume ngesiZulu mama.

Nk M S KHAWULA: Hhayi bo uyangethuka.

*English*:

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister, will you please take your seat. Hon Khawula, will you take your seat please. [Interjections.] [Laughter.] Hon member, take your seat. [Interjections.] If you don’t want to take your seat, I am going to ask you to leave the House. [Interjections.] Hon member, please take your seat. Take your seat. [Laughter.]

*IsiZulu*:

UNGQONGQOSHE WEZESAYENSI NOBUCHWEPHESHE: Uyabona

uyangihlukumeza. Uthi umendo uyaphela. Awukwazi ukungesabiza phela. Angiganile kaKhawula ngigane kwaNgubane. [Uhleko.] Umahluko omkhulu lo akukona ukuthi siwela ndawonye. Kepha mama hlala phansi siqede ngezinto zentsha ngoba unezingane ekhaya okufanele sikusize ngazo eNanda. Angithi ubuya ngaseNanda.

Kufanele sikusize ukuthi uma ubuyela emuva ukwazi ukukhuluma nazo.

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*English*:

Ms M S KHAWULA: May I stand on a point of order.

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

Ms M S KHAWULA: So, you don’t want to protect me? [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): You are always protected ... [Interjections.]

Ms M S KHAWULA: Why, are you selling me now? [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): But if you are out of order. You are out of order! What is your point of order?

Ms M S KHAWULA: No, she is insulting me - your Minister. [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, you are now raising the same point that I asked you earlier to sit

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down regarding it. It is not a point of order that you are raising; please take your seat now. [Interjections.] Please take your seat.

*IsiZulu*:

Nk M S KHAWULA: Kodwa kufuneka axolise.

*English*:

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

*IsiZulu*:

UNGQONGQOSHE WEZESAYENSI NOBUCHWEPHESHE: Sizophuza itiye

ngaphandle mam’uKhawula ukuze siyiqede lento yami nawe. [Ubuwelewele.] Cha, asizukushayana umama omdala lona.

Angikwazi ukwenza loko ngiyahlonipha. Into engithanda ukuyisho kakhulu ukuthi njengoba kunezinkinga zezingane zethu ezihlukunyezwayo asisukumeni sonke ngoba sineqhaza esingakwazi ukuthi sibasize bangaze bahlukumezeke Ngiyabonga kakhulu kodwa ngithanda ukusho ukuthi kuyo yonke intsha yaseNingizimu Afrika

....

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*English*:

... to young people, South Africa is alive with possibilities. Thank you. [Applause.]

# CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON SCIENCE AND TECHNOLOGY ON NATIONAL RESEARCH FOUNDATION AMENDMENT BILL

There was no debate.

The CHIEF WHIP OF THE MAJORITY: House Chair, I move:

That the report be adopted

Motion agreed to.

Report accordingly adopted.

# NATIONAL RESEARCH FOUNDATION AMENDMENT BILL

(Second Reading debate)

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Ms L M MASEKO: House Chair, Ministers, Deputy Ministers, hon members and visitors, the National Research Foundation Amendment Bill, Bill 23 of 2017, that was tabled and referred to the Portfolio Committee on Science and Technology on 06 October 2017, seeks to amends the National Research Foundation Act, Act 23 of 1996, that was also previously amended by the Science and Technology Laws Amendment Act, Act 16 of 2011 and the Science and Technology Laws Amendment Act, Act 7 of 2014.

The National Research Foundation has long undertaken and implemented science engagement initiatives to create an awareness and understanding why science and research are critical to our everyday lives. To ensure that the knowledge that is produced trough the National Research Foundation, NRF, funding is widely disseminated, shared, understood and used widely for the common good, established in 2011 and 2012, the SA Agency of Science and Technology Advancement, SAASTA, as a business unit of NRF that is tasked with facilitating the communication and advancement of science.

The committee welcomes how the Bill seeks to legislatively mandate the National Research Foundation to, through SAASTA,

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direct and implement a science engagement and communication programme for the national systems of innovation. The important role of SAASTA is to interact with the public on issues of science, engineering and technology to communicate the advances in these fields to the public and to steer young minds to careers in science, engineering and technology, known as science, engineering and technology, Set, cannot be emphasised. These advances are pursued through the large number of science engagement programmes that fall under three strategic areas, firstly, science education, which aims to build and supply of tomorrow scientists and innovators; secondly, science communication through which SAASTA share science and technology achievements with the public building up their appreciation of and engagement with the benefits and risk of science; and thirdly, science awareness platforms, which engaged the public with the phenomena of science, engineering and technology.

The committee believes that all said entities and institutions should have dedicated science engagement programmes. However, it is critical that these entities collaborate so that the various science engagement initiatives realise the ideal of a

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citizenry that is aware of science, engineering and technology. The committee will specifically monitor how this is being done within the department and the entities that report to it.

Furthermore, these amendments codify established practice within the National Research Foundation and assign powers to the Minister of Science and Technology to determine, after consultation with the foundation and any other relevant Minister, nationals research and funding policy, issues policy guidelines in this regard.

The latter prescript seeks to balance institutional autonomy with institutional accountability since the National Research Foundation reports to the Minister of Science and Technology. Therefore as stated in the amended long title of the National Research Foundation Amendment Bill, that the National Research Foundation will provide for the promotion, support and advancement of research both basic and applied and human capacity development in the various fields of science and technology including humanities, social science and indigenous knowledge. For this purpose to provide for the establishment

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of a National Research Foundation, to support and promote science engagement, to develop, support and maintain national research facilities, to promote the development and maintenance of the national science system and support government priorities and to provide for incidental matters.

Hon members, I present to you the National Research Foundation Amendment Bill, Bill 23 of 2017, as considered and amended by the Portfolio Committees on Science and Technology. I would like to take the opportunity to thank the Minister of Science and Technology for her attention when finalising this Bill. A word of thanks to the members of the portfolio committee, the Department of Science and Technolpogy, DST, officials and legal team, the chief executive officer, CEO, of the NRF, the Office of the State Law Advisor, Parliament law advisors and Parliament officials for their roles in ensuring the product before you today. I thank you. [Applause.]

There was no debate.

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Declarations of vote made on behalf of the Democratic Alliance, Economic Freedom Fighters, Inkatha Freedom Party, National Freedom Party and African National Congress.

*Declaration(s) of Vote:*

Dr A LOTRIET: Chairperson, central to the amendments of the National Research Foundation Bill are the extensions of the functions, powers and duties of the National Research Foundation, NRF, in relation to science engagement, national research facilities and the undertaking of research. It also focuses on the role and powers of the Minister of Science and Technology in relation to the determination of research and funding policy and issuing guidelines relating to the implementation of such policies and the determination of national research facilities. In analysing the Bill as presented to the portfolio committee, one of the first concerns was the extension of the role and powers of the Minister. The main focus of the clauses on ministerial powers is that of issuing policy and policy guidelines. Although we were initially concerned about this, it does however not exceed the powers given to the Minister in terms of Section 85(2) of the Constitution. This Bill then serves to codify the

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originally existing power of Minister to issue such policies and guidelines. Minister, we do however urge you, the department and the foundation to not only focus on research that is deemed to be in the national interest – although that is extremely important and research with immediate application but to also fund and encourage research known as blue skies research. It is often this kind of research that eventually plays an important role in society even though it is not clear at the time and the real world applications are not immediately apparent. We should not neglect that.

Another concern was of the Minister’s role and power to determine and withdraw national research facilities. In the principal Act the Minister could determine but could not withdraw however this will now be addressed by the fact that it has to be done after consultation with the foundation and also what is very important is the inclusion of Clause 24 which requires the Minister to table regulations to Parliament and we believe that there will be sufficient checks in this regard. The extension of the NRF’s mandate to also focus on science engagement and communication is welcomed as this is critical to the promotion of science and technology in society

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as a whole and something that our country is in dire need of. The DA supports the Bill. [Applause.]

Ms N NOLUTSHUNGU: Chair, the EFF rejects the National Research Foundation Amendment Bill. [Interjections.] For the past 24 years the ANC has failed to make sure that our national research institution addresses the countless challenges from the hundreds of years of apartheid and colonialism. The ANC has also not given the necessary direction to our research institutions instead the National Research Foundation has been an organisation which despite funding many promising researchers and academics, something which is a minimum requirement and should not be applauded, has done nothing to change the logic of research and development more broadly in the country.

Research and development is still largely guided by the idea of private property, intellectual property rights and making profits from research and development but even the good work of the NRF has done and supported of which a considerable amount is under threat. As we speak, the NRF has seen a 20% drop in its revenue and has continued to see the funding it

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receives from Parliament decreasing. The NRF 2020 strategy claims it will enable the organisation to intensify and strengthen African and global networks to position South Africa in the international arena in order to drive the knowledge economy. How will it achieve this when it continues to face budgetary cuts? We also have many challenges in this country that we will be able to address if we gave direction and funding to research and development but NRF is not getting the necessary funds and current amendments to place more power on the Minister when it comes to the focus and policies of the NRF will bear no fruits and will nothing to change the material conditions of our people.

Firstly, government should not simply be funding research institutions as this leaves space for corruption but should also have its own research institution and internal research capacity. This is why we are cautious of the Amendment Bill which will give the Minister a greater say in which research institutions should receive funding. Secondly, as long as our government and the department is guided by the neoliberal National Development Plan, NDP, these amendments will not allow the NRF to substantively contribute to the research

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needed to develop our country and make the country and our people economically free and independent. The NDP-driven approach to research has failed our country and its developmental needs and the challenges we face. Currently this country is facing a drought but what research and development is being done to find new innovative ways to make our country more water-efficient. What research is being funded and directed by the state so that we know how to process our minerals so that we can industrialise our country. We have so many young bright minds in our country full of innovative and inventive ideas that if given the proper support and direction could change our country. But we do not have a government that is guided by the right principles and broader ideological outlook on how to develop a country and liberate its people.

We as the EFF therefore reject this Bill. Thank you.

Mr M HLENGWA: Chairperson, at the outset let me say that the IFP supports this report and the amendments because it is our fundamental belief that cleaning up the legislative regime around science, technology and innovation is a strategic outlook for this country as we approach the Fourth Industrial Revolution and to enable us to exploit the possibilities which

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come with it to create jobs, grow the economy and ensure that this country moves forward. We therefore commend the work that has been done by the committee in this regard because we believe that they have moved with the necessary speed.

Furthermore, it is our belief that the amendments ...

*IsiZulu:*

... heyi wena! Heyi! [Ubuwelewele.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Order hon member, proceed with your speech

Mr M HLENGWA: ... therein are consistent with the Constitution and so we believe that the amendments contained therein should actually be supported. But what is important is that it may be all good and well for us to be successful in writing all these things and achieving all these legislative advances but if we are not going to fund science and technology we are not going to move forward as a country. It is not the world that is changing science but its is science that is changing the world and so for us to be able to explore it positively whatever gains science may provide we need to inject the

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necessary financial resources – I am into scientific, technological and innovative research – so that in that way we can satisfy ourselves that we have done enough.

I always just find that we spend on the most unnecessary of things which are unsustainable, we are spending on festivals, we are spending on all sorts of yadda yadda but the very thing that is going to take South Africa forward, which is science, receives very money. So, I think the next thing that needs to happen is for the House, in drawing up the next budget actually answer the question whether the spending priorities are consistent with the future because we may be spending on the short-term interventions which are not sustainable and neglect that which is futuristic. It is our belief that these amendments will actually the department and the Minister to strengthen the collaborations with other government departments and to extend our work in the fields of science, technology and innovation on to the global stage for us to grow our global partnerships and networks and for us to be able to learn from global best practice.

*IsiZulu:*

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Ngiyafisa nje ukugcina ngalokhu Sihlalo okuwukuthi ezobuchwepheshe kodwa azinokugcina nje emadolobheni. Nabantu bakithi emakhaya bahlezi benezinto ezihlakaniphile ezingayisa iNingizimu Afrika phambili kodwa ngoba abawatholi amathuba okungena kulezi zinto, basale ngemuva. Kuyadinga ukuthi make siyofuna phela nasemakhaya lobuhlakani obudala ukuthi nabo singabusebenzisa kanjani kwezobuchwepheshe ukuze iNingizimu Afrika iye phambili. Kodwa sengikushilo konke lokhu, i-IFP iyawuxhasa lombiko. Ngithokoza kakhulu. [Ihlombe.]

USIHLALO WENDLU (Nk A T Didiza): Siyabonga kakhulu lungu elihoniphekile, ngiyathemba ukuthi uNgqongqoshe ukuzwile ngezasemakhaya.

Prof N M KHUBISA: House Chairperson, the NFP supports the Bill, as such. Having said that, the amendments are quite timely, in the sense that the Bill prescribes the way the National Research Foundation, NRF, the board, its members and the chief executive officer should function. It also prescribes the role of the Minister in ensuring that he or she consults other departments so as to promote science, innovation and technology. Hence, I say the Bill is timely.

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The Bill also prescribes the way juristic persons and institutions can function. Those facilities that are mushrooming but are not registered are assessed and not given funding if they do not qualify. It also checks whether those who are being funded use the funding, accordingly. If a facility or institution does not operate accordingly, it may even lead to liquidation. The Bill also addresses the dissemination of knowledge in all disciplines, including the indigenous knowledge to which the hon Hlengwa was referring. In short, this is what the Bill is about.

The NFP would like to say that the generation and production of scientific knowledge that will contribute to economic development and the wellbeing of the entire society is of crucial importance. It is therefore important that government puts in laws, legislation, regulations, policies and guidelines to ensure that this aim is achieved.

Science, technology and innovation, collectively, play a crucial role to contribute to the socioeconomic outlook of our state. Our schools, our TVet colleges, and our universities have a mammoth task to help contribute to a well-equipped

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human resource capital that will impact positively on our country.

We have seen a lot of institutions and facilities emerging that must be assessed and regulated. Our institutions must submit an application and be assessed, accordingly. As a result, the NRF will be able to say whether or not they qualify for funding.

Having said this, the NFP supports the amendments. Thank you very much.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you very much, hon member. I am seeing the hon Hlengwa moving towards the benches of the ruling party. [Applause.] I am not sure if he is still continuing with his survey that he promised he was going to do from the platform. [Interjections.]

Mr N J J van R KOORNHOF: Chairperson, the National Research Foundation was established in 1998 as an independent government agency through the Act which we are amending today. It is important to understand that the National Research

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Foundation was there to promote and support research with funding through human resource development; to provide the necessary research facilities in order to facilitate the creation of knowledge; to stimulate innovation; and to develop all fields of science and technology. We have streamlined this mandate to make it even better, now.

The National Research Foundation is science. It’s about astronomy, it’s the MeerLICHT, it’s the MeerKat. The NRF Centre of Excellence in Human Development at the University of the Witwatersrand does studies to reveal the effect and extent of the violence to which children are exposed.

South Africa is one of the five hotspots for endemic sharks. There are shark species that are not found anywhere else in the world. The NRF assesses that. They are active in marine and coastal research. They look at the impact of climate change and at nutrition security in South Africa and they hand out bursaries.

So, the NRF is important, and therefore, it was necessary to amend this 1998 Act, to make sure the NRF functions optimally.

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We have amended about 15 clauses and we hope that these amendments will help the NRF to build a globally competitive science system in South Africa.

I want to thank all the political parties for their support. It was good to have their support. However, I am lost for words in terms of the EFF. While we were busy with this laborious process of amending the Act, they were constantly there, constantly participating, and very active in trying to amend this Bill.

Now, suddenly, they don’t send their softly-spoken member of our committee, the hon Susan Thembekwayo. They send in someone who has just picked up a speech from a shelf somewhere in the EFF offices to come here and deliver a Budget Vote speech. [Interjections.] This was about the amendment of this Bill, and the ANC will support it. [Interjections.]

Mr M N PAULSEN: On a point of order, Chairperson ...

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

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Mr M N PAULSEN: No ... Uncle Nic, the coward, just ran away now. I want to deal with him there.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon member! [Interjections.] Please take your seat. Order, hon members!

Ms L M MASEKO: Hon Chair, on a point of order: Would this hon member withdraw what he said – that he is a coward? He said a coward just ran away. That’s an hon member of the House.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member. Hon Paulsen, unfortunately, I didn’t hear. What did you say? [Interjections.]

Ms L M MASEKO: ... the coward just ran away.

Mr M N PAULSEN: I did say so but he wasn’t there when I said it. [Interjections.] He was gone already. He ran away before I could open my mouth.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order! Can you take your seat? Unfortunately, I didn’t hear the exact words you

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used, from here, so I will check, then come back and rule for the House.

Question put: That the National Research Foundation Amendment Bill be read a second time.

Agreed to (Economic Freedom Fighters dissenting).

Mr M HLENGWA: Chair, I was just recruiting in response to what you were saying, earlier on. [Laughter.]

The HOUSE CHAIRPERSON (Ms A T Didiza): We will deal with that later.

Bill read a second time.

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon members! There is a motion of precedence, which will actually follow the Order that we have just dealt with.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move, in terms of the Assembly Rule 123(1)(c), that precedence be given

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to Order No 8, which is the Consideration of Extension of Contract of Director for Parliamentary Budget Office, as it appears on the Order Paper.

*Declarations of vote*:

Mr D J MAYNIER: House Chair, we have been asked to approve the reappointment of Prof Mohammed Jahed as Director of the Parliamentary Budget Office. Let us be clear.

Mr N SINGH: Chair, on a point of order: I thought we were considering the matter of precedence, first, before we go into the actual matter, itself.

The HOUSE CHAIRPERSON (Ms A T Didiza): That’s precisely it. The hon member requested that they make a declaration of vote. The Order is still coming.

The CHIEF WHIP OF THE OPPOSITION: Chair, I thought you had moved Order No 8 and given it precedence, and that it was before the House. [Interjections.] I apologise.

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The HOUSE CHAIRPERSON (Ms A T Didiza): It is this matter we are giving precedence to. So, you have no problem with it? [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: No, we don’t have a problem with your giving precedence to it but we do have a problem with the substantive item. [Interjections.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you very much. The Secretary will now read the Eighth Order.

# EXTENSION OF CONTRACT OF DIRECTOR FOR PARLIAMENTARY BUDGET OFFICE

(Consideration of Bill and Reports thereon)

Ms T V TOBIAS: Hon Chairperson and hon members, good morning. Let me say upfront that the hon David Maynier needs to hold his horse his time will come. He wanted to pre-empt to what we will say and we are going to surprise him. Hon members, the term of office of the Director of the Parliamentary Budget Office Mr Jahed is coming to an end on the 3rd of June this

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year. The Speaker of the National Assembly requested extension until three months after the 2019 elections. For logical reasons, the Office of the Speaker wants to ensure a smooth transition and to maintain good institutional memory.

Amongst other reasons the superior logic is to address specific circumstances namely: Firstly, the Money Bills Act will be voted shortly after the elections of the Sixth Parliament and will be adopted by both the Houses by September and some amendments will deal specifically with the management issues in the Parliamentary Budget Office, PBO. Therefore the new appointment should be done in terms of the Amendment Act. So, early appointment of a director on a five year term prior to the process becomes irreverent. So, it is for logical reasons.

Therefore the committee considered the extension of the contract of the director in conjunction to process set out in the Money Bills Act, nothing more. However, over above this, there are malicious intensions by other members to overlook the law and pursue petty politicking and want to get rid of

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the director irrespective of the impact of such a decision to the Money Bills Act.

Hon members, responsible leadership warrant us to apply a superior and mature mind to matters of national interests. South Africans need to move away from sectoral interest to national interest. It becomes unfortunate when you pick up pettiness by members on matters the needs to unite us. I therefore call upon members to desist from demagogy to lead society to a point of conversion. Therefore hon members, I hereby need to report that it was unfortunate that the hon David Maynier attacked the persona of the director without substantive evidence during our engagements, but based on rumours.

All the three committees are on record on registering satisfaction on the performance of the director as fit and proper. Therefore we hereby request this House to approve the committee report to extend the term of office of the Director of the Budget Office with three months after the 2019 national elections.

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Lastly, I need to put it on record that committees considered the referral in an open meeting which was announced in the usual process in the z-list and there are no legal requirements for public hearings. Also to put it on record that all members of the DA both from the Standing Committee on Finance, from the Appropriations and from the Select Committee on Finance agreed with us except of course, the pseudo shadow minister hon David Maynier. So, I will listen to his huffing and puffing with a pinch of salt. I therefore request the House to adopt this report. I thank you, hon members. [Applause.]

There was no debate.

The CHIEF WHIP OF THE MAJORITY PARTY: House Chair, I move that in terms of Rule 122, that the recommendations contained in the Reports be amended as follows:

* 1. That Professor M I Jahed’s contract be extended as Director of the Parliamentary Budget Office, until three months after the 2019 national and provincial general elections. May I underline, contract be extended.

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* 1. That the contract extension of the Director of the Parliamentary Budget Office be subject to an agreement that the conditions of service - including salary and allowance - would remain substantially the same as those of the top rank of the public service as per subsection 15(5)(b) of the Act, as agreed with Prof Jahed.

Question put: That the amendment as moved by the Chief Whip of the Majority Party be agreed to.

Motion agreed to (Democratic Alliance dissenting).

The CHIEF WHIP OF THE OPPOSITION: House Chairperson, on the amendment or on the substantive item?

The HOUSE CHAIRPERSON (Ms A T Didiza): It is the amendments first. The DA said they have an objection on the amendments. Do you or do you want to deal with the substantive motion?

You want to deal with the amendments. Alright.

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Question put: That Professor M I Jahed’s contract as Director of the Parliamentary Budget Office be extended, until three months after the 2019 national and provincial general elections, and the Standing Committee on Appropriations, as amended, be agreed to.

*Declarations of vote:*

Mr D J MAYNIER: Hon Chairperson, we have been asked to approve the reappointment of Prof Mohammed Jahed as the Director of the Parliamentary Budget Office and let us be clear, what we are dealing with here is the reappointment because we were informed by the legal advisor and I quote, “That we can call it what we want, this is a reappointment.” Now we are told that Prof Mohammed Jahed is a suitable candidate and we should reappoint him for a period of up to three months after the national election in 2019.

We do not think that he is a suitable candidate to be the Director of the Parliamentary Budget Office. However, let us assume for a moment that we are wrong and that he is a suitable candidate to be the Director of the Parliamentary Budget Office. We could still not support the reappointment of

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Prof Mohammed Jahed because we were advised that the process is flawed. We were told that relevant legislation is silent on the process that should be followed when reappointing the Director of the Parliamentary Budget Office. However, we were advised that there are general principles that have been developed over the 20 years in case law that apply for the reappointment of persons.

Firstly, we were advised that the reappointment of a person is substantially the same as the appointment of a person.

Secondly, we were advised that the principle of fairness applies to the reappointment of persons. We understand that the position was never advertised internally or externally by Parliament. What this means is that although we are recommending a suitable candidate we are not necessarily recommending thee most suitable candidate and we were advised that this is clearly unfair to persons who are qualified and would have been interested in applying for the position.

Thirdly, we were told that the process of recommending a suitable person to be appointed must be done in an open and transparent manner. However, this was not the case. The role

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of the Standing Committee on Finance and the Standing Committee on Appropriations was reduced to rubberstamping a decision taken behind close doors by a mother body in Parliament.

The fact is, there is now clear evidence that the committees did not listen to their lawyers and did not follow the process prescribed. In a legal opinion provided by the Chief Parliamentary Advisor the committees must and I quote:

Consider the request from the chairperson and the Speaker in an open meeting and must facilitate public involvement for this process. The facilitation may take the form of public hearings or a core for written submissions, one or the other. During the process the Curriculum Vitae of the director as well as the other documents to support compliance with the criteria must be available to the committee and must be available to the public. The Standard Chart of Accounts, Scoa, must determine the process and it may consider calling the candidate to make representations.

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However, the advice was ignored, there was no public involvement, there were no public hearings, there were no written submissions, there was no Curriculum Vitae, there were no supporting documents, and the option of the candidate appearing was never put to the committees.

We have been advised that the slapdash process followed in recommending the reappointment of Prof Mohammed Jahed was flawed and that it is vulnerable to be taken on review which would be a huge embarrassment to the Chief Whip and to Parliament. We think that the best cause of action under the circumstances would be to reject the recommendation, to appoint a suitable person to act as director and then to appoint a person as director who is committed to developing a Budget Office that is objective, that is independent and that is professional in this Parliament.

With respect, the proposed amendment to the resolution still remains flawed. A contract extension would only apply if a vacancy had not been filled and then it would only be filled for a short period of time. However, no attempt has been made to fill this vacancy and the effect of the recommendation

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would be to extend the contract for more than 12 months. In any event, we were told by Parliament’s legal advisor and I quote, “Call it what you want, this is a reappointment.” In any event even if those two points were not valid, it is clear that the process did not take place in an open and transparent manner as is required by the legislation. We recommend that the Chief Whip apply his mind and review his decision. [Time expired.] [Applause.]

Mr M N PAULSEN: Hon Chairperson, the Parliamentary Budget Office is established by section 15 of the Money Bills Amendment Procedure and Related Matters Act of 2009 and the idea behind the office was that it was going to play a critical role of providing independent objective and professional advice and analysis to Parliament on matters related to the budget, what it is supposed to be the heart bit of the functioning of Parliament as far as it relates to all Money Bill matters.

Prof Jahed came here highly recommended from the Development Bank of SA to set up his office. He has failed dismally in a spectacular manner to guide Parliament on matters relating to

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the budgeting processes. Instead the role of this office is confused and it has been reduced to baby sitting the Standing Committee on Finance instead of giving independent, objective and professional advice.

The Speaker of Parliament also confuses this office as her personal office to advice on matters of Parliament as if it was a subdivision not created by law, but of her own making. We have young and talented people in this office who, with strategic guidance, will make serious contribution on how Parliament can effect much needed changes to Money Bills legislation.

Mayor, for far too long the National Treasury has taken for granted inputs made by members of this House, but the reason for the extension of his contract make sense. The new leadership of Parliament that will come after this disastrous management by the Speaker and the people she appointed must be given an opportunity to make their own appointments after elections. We do not want to have a situation where a new person will be appointed by the current leadership of Parliament for another five year term when that leadership

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would have expired by that time long before then. Prof Jahed’s contract must therefore be extended at least until after the elections. Thank you, very much. [Applause.]

*Declarations of vote:* (Contd.)

Mr N SINGH: Thank you very much, Chairperson. Hon Paulsen wants me to support him and I will support the EFF that this contract be extended because I think I was a bit confused when we talked about an appointment the extension of a contract but if the current contract and the conditions of the contract makes provision for an extension of the contract subject to certain terms and conditions would seem reasonable that let the Sixth Parliament decide on who the head of that office should be, and we will support it.

Having said that, Chairperson I think that the Parliamentary Budget Office, PBO, as an office, requires more attention from us as Parliament. It requires more funding, more warm bodies because at the moment the service it offers is restricted just to a few committees, and yet looking at PBOs around the world and we went on study trips the PBOs provide service to all members of parliament when they require it.

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That is because we, as Parliament are still not exercising our rights in terms of the Money Bills Amendment Procedure and Related Matters Act to amend budgets and to suggest or to suggest amendments on to budgets, and I think we have to be more proactive in that regard. Otherwise we would be failing as Parliament and allowing the executive to run their own show and I don’t think that is why we as Members of Parliament have been elected.

So, one of the question that would arise and I hope that we can get an answer is what is the thinking of the committee, I don’t serve on the committee, of when the post will be advertised?

Could it be advertised three months after the election when it is intended for the contract to expire or will the post be advertised – you know – when the Sixth Parliament comes into being to allow a handover. So, I think with that we will support the extension of the contract because Prof M Jahed has done good work.

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We have worked with him and I think he needs to be there for a while and let the interview process take its course. Whoever comes along, Prof Domingo or Prof Skhosana or whoever can come along, let them come along.

And I also hear that we should have possible appointed an acting head of the PBO from now to that time – if that is the case – if you say contract and extension of appointment means the same thing according to the Parliamentary and Legal Advisors, then if you want to call him acting, call him acting as long as he is there for the transaction period, we will support him. Thank you, Chair.

Mr A M SHAIK EMAM: Thank you, hon Chair. I must agree with hon Singh and hon Paulsen. Our understanding is that there is a difference between an extension and an appointment. This is clearly an extension of a contract – that is what it is. Well, you get legal advisors, lawyers you can defer in terms of the opinion but it does not mean that any one particular person is correct. We need to understand that. This is clearly an extension.

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What is very clear here is that the DA did not argue on the issue of continuity and the benefit in terms of that. So, clearly they do agree on that. Now the question that arises is; you would have been part and parcel of this process when the PBO director was initially appointed.

Why did you not at that time take into consideration the fact that you will need continuity, after the new Parliament and ensure that the contract runs 30 days or 90 days in terms of the new Parliament or members that would be sworn in as new Parliaments, it would have been more effective. But you failed to do that – you failed to ensure that – because you agree on the one point and that is very clear, hon Maine has never complained about the benefits of the continuity. And yet you have done nothing to ensure that you prevent the situation.

Yes indeed, I think the problem is this that we did not take timeous action in being able to advertisers but given the fact that the PBO was a new initiative at Parliament and you did not consider that what we need to do is rectify that. How do you rectify that is to ensure that the contracts of the PBO

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run for about 90 days after elections so that there is always continuity. Then the PBO can be the success that it is.

What is not in dispute is the credible information that has been coming from the PBO over the period of time. In fact, it has been giving guidance, it has been giving us the knowledge that we need as Members of Parliament to be able to deliberate on issues and come to an understanding of exactly where we were going.

So, I think actually it is clearly in the interest of Parliament, it’s in the interest of the people of this country that this contract be extended to 90 days after the next elections so that he would be able to provide his expertise and knowledge to the incoming Members of Parliament, so that there would be continuity every five years. And the contract will now run for about 90 days.

I think clearly the NFP supports this on the basis that it is in the best interest - and you also have time now to advertise the position, do the interviews, and it’s common knowledge that now you can’t complete a process in two months and three

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months. You have enough time now while you are not disturbing the work of Parliamentary Budget Office to be able to get to that. The NFP supports this.

Mr Y I CARRIM: Comrade Chair, comrades and colleagues, I really don’t think this needs to be such a big issue.

Basically, I think Thandie has given five reasons why the extension is necessary.

Adv Frank Jenkins came to us and explained that the word extension can be used, and that is what we understand it to be but in terms of the Act as it currently exists, it’s an appointment so you explain if you are going to do it for three months after the elections. That is actually an extension.

As far as the legal issues that Mr Magnier raises it’s quite tiresome really and I am tired of engaging with him but you have to be truthful to the House. So, here is an email at 10:29 in response to Mr Magnier’s repeated request to us to call this off – at 10:29 and he receives this, five minutes later. And he knows, here Adv Jenkins - if there is a rule that allows me to table this to the House – I would like to

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table this to the House. Let the public and the members see whether Mr Magnier is telling the truth or what the lawyers are - this thing is cc’ed to Adv Adhikari, it says that Mr Magnier believe that Adv Adhikari and Adv Jenkins are at variants is not true.

More over, he knows full well that in no way can Adv Jenkins make representations to us on legal matters without Adv Adhikari seeing it. It’s here in black and white in a language that he speaks. It’s not in Sesotho, it’s not Xitsonga, it’s not Tshivenda, and it’s in English his language, why does he continue to say these things?

So, I would like to know, Comrade Chief Whip, can we table this and let the public see. I am not going to respond more than that. Now let me come to this, I want to thank the three opposition members who are sober, EFF, Mr Paulsen we don’t always agree and you have every right to say what you say about the head of the PBO, and so on. But it is not a legal process matter.

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Now, Mr Singh, I want to tell you anything exchanges with the NGO that was misled about this matter. They asked me; when will you advertise; and I said, you know that is a very good question. So I want to take it to the committee Comrade Thandie that actually we should advertise in January and allow it to continue for three to four months but when the new incoming Parliament comes in they already have – we close it just a week before the next elections.

Then when they come in the closure is there and the names are there. You see in our party we don’t believe, with due to you comrade Chair, that you are a chairperson for life. Nor do we believe that I am the chairperson for life as if I want to chair this committee for ever.

So, unlike them, the DA, we are clear - there has got to be new Parliament, there has got to be new chairpersons, there has got to be new PBO board; there’s got to be new Speaker even if it’s the same person that comes back, let them decide not us.

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Furthermore, what I want to say is we are very clear as the Chief Whip piped in and interrupted. This man has been there for five years. He was appointed according to a particular process; this is not a new appointment. Adv Jenkins has explained ad nauseam that there is no specific provision in the Act on exactly what form of open and transparent process you should take.

Moreover, on every occasion, what we find when Mr Magnier doesn’t get his way, he often rushes at the last minute looking for some obscure rule, some obscure provision in some obscure part of the rule book, to every account he has failed.

Now, let us be utterly clear as Parliament, it would be irresponsible for us to pass this report; violating the very law that we passed. And this law doesn’t come from the executive. It is about one of the few Bills that came from Parliament.

Now, if the process was flawed why the DA participated in that process, why did they say they reserve the right to vote? Why

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have they not rushed to the Constitutional Court? It is such a minor matter.

Ultimately, if indeed it goes to the court – if they have got the time and money to waste – and the court find that there is some technical legal procedure we didn’t observe, I would imagine the committees will meet again. They will, in fact, abide by what the Constitutional Court says. And based on the five or six reasons comrade Thandie has given, they will say it’s reasonable to do. It is not for us to decide for the next Parliament.

So, we must be very clear there is nothing in what advocate Jenkins or Adv Adhikari have said that preclude us from doing what we have done. We put it in the set list. What complaints we do have, Chief Whip is that it came to us on 16th that I have told comrade Cedric Frolick because somebody interrupts as if that’s a brilliant interruption but you know the children we have in this House.

So, we told comrade Cedric Frolick that it was unacceptable that you gave us on the 16th, when you knew fully well, Cedric

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that it should be done. You did explain the reasons, which I can’t reveal here, unfortunately, but I am sympathetic and empathetic with you. I think the Chief Whip knows. So, it’s unacceptable that we have so limited a time.

However, really even if we had that time we would have still come to the same conclusion for the very reasons that our three colleagues and comrades in the opposition party have said.

Now, let me be clear, the attack on Prof Jai Preston, is uncouth actually, lacking in grace and inhumane, because of the power Mr Magnier had to say. He may not have performed like a genius but like all of us – first of all Mr Magnier, he has a lot to offer beyond what he has done. He has a lot to learn but there is no evidence apart from a very disgruntled member who is obsessed with dealing with Mr Jahed though he has lost in the CCMA case.

There is no evidence. I, in fact, spoke with four of the staff members; all of them said they are not demoralised. And they said nor dysfunctional. They have written a letter which I

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will table to the committee – saying they don’t understand what the point is about the dysfunctionality. It is just wrong for Members of Parliament to abuse like that. Mr Jahed has no intention of serving another five years. In fact, because it has come to this I hope you will understand when I say he doesn’t want to serve.

In fact, he wants to leave; he has got family and other responsibilities. The Whips, the Speaker’s Office, and the Chairperson of the NCOP prevailed upon him to say – so it’s the only thing – moreover, it is he more than most people who have come to these committees of ours and said: Can we have greater clarity on our administrative independence from the Secretary of Parliament. He has to carry that through, not somebody new. So, we endorse his appointment. Thank you. [Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): Hon members, are any objections to the extension of contract of Prof M I Jahed as director of the Parliamentary Budget Office? [Interjections.]

The CHIEF WHIP OF THE OPPOSITION: House Chairperson,

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The HOUSE CHAIRPERSON (Ms A T Didiza): May I read and finish the question?

The CHIEF WHIP OF THE OPPOSITION: I would like to put a point of order before you put the question.

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

The CHIEF WHIP OF THE OPPOSITION: House Chair, the point of order, is in terms of rule 92(2) is that the incorrect procedure has been followed and I want to place on record that the correct procedure would have been a procedure as envisaged in section 15 of the Money Bills Amendment Act, which appoints an acting person in this provision. And I would like to place on record that the House’s attention has been drawn to this deficiency and the correct procedure that should have been followed.

The HOUSE CHAIRPERSON (Ms A T Didiza): Well, thank you very much, hon Steenhuisen, I am sure having put this matter, I would advise also that you maybe put it in writing to the

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office of the Speaker, with respect to the procedure that was followed. It is recorded because you have raised it and table it here for the record and it is but I am saying in order to take the matter forward you need to write to the office of the Speaker in respect of that matter. Can I come back to the question I was asking?

Are there any objections to the extension of contract of Prof M I Jahed as Director of the Parliamentary Budget Office until three months after the 2019 national and provincial general elections, and the adoption of the reports of the Standing Committee on Appropriation and the Standing Committee on Finance thereon as amended?

Question put

Division demanded.

House divided.

[Take in from Minutes.]

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Question agreed to.

Professor M I Jahed’s contract as Director of the Parliamentary Budget Office accordingly extended, until three months after the 2019 national and provincial general elections, and the Reports of the Standing Committee on Finance and the Standing Committee on Appropriations, as amended, adopted.

Business suspended at 12:47 and resumed at 14:00.

The House resumed at 14:01.

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

The SPEAKER: Hon members, the next item on the Order Paper is questions addressed to the Deputy President. Members may press the talk-button on their desks if they wish to ask the supplementary question. I wish to remind hon members that the names of members requesting supplementary questions will be cleared as soon as the hon the Deputy President starts

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answering the fourth supplementary question. The first question has been asked by the hon B L Abrahams. The hon the Deputy President!

# QUESTIONS FOR ORAL REPLY

Question 13:

The DEPUTY PRESIDENT: Hon Speaker, the response to the first question is that our success in responding to the fight against tuberculosis, TB, calls for a holistic intervention by all of us, all sectors of society and leaders across government and business. This includes the National Assembly which must also incorporate in its own programme and that of hon members for their constituency work and the programmes developed by the Department of Health in the fight against TB. We have made substantial progress in terms of collaborative work with the institutions of traditional leadership. The SA National Acquired immunodeficiency syndrome, Aids, Council participated in the induction of new leadership of the National House of Traditional Leaders in February this year.

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This followed on the national pledge they had made as traditional leaders in December 2017 in the Eastern Cape to lead the fight against human immunodeficiency virus, HIV, and TB. Subsequently, there were engagement with traditional leaders in KwaZulu-Natal to lead the fight against HIV and Aids and TB. The Commemoration of the World TB Day was implemented in partnership with the royal household and the provincial house of traditional leaders. This was officiated under the leadership and support of His Majesty King Goodwill Zwelithini. We are therefore planning to make a series of follow-ups with other traditional leaders and brought civil society to intensify this fight.

This is an acknowledgement of the important role our traditional leaders can play in the fight not only against HIV and Aids and TB, but to all other social ills that are bedevilling our societies. The vision of the Presidency is to ensure that all Aids councils at provincial and district levels are cheered by premiers and mayors respectively with no delegation to lower levels. This is meant to strengthen leadership at other levels beyond the national sphere where this has been much more visible and coherent. We will be

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focussing on strengthening the capacity of provincial and district council to roll out targeted programmes that are aimed at community mobilisation and activism towards the fight against these challenges.

As part of planning and implementation process, the premiers and mayors will be expected to sign off their provincial and district plans which will be guiding the framework for the implementation of various initiatives. Our key interests as well will be assessing the functionality and the effectiveness of these structures tasked with the issues of HIV and Aids as well as fighting TB and other social ills. Thank you, Madam Speaker. [Applause.]

Mr B L ABRAHAMS: Hon Speaker and hon Deputy President, thank you for a very comprehensive response. Hon Deputy President, I would like to know - as the Chairperson of SA National Aids Council, Sanac - how would you be able to involve the public representatives, Members of Parliament, Members of Provincial Legislature, MPLs, and councillors, in the respective areas of the deployment in helping to prevent TB and Aids. Thank you. [Applause.]

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The DEPUTY PRESIDENT: Hon Speaker, we intend circulating our national strategic plan to all members of this august House so that as you go to your constituency work you know exactly the programme. Now, you have got a responsibility to initiate programmes in your constituency offices so that all of us would be working and singing on the same hymn book and same programme so that our efforts yield the necessary results.

Thank you. [Applause.]

Ms S P KOPANE: Hon Speaker, through you to the hon Deputy President, the government has allocated about R40 billion to core departments for TB, HIV and Aids for 2018-19 fiscal year for which we welcome as the Democratic Alliance. However, 36 nongovernment organisations, NGOs, involved in fighting and reducing TB and HIV and Aids prevalence had their funding being cut by the Department of Health. Now, Deputy President - if you are really committed to fight TB and HIV and Aids- how can the funding be withdrawn from these NGOs.

The DEPUTY PRESIDENT: Thank you very much. You will realise that all the NGOs that are partnering with the Department of Health and government in the fight against HIV and Aids and TB

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and all other illnesses don’t get their funding solely from government. Government and Sanac help those individual NGOs to apply for funding. Now, we have got different funding institutions. Those funding institutions require that as Sanac we support each and every application for funding so that as Sanac we understand which NGO has been funded, and how much so that they can also account for the money that they have received.

As far as our concern all NGOs are funded. Of course, money will always not be there for all their needs, but they have got money to run their programmes. Like all of us our needs are beyond our resources. Thank you.

Mr A M SHAIK EMAM: Hon Speaker, through you to the hon Deputy President, part of the problem of HIV and Aids and TB is the socioeconomic condition that in which our people live. In light of this, will government ensure that all role-players including: Social development, human settlement, water and sanitation, Police Department, justice and civil society come together in a co-ordinated effort to eradicate HIV and Aids and tuberculosis; particularly if you look at many areas that

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people are living there is no proper water and sanitation, there is no proper housing and this is what actually aggravating the situation. So, will you be able to bring all these role-players under one banner and work together in being able to address the scourge of HIV and Aids and tuberculosis? Thank you.

The DEPUTY PRESIDENT: Thank you very much. I think that is the focus and that is the way we restructuring this government.

You will understand that before we talk about the National Aids Council, that council is supported by the Interministerial Committee which consists of more than 10 departments. Of course, we can’t have the entire government, all Ministers focusing on HIV and Aids and TB. Of course, there are interventions that each and every department, those that are in the Interministerial Task Team, to support financially and in terms of their programmes and activities, support the work of Sanac, each and every role-player in Sanac, whether it is business, whether it is civil society and government, all of us we contribute in terms of our resources human and physical and financial resources. Thank you.

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Mr T RAWULA: Mr Mabuza, the World Health Organisation estimated that in 2016, 124 000 South Africans died of TB with the majority of people dying from TB and being HIV positive.

The study in 2015 also found that primary health care workers contract TB at two times the rate that the general population does. This means that those who are meant to assist the sick are in fact getting sick themselves. Is government aware of this problem and what is it doing to prevent this problem?

Thank you.

The DEPUTY PRESIDENT: Thank you very much. As government we are aware that in 2015, cases of people that have died because of TB were standing at 6,5%. That was a reduction from 8,4% in 2015. As we stand now we think that TB is the highest cause of death in the country. That is why we have elevated TB and the campaign to sort of try and fight this disease because TB is a curable disease. As long as people can introduce themselves timeously and take the medication. Therefore, the campaign now is to go out there because some people have never presented themselves in our facilities so that they can be tested and detected in time and take treatment. So, we want to reach out more people. We have given ourselves a target of 80 000 people

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that we must reach this current financial year. We are aware that TB is a cause for many of our death. Thank you.

Question 14:

The DEPUTY PRESIDENT: Thank you once again, hon Speaker. On land tenure, members will be aware that section 25(6) of the Constitution makes provision that:

A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

This issue of security of tenure flows from a sometimes mistaken view that land under traditional leadership is owned by traditional leaders, which is a false view. In terms of custom, it is the people who own the land. Traditional leaders are only custodians of the people’s land. [Applause.]

Because of these perceptions and at times conflicting views on who has rights of ownership to such land between traditional

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leaders and ordinary people, government is then seeking to address this issue in a manner that gives certainty and removes any possibility of unwarranted conflict and distortions.

In this regard, the Department of Rural Development and Land Reform has published the Communal Land Tenure Bill for public comment and the department is still considering those comments. I’m sure at the right time this will come to this hon House.

The Communal Land Tenure Bill provides for the transfer of ownership of communal land to communities that occupy such land.

The Bill further provides for the transfer of ownership of residential portions that are currently occupied by community members to such community members. In other words, communities will have title deeds for their communal land and members of communities will have title deeds for their residential and business portions.

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Of course, there are different views on this matter and we encourage that mature engagements continue in a manner that builds our country; the alignment of thought and approach in order to produce necessary cohesion. The bottom line is that that the land belongs to the people.

Through this Bill, we must see it as a process that is part of our intervention as a country in conclusively dealing with land question in a manner that leads to the development of all our people and not for exploitation of the customary rights of people to their land for unscrupulous ends. Thank you, hon Speaker.

Ms T M MBABANA: Thank you, Madam Speaker. Mr Mabuza, former President Motlanthe said and I quote - Yintoni, yintoni?

The SPEAKER: Order, hon members order! Order hon members! Let the hon member finish her supplementary question. Hon Deputy President, can you just take your seat so you are not standing all the time. What is the point of order hon member?

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Mr H P CHAUKE: Chairperson, on a point of order, with respect and the manner in which we have to refer to the Office of the Deputy President as the Deputy President of the country.

Therefore, I want to insist that hon member should address the Deputy President as the Deputy President. We know for a fact that you have disowned him. He is the Deputy President of the country.

The SPEAKER: No, hon member that is not a point of order really. That’s nothing unparliamentary about the way the hon member called the Deputy President. Please proceed hon Mbabana.

Ms T M MBABANA: Mr Mabuza, in one of his recent speeches former President Motlanthe said and I quote: “The people had high hopes that the ANC would liberate them from the confines of the homelands system.”

He further said “the majority of traditional leaders are acting as village tin-pot dictators.” What is government stance on giving title deeds to rural residence under

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traditional leadership, because has had 23 years to do it? When are you going to do it? [Applause.]

The DEPUTY PRESIDENT: Well I thought I have tried to answer that question. Let me repeat. I have said our understanding as a country is that the land under the custodianship of traditional leaders belongs to the people.

Now the Bill that is coming before you seek to enforce that. Well, after 23 years that is going to happen. You will have an opportunity as this august House to reflect on the recommendations of the panel that was instituted by the Speaker’s Forum to evaluate all the legislations and the impact we have made; legislations where there are gaps, where we need to fix.

That report – I’m sure at one stage, you will have an opportunity to deliberate on that report because it is report that was meant for your ears and your eyes. Thank you very much. [Applause.]

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Mr V G SMITH: Deputy President, in addition to the progress being made in the finalisation of the Communal Land Tenure Bill as you have just explained to Ms Mbabana, in February this year this House adopted a motion to have the Constitutional Review Committee to embark on a comprehensive public consultation exercise on the desirability or otherwise of amending section of the Constitution, as you are aware.

Can this House Deputy President rely on the ANC-led government commitment that it views the consultation exercise as absolutely important because the ANC continues to believe in the notion of the people shall govern. And that, no decision should ideally be taken by this government that affects the people, without the views of the people being heard on this important and long overdue question of the land and who it belongs to.

The DEPUTY PRESIDENT: Thank you, hon Speaker. Definitely, our people should have confidence and trust in the ANC. The expropriation of land without compensation as one option that seeks to restore land to those people that were deprived or land was taken away from them, is going to happen.

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It is one option. There are many options that we are going to follow in terms of redressing ensuring that those people who work the land are given the land. Now, you will know that it is not only land that is held in private hands.

We have got land that is under the leadership of the state, different departments are holding land, and different municipalities are holding land. That land is going to be expropriated and be given to the people – just not to lie on the land, these people must work the land; and government is going to assist those people to work the land. That is going to happen. [Applause.]

We must emphasize and stick to the words by the President that in all these efforts, we are going to try very hard not to disrupt the production.

Instead, these efforts of trying to take land back to the people that were wrongly deprived of the land should not really disrupt the productive capacity of our country. That is going to happen and you will be there all of you as we take this journey. Thank you. [Applause.]

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*IsiZulu:*

Usolwazi N M KHUBISA: Somlomo, mhlonishwa Sekela Mongameli, le ye-High Level Panel isifikile kuthina njengoba sike sahlala sayibuka bezoyethula kuthina. Ngizwe ngoba uthi kufanele ukuthi niyibheke kodwa okunye engikubonile ngeviki eledlule, ngike ngabona amakhosi, abaholi bomdabu bebize isithangami sabezindaba bethi okunye i-panel eyakwenza, yayenza izithangami zayo emadolobheni okuningi abakwazi, abazi lutho nje ayifikanga kubona. Izethulo sezize zaphuma kungafikwanga kubona. Manje lolu daba baluzwa nje emoyeni, bafunda ngalo emaphepheni. Ngabe Sekela Mongameli yini engenziwa ukuba kulungiswe lolo daba lapho bethi abaholi bomdabu abazi lutho ngale-High Level Panel Report?

USEKELA MONGAMELI: Somlomo, ngiyizwile ke nami leyo ndaba ukuthi amakhosi ahlangene asho ukuthi awajabulanga ngendlela izinto ezenzeka ngayo. Manje-ke sizimisele ukuthi sibize umhlangano ophuthumayo nawo amakhosi sixoxisane ngale ndaba kanye nezinye izindaba ezithinta umhlaba ngoba thina nawo kufanele sizwane ngendlela ekufanele siyihambe. [Ihlombe.] Ngangishilo futhi uma ngihlangana neSilo Samabandla wonke Ingonyama u-Goodwill Zwelithini ngihlangana naye esigodlweni

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sakhe ukuthi cha, njengeSilo Samabandla ngizofika esigodlweni saso sizoxoxisana ngalolu daba. Sivumelene-ke ukuthi sizoyichaza yonke into ezokwenzeka. Nalesi siphakamiso enisenzile la ePhalamende ukuthi nifuna ukushukumisa uMthethosisekelo nenze isichibiyelo sizoyixoxa nawo amakhosi ukuthi indlela esifuna ukuyihamba yile, mabayizwisise ukuthi sizama ukuthi abantu abangaphansi kwawo amakhosi babe nomhlaba, bawusebenze umhlaba ukuze silwe nokusweleka kokudla, silwe nokuswela kwemisebenzi. Siyabonga.

Rev K R J MESHOE: Thank you, Speaker. Deputy President, it is clear from the findings of the High Level Panel Report that for the most part the main source of anger among the landless people is not section 25 of the Constitution as some claim, but rather it is due to corruption among government officials that has resulted in both land restitution and redistribution going to unknown people; and not those whose names are on claim forms and applications.

As some of the corrupt officials and politicians may still be involved in processing those claim forms and applications, what is the government going to ensure that the landless and

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poor people who have applied - rightfully so - for the land, are provided with direct ownership of land with title deeds of that land and not the corrupt officials who have the capacity to bribe corrupt officials and politicians. Thank you.

The DEPUTY PRESIDENT: Thank you very much. I’m sure in the next three weeks the President of the country will announce a panel - a panel that would take forward the entire land question, all the land issues and challenges.

But of course, we are mindful of the issues raised in the report alleging that there were instances of corruption in the process of restituting land back to the people. Those will be investigated.

That is an opportunity that will tell us how much land has been given back to the people, at what cost? What were the processes followed? How many claims are still left behind and what is the total cost of those claims?

For us to move forward, we need to make a thorough audit of what has happened and what needs to happen. That will guide

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our wayforward as we proceed with this land question. Thank you very much.

Question 15:

The DEPUTY PRESIDENT: Hon Speaker, under the leadership of the new CEO and with support of the board of trustees of Sanac, remains a national institution, which all of us as South Africans must rally around in order to collectively respond to HIV and Aids, Tuberculosis and all sexually transmitted infections.

According to us, the council is in good standing with the functional board of trustees, which has ensured good governance as evidenced by the four successive clean audits. Since the appointment of the new trustees and the CEO, the trustees and the management team have worked hard to ensure that all aspects of good governance are in place so that the funds entrusted to Sanac are properly managed and accounted for. All relevant policies to manage people, funds and risk are in place and should give South Africans the assurance that SANAC has the capacity to fulfil its mandate.

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As the custodian of the national strategic plan 2017-22, which guides the country’s response to HIV, TB and STIs, Sanac now has the responsibility to ensure that this ambitious plan is implemented through the provincial implementation plans as well as multisector district implementation plans, which have just been finalised and signed off.

As Chairperson of Sanac, the team that I am heading is looking forward to working with all key stakeholders and leaders at all levels to ensure that we reach our goal of a generation free of HIV by 2030.

Sanac is the centre of all our national efforts to contain and reverse the spread of HIV and Aids. The CEO’s role is to provide visionary leadership in driving the country’s prevention revolution against the backdrop of approximately

270 000 people, who are newly infected with HIV and Aids every year. It is crucial to prioritise and upscale prevention in the same way we deal with HIV and Aids and TB treatment.

Our renewed focus on prevention will assist in ensuring that almost 48 million South Africans, who are HIV negative, remain

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so, with more babies born HIV free. As CEO of Sanac, Dr Buthelezi’s major task is therefore to assist all of us to win this fight against HIV and Aids and keep people negative from infections.

We do appreciate that the pace of decline in new infections is not fast enough the way we want it. The reality is that over the years, we have not put adequate attention to prevention.

Sanac will have to take major strides to address this. That is why the national strategic plan for HIV, TB and STIs has placed prevention as the first goal with the bold target of reducing new infections by more than 60% and cutting TB incidents at least by 30%.

However, Sanac cannot do this alone. Each and every South African has a role to play. I urge all of us to throw our support behind our National Aids Council and the new CEO and his team as we push this new prevention revolution forward. Thank you very much.

Ms M L DUNJWA: Thanks to Comrade Deputy President, in welcoming the new board and the new CEO, one wants to check if

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they will have the capacity and the ability to monitor and ensure that provinces do have Sanac structures and that those structures are communicating with all stakeholders in the health sector and beyond, especially communities, using pamphlets, campaigns and materials that are reader-friendly in all official languages. How often will that happen per annum? I thank you.

The DEPUTY PRESIDENT: I don’t think it is the responsibility of the new board and the CEO alone to ensure that there are structures at a provincial, district and local level. It is my responsibility as Chairperson to ensure that these structures are there. Therefore, we are going to take a programme very soon to visit all our provinces. I am going to ensure that these structures are there. I am going to help provinces, districts and mayors to form those structures.

For now, I have received reports in black and white to say that these structures are there and that they have put together their plan. It is for us to meet with those structures and interrogate the plans and ensure that they are

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achievable and how often we sit together and measure progress. Thank you very much.

Mr N SINGH: Speaker, to the hon Deputy President, in an earlier answer you said that the responsibility of awareness lies on all of us – Members of Parliament, mayors, etc, yet hon Deputy President, out of 400 of us in this Parliament, there are probably only three or four of us that wear these Aids badges religiously to create this awareness. I think this is something that should be done by all of us as Members of Parliament to start off with.

Hon Deputy President, my question is that: South Africa has the highest epidemic in the world with a reported 7,1 million people that currently live with HIV and Aids. In 2016, an estimated 320 000 children from age 0-14 were living with HIV in South Africa, yet, it was only 55% who were on treatment. What is going to be done by Sanac and yourself as head of Sanac to ensure that all children living with HIV are treated? Thank you.

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The DEPUTY PRESIDENT: The campaign that we are going to launch now in June – the Wellness Campaign, the objective behind that campaign is to ensure that we get our people screened once more, those who have not been screened so that we can enlist them in our treatment and ensure that they take treatment.

The very fact that you are reading the statistics that says 7,1 million people have been diagnosed to have HIV and Aids is a good thing. It shouldn’t be viewed as a bad because it is an indication that as South Africans, we are taking this very serious. We are presenting ourselves for screening and we are taking treatment. We need to encourage our people to take treatment religiously so that we can reduce more infections.

That is why Sanac has taken a view that we shouldn’t deal with the when it has occurred. Let us put more energy and emphasis on prevention so that there is less resources and less efforts for treatment.

I am sure all of us are going to take this message very serious so that we can deal with our behaviour and how we want to fight this scourge. It is up to us. This depends highly on how we behave and how collectively we want to fight this. That

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is why I am always putting this emphasis that we can’t put responsibility solely on Sanac and the role-players that are there. It should be our responsibility. It is about how we behave and how we conduct ourselves on a daily basis. Thank you.

The SPEAKER: Hon Rawula!

Mr N S MATIASE: Madam Speaker and Deputy President, the Aids programme and research ...

The SPEAKER: I must say you don’t look like Rawula. [Laughter.] However, I see that your name is after his. So, you may go ahead because you come from the same party.

Mr N S MATIASE: ... Rawula is my brother. [Laughter.] The Aids programme and research in South Africa reports that there are about 2000 new infections of HIV, particularly on women and young girls. The manifestation of gender-based violence against women is multifold. It looks like men have declared war on women. What we need to understand from you - as if the fight against HIV and Aids has been won and done. What

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strategy is in place, not only to deal with the attitude of men towards women and how they relate with them but to deal with the mindset of men in order to impact positively on the gendered nature of new HIV and Aids infection going forward?

The DEPUTY PRESIDENT: I am sure you’ll recall that in the past, the former Deputy President, now President of the country speaking about blessers and sugar daddies. This is behind the problem that you have mentioned. If you have noticed, more young girls are getting infected.

The campaign tries to take the awareness to that level of young people, who are getting abused by older men with money and resources while also abusing their poverty. That is why we are seeing the infection. Sanac, under the leadership of the then Deputy President, raised this matter for all of us and now we are seeing this matter on statistics. Now we are reading about it. It has been a problem that has been there.

It requires us all to deal with it.

I am happy that a few provinces, like KZN, Eastern Cape have groups of girls that have organised themselves to take this

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campaign forward to make aware some young girls about this problem that they should not expose themselves for this abuse. At the end of the day, they are the ones that are getting infected. This is a problem and is part of the campaign. We are going to organise and sensitise young women.

Of course, the attitude of men must change, especially older men. I am not very sure about ourselves here as to how we behave. I am calling upon you to help in this instance. [Applause.] Thank you very much.

Mr A M SHAIK EMAM: Hon Deputy President, something came up in the Truth and Reconciliation Commission, TRC, which seem to have been ignored. We must admit and agree that South Africa is quiet developed in Africa with regard to its health sector. Like hon Singh said, we have 7 million infected.

There are serious allegations that HIV could have been created by man to reduce the black the population, particularly South Africa, to take control of our minerals and other things. In the TRC this matter came up and there was evidence to that effect. Together with the fact that Wouter Basson and his

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biological weapons and the dirty game that they were playing, will government consider through Sanac to look into that matter so that we as South Africans will know for sure that, indeed, it was either created or it was not because there is evidence to that effect.

I have had many calls from people that were part of the TRC after I mentioned that previously. Thank you.

The DEPUTY PRESIDENT: I can see that the hon member is thinking aloud. Well, if you want my advice, I will say, let’s focus on the problem. Its one thing to say what is the cause and where the problem does come from but on a daily basis, this problem is destroying the nation. All our efforts probably should go towards preventing and curing. If we can, let’s find a cure for this virus.

I am not going to agree nor dismiss your speculations but I am saying, let’s focus on dealing with the problem. Thank you very much.

Question 16:

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The DEPUTY PRESIDENT: Hon Speaker, as members will recall, the Expanded Public Works Programme, EPWP, focuses on four main areas, namely the creation of employment, creation of assets, the delivery of services and lastly, skills development.

Perhaps we must also reflect on the recruitment process. It is worth noting that participants in the EPWP are recruited by the employing government department through processes determined by provinces and municipalities.

For those participants who are trained through funds that are sourced by the Department of Public Works, the skills level requirements are determined by the sector education and training authorities as per the National Qualifications Framework, NQF.

However, for government departments, they select the required skills level that the EPWP intervention provides training on. The types of skills training in a particular project would largely depend on the skills required for that specific project.

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Generally, the levels of skills for the majority of EPWP participants that are trained on accredited courses range between NQF levels one up to three. Accredited training is a requirement for training funds sourced from the Department of Higher Education and Training through its National Skills Fund. For nonaccredited short courses, the participants are only required to be able to read and write.

During the period in question, training was provided through skills programmes and artisan development programmes. The skills programmes provided were in plant production, public awareness promotion on dreaded diseases, child and youth-care work, environmental practice, general forestry, community home building, public area cleaning, psychosocial support, etc.

In the infrastructure sector, skills programmes training were carried out in different areas that include painting, carpentry, plastering, brick laying and house electrical works. The skills transfers under the artisan development programmes include auto electricians, boilermakers, diesel mechanics, electricians, fitter and turners and motor mechanics.

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I am informed by the Department of Public Works that during the past financial year we have recorded training for almost

50 000 participants which is broken down per province as follows: Eastern Cape is 6 301; Free State is 3 907; Gauteng is 5 857; KwaZulu-Natal is 6 952; Limpopo is 4 362; Mpumalanga is 3 335; Northern Cape is 3 038; North West is 1 585; and Western Cape is 14 076. Thus, a total number of 18 573 men were trained; 30 840 women were trained; and 6 545 young people were trained. Out of that number, 788 people were people living with disabilities. Training covered more than

300 focus areas.

In terms of skills development, these figures might look positive; however, one of the critical issues beyond these processes is the proper placement of those that have undergone training, in gainful employment or entrepreneurship development.

Despite these recorded numbers that are contributing in reducing unemployment and poverty, there is still a need to review, streamline and enhance the performance impact of all public employment interventions.

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As part of deepening the impact of antipoverty initiatives, we are looking at how we can expand participation of key stakeholders, including the private sector, to ensure that these interventions are not only limited to the EPWP.

Through this process of review, we want to look deeper into how those young people who are not in employment, not in education and not in training, can meaningfully access skills development opportunities through private-sector involvement.

Mr I M OLLIS: Speaker, on a point of order.

The SPEAKER: What’s the point of order, hon member?

Mr I M OLLIS: You know, we heard a conspiracy theory earlier and since then the air conditioner seems to have broken. The televisions, TVs, seem to have broken. I’m not sure whether a virus is in the system, but perhaps you could ask someone to turn it on so that we don’t sweat on this side of the House

... [Inaudible.]

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The SPEAKER: Yes, the Information Technology, IT, division is already looking into it. I now call on hon Adams to ask a supplementary question.

The CHIEF WHIP OF THE OPPOSITION: Madam Speaker, whilst you are investigating the wild claims of Mr Emam, perhaps you could check whether the TVs are not a Central Intelligence Agency, CIA, plot to prevent our Parliament from working. [Interjections.]

The SPEAKER: No, hon member, please just take your seat. Hon Adams?

Mr F ADAMS: Thank you, hon Speaker. Hon Deputy President, it should be noted that 44% of the work opportunities reported in the EPWP in the 2017-18 financial year consist of youth, and women around 66%. Staying with young people, the latest Quarterly Labour Force Survey indicated that, compared to adults, the unemployment rate was highest amongst the youth, irrespective of education levels. Approximately 3,1 million of the 10,3 million young persons were not in employment, education or training.

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Deputy President, what is the positive impact of the EPWP on the youth, to counter the high unemployment rate amongst the sector, especially women and people living with disabilities?

Also, in terms of our oversight mission as the committee, a couple of years ... we went to Mpumalanga. Now, Economic Development in Mpumalanga has taken those people who were in internships in Public Works, and they have created and given them stable and long-term sustainable employment. Don’t you think that all government departments should be able to do that?

The DEPUTY PRESIDENT: Hon Speaker, a good thing that is coming from this EPWP is that we have now introduced skilling and training. Maybe we need to put more emphasis on training so that our people, beyond having those short-term jobs and the acquired skills, must be able to employ themselves or find permanent jobs moving forward.

Of course, I am happy that in the human development research council one priority that has been identified is to ensure that we upscale skilling, and we are looking at those young

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people that are not in education institutions, not in employment and that have not acquired the necessary education. We want to create something that will accommodate all these young people so that, finally, they can get training.

Of course it is important to think beyond that process. As government we must find a way of supporting those young people that have acquired skills to start their own small businesses. This is an effort that we intend looking at.

In our previous employment in Mpumalanga, we started something called a Social Enterprise Development Model. That Social Enterprise Development Model seeks to ensure that any work that is done by government ... any contractor that does work for government, whether it’s a school, a road, a clinic, we are insisting on one condition; that all the required material to build a school must be sourced those from local people, so that you buy a brick there, you buy a window frame there, you buy roof trusses there. Now, all those people that have been trained — your boilermakers, your carpenters — are there. So source those from people locally. And I’m sure that those who have taken over after us will pursue that programme.

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The DEPUTY SPEAKER: Hon Matiase?

Mr T RAWULA: Thanks, Deputy Speaker. Deputy President ...

The DEPUTY SPEAKER: Do confirm you are not Matiase.

Mr T RAWULA: Yes, I confirm. Deputy President, the EPWP is nothing more than government casualising full-time work in order to exploit the labour of our people while claiming to address unemployment. If government wants to address the high unemployment rate in our country, while also improving service delivery to our people, the best way to do this will be by insourcing all services that are outsourced and fully employing those in the EPWP.

Insourcing is less costly than outsourcing and provides the workers with better salaries and benefits. This is currently happening in the City of Johannesburg where the city is saving money but is also able to double the salaries of those that were previously outsourced. Why is national government not insourcing this service provision?

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The DEPUTY PRESIDENT: Hon Deputy Speaker, to other people that might probably be the way to go but we can probably argue differently and say that government is not an employment agency. Government must create an environment that is conducive for employment to happen and where companies can invest so that employment can be created.

We are saying this because the resources we get as government from the revenue that we collect is meant to build a school, to build a road and to provide this service and that service, and not to employ people.

The implications of employing a person are dire because it’s not just about employing that person for now. In 10 years the salary of that person will triple or will be four times ... because every year there should be an increment. Finally you will have your compensation of employees in government becoming more than your goods and services ... the money that you must use to support these people while they are working And there will be| very little money that will be put for your capital expenses. Therefore, government will just be there to

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employ people that can go out and work, and that can’t fix a road, that can’t build a school.

So, I’m not really in favour of that process. Rather create a conducive environment for business to flourish, assist and support businesses so that they can employ people there. [Interjections.] Thank you very much.

Mr M J FIGG: Thank you, hon Deputy Speaker. hon Deputy President, under the EPWP, the reported work opportunities created in quarters two and three of 2017-18 was 477 587 below target. One of the reasons given by the department for the deviation was poor record keeping by public bodies.

The Auditor-General, AG, noted that reported achievements were not supported by the appropriate evidence. Furthermore, the AG noted clear cases of corruption, where reported beneficiaries were, in some cases, deceased, the identity numbers of some beneficiaries were found to be invalid and some beneficiaries were included on multiple projects when they worked on only one project.

An HON MEMBER: Shocking!

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Mr M J FIGG: How will the Deputy President ensure that this unacceptable, corrupt situation is not repeated, so that the desired level and required skills transfers are achieved so that antipoverty programmes like the EPWP can work as intended?

The DEPUTY PRESIDENT: You will notice that as government we have put together a department in the Presidency, led this time by Minister Nkosazana Dlamini-Zuma. That department seeks to monitor and evaluate the impact of what we do and what we seek to achieve as government. So, those concerns and those allegations are definitely going to be investigated as to whether the figures that we are getting are true. If there are incidences of corruption that are reported, we will have to investigate those. As government we have a mechanism to monitor the impact of the EPWP internally. Thank you.

Mr A M SHAIK EMAM: Thank you, hon Deputy Speaker. Hon Deputy President, we welcome the latest statistics on the number of jobs – 591 000 — that were created.

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We went on an educational tour to Germany and we found something very remarkable that works ... [Interjections.] ... which is that BMW in Bavaria ... the municipality or the district invests in a business. Will government consider getting municipalities to invest into big businesses so that it’s a public-private partnership and the proceeds or profits from there can go to creating more jobs, particularly in the rural areas?

The DEPUTY PRESIDENT: Well, we can probably look at that but what we have seen, and which we are really trying to follow is also a concept that emanates from Germany. That is the relationship that is there between business and training institutions that are run by government.

The relationship between universities and companies ... students are offered an opportunity to do their practicals in companies and before they complete their courses they are already guaranteed a job in a specific company. That is probably very interesting to look at and probably to try in our country.

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There should be a close working relationship between our training institutions, our universities, our colleges, our technical vocational education and training, TVET, colleges with business.

Now, our Human Resource Development Council has initiated that. Businesses are starting to adopt a TVET college. There is a working relationship between a TVET college and a business. Students are given a platform for their practical internships and finally, probably even more prospects of permanent employment. Thank you very much.

Question 17:

The DEPUTY PRESIDENT: Deputy Speaker and hon member, the issues of the North West Province have been sharply raised through various voices in that province resulting in protests that were accompanied by the destruction of property.

The national government had to intervene to bring an end to this untenable situation. In cases where incidents that cause instability manifest themselves, any responsible government must quickly make interventions that respond to the plight of

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affected communities and restore stability in a manner that promotes democratic governance. In this regard, the President sent an interministerial task team whose work led to the invocation of section 100 on the entire North West Province.

In terms of this intervention, the national government resolved that the intervention must execute the following obligations: enhance the effectiveness of internal governance structures; strengthen financial controls, governance and accountability; implement sound financial management systems and stem the tide of irregular expenditure, unauthorised expenditure, and accruals; enhance supply chain management systems; improve contract management systems; and restore sound labour relations between government as an employer and trade unions, especially in the health sector.

The task team is implementing the necessary interventions intended to resolve issues and restore normalcy in the North West Province. Reports on progress will be made to Cabinet on a fortnightly basis in line with the interministerial task team mandate. The recent report was tabled to Cabinet on

23 May 2018, and Cabinet was satisfied with the progress in

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stabilising the province. Cabinet then increased the members of the interministerial team by adding the Ministers of Basic Education, Public Service and Administration, Human Settlements, Social Development, Environmental Affairs, and Transport.

The interministerial committee was asked to do further work in the province and advise Cabinet on which of the provincial departments should be placed under section 100(1)(a) or section 100(1)(b) of the Constitution. As a result of this work, Cabinet has approved that five of the provincial departments should be placed under section 100(1)(b). These are the following: the Office of the Premier, the Department of Community Safety and Transport Management, the Department of Education and Sport Development, the Department of Health, and the Department of Public Works and Roads.

Five departments are to be placed under section 100(1)(a). These are the following: the Department of Finance, Economy and Enterprise Development, the Department of Local Government and Human Settlements, the Department of Rural, Environment

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and Agricultural Development, the Department of Social Development, and the Department of Tourism.

Furthermore, the Justice, Crime Prevention and Security Cluster has to conduct further investigations where cases of maladministration and corruption are suspected. Consultation with the provincial government is an ongoing process – and the team is there, working. Once the final report by the team has been presented to Cabinet, remedial action will be taken and implemented. The bottom line is that services must be delivered to the people of North West in an effective and efficient manner as expected by citizens from their own government. Thank you very much.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, may I take the opportunity to welcome the Deputy President back from Russia. I hope you had a great trip, and that it is more *From Russia with Love* than *Gorky Park*. [Laughter.] [Interjections.]

I think that we have seen the reasons, and thank you very much for the answer, but I am sure that the Deputy President, since his return to the country, would have seen the municipal

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outcome of the audit reports that were tabled by the Auditor- General. What it shows very clearly is that the dysfunctions, many of which you mentioned today, particularly at local government level, are far more prevalent in the Free State where the report recommends a 100% intervention in those municipalities. This far exceeds what is present on the ground in the North West. The state of hospitals and governance in the Free State province is far worse than what we have seen in the North West. I certainly hope that my hon friend is not indicating and incentivising people that if they want a change in their government, they need to resort to acts of lawlessness to get government to listen and act.

The question that I want to ask or the comment that I want to make is that it is very clear that the New Dawn has brought down the sunset on a key internal ANC factional political opponent in the form of Mr Supra Mahumapelo ... [Interjections.] ... and yet has failed to act against the Premier of the Free State, Mr Ace Magashule, who also happens to be the secretary-general of the organisation of the Deputy President. So, what assurances can the Deputy President give this House that these section 100(1)(b) interventions are not

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political interventions dressed up and cloaked in the respectability of a section 100 intervention? [Interjections.] [Applause.]

The DEPUTY PRESIDENT: Deputy Speaker, I think the situation in the North West, as it was discussed in Cabinet, many views were presented, but the bottom line was that national government should come closer to provinces. There should be a way that gives us an early warning system when things are not going right.

Cabinet decided then to identify especially health so that national government should be proactive to look at health departments in all our provinces, including the Western Cape, so that we are fully prepared and can prevent the collapse of certain services. We intervened timeously. So, the Free State will probably fall into that category. We are not going to conduct a witch hunt, but where there is a collapse of services, definitely, in the interest of the people, regardless of who is involved, government must intervene.

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Now, in the North West, the decision to place the entire government under section 100 either (a) or (b) is an indication that some governance systems have collapsed. That is not speculation; it is evidence detected by the team that was sent there. Government had to really do something in the interest of the people. I am quite satisfied by the intervention government made. Of course, you will realise that the President of the country and of the ANC had a discussion with the premier to say that, in the interest of the people, I think you have to step aside as premier so that we try and fix this thing. [Interjections.]

The premier accepted, and we want to thank the premier ... [Interjections.] ... for recognising the will of the people.

Mr M WATERS: No, he didn’t.

The DEPUTY PRESIDENT: None of us is here on our own. We represent the people. If people are showing some dissatisfaction about our leadership, we must step aside. That is it.

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The CHIEF WHIP OF THE OPPOSITION: So, it was political.

The DEPUTY PRESIDENT: No, it is not. [Interjections.] Let me help you again. I am going to patient with you, and I am going to say, please don’t disturb me. [Interjections.] I won’t say “shut up”. I won’t say that, but I am saying a team was sent there.

The CHIEF WHIP OF THE OPPOSITION: On a point of order, Deputy Speaker: The hon Minister of Small Business Development has just screamed across the House, “Shut up, little boy”. [Interjections.] I would suggest to you that that is unparliamentary, as has been ruled before, and she must withdraw that. [Interjections.]

*IsiZulu*:

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE:

Uyabone ke ufuna ukuphendulwa wena.

*English*:

The DEPUTY SPEAKER: Hon Minister ...

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*IsiZulu*:

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE:

Udakwa umbuso wena inkinga yakho.

*English*:

The DEPUTY SPEAKER: Hon Minister, wait a minute.

*IsiZulu***:**

UNGQONGQOSHE WEZOKUTHUTHUKISWA KWAMABHIZINISI AMANCANE:

Yebo, udakwa umbuso. [Ubuwelewele.]

*English*:

The DEPUTY SPEAKER: Hon Minister, did you say what he said?

The MINISTER OF SMALL BUSINESS DEVELOPMENT: Deputy Speaker,

you can go to the Hansard or whatever needs to be done to find out whether I did or not. I stand here and say to you that he has issues that I don’t have. I never said what he said.

*IsiZulu:*

Inkinga yakhe udakwa ngumbuso.

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*English*:

The DEPUTY SPEAKER: Hon members, we will check the Hansard to confirm what was said, and we will come back. Go ahead, hon Deputy President.

The DEPUTY PRESIDENT: I want to answer the question. Please don’t be distracted. Let’s talk. I am saying the progressive intervention that was done by government was informed by the material conditions on the ground. Remember firstly that government took a decision to send the military to go and assist at the hospitals. That was the first sign of there being a problem in the provincial Department of Health. Beyond that, a team was sent to go and look at the situation. The team came back with a few recommendations, and government took the first decision to place the provincial Department of Health under section 100(1)(b).

Upon further investigation, government took a decision to place a certain number of departments under section 100(1)(b) and certain departments under section 100(1)(a). I am saying this decision by government was informed by the material

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conditions prevailing on the ground and the very fact that service delivery was hugely affected. Thank you very much.

Mr M A PLOUAMMA: Deputy Speaker, through you to the Deputy President: What is happening in the North West is political armed robbery. [Interjections.] What guarantees do we have that the North West will not be handed over to another faction of thieves? By the way, did you excuse yourself when Cabinet took the decision to place the North West under administration because Mr Mahumapelo is your own twin by deeds? Otherwise,

this process will be like thieves chasing thieves.

The DEPUTY PRESIDENT: Deputy Speaker, I didn’t hear the question. I just heard “thieves chasing thieves”. I didn’t hear the question.

The DEPUTY SPEAKER: Hon Deputy President, please take your seat.

Mr P J MNGUNI: Deputy Speaker, I rise on Rule 92: The hon Plouamma is definitely casting aspersions on the dignity of the Deputy President. [Interjections.] I think it is an unfair

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question and that the Deputy President may not be expected to respond at all. If anything, Mr Plouamma ought to withdraw that question – in the manner it was cast. Thank you.

The DEPUTY SPEAKER: Hon Plouamma, just rise to the occasion. [Interjections.] Yes!

Mr M A PLOUAMMA: I am listening, Deputy President.

The DEPUTY SPEAKER: No, no, no! The Deputy President is sitting. It is me asking you to rise to the occasion. The language you used has crossed the boundary of acceptability.

Mr M A PLOUAMMA: Hon Deputy Speaker, this is the National Assembly, not an occasion. [Interjections.]

The DEPUTY SPEAKER: Not what?

Mr M A PLOUAMMA: It is the National Assembly, not an occasion. What I was saying is that ...

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The DEPUTY SPEAKER: No, hon member! I didn’t ask you to repeat yourself. I asked you to withdraw the remarks that have been identified correctly as crossing the boundaries of acceptability. [Interjections.]

Mr M A PLOUAMMA: No, hon Deputy Speaker, I said ...

The DEPUTY SPEAKER: Hon member, I didn’t ask you to repeat yourself. I said withdraw.

Mr M A PLOUAMMA: What should I withdraw?

The DEPUTY SPEAKER: Yes.

Mr M A PLOUAMMA: What?

The DEPUTY SPEAKER: You withdraw the offensive remarks you made about the Deputy President. [Interjections.]

Mr M A PLOUAMMA: Which remark, sir? [Interjections.] Which one?

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The DEPUTY SPEAKER: You know exactly what you said, hon member.

Mr M A PLOUAMMA: Deputy Speaker, you have a problem with me. [Interjections.] When I get up, you always act this way. You must be specific to me and say what remark.

The DEPUTY SPEAKER: Hon member, you also assume that by saying the things you say that you know are not parliamentary, you can get away with it from me, and you are not going to do that.

Mr M A PLOUAMMA: Deputy Speaker, I said at the end: “Otherwise, this process will be like thieves chasing thieves”.

The DEPUTY SPEAKER: Hon member ...

Mr M A PLOUAMMA: I never mentioned the name of the Deputy President.

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The DEPUTY SPEAKER: Hon member, you see, you are selectively reading your own remarks, and I ask you to withdraw that. [Interjections.]

Mr M A PLOUAMMA: Hon Deputy Speaker, I am not going to withdraw. All I am asking you is to educate me and tell me what I must withdraw.

The DEPUTY SPEAKER: Alright. No! No! Hon member, if you say to me you are not going to withdraw, there is no conversation between us. [Interjections.]

Mr M A PLOUAMMA: Hon Deputy Speaker, your job as a Deputy Speaker is to educate me and tell me where you think I made a mistake. I am giving you that opportunity to do so. You cannot just say to me I have to withdraw. I don’t even know what you are talking about. [Interjections.]

The DEPUTY SPEAKER: Hon member, the remarks you have just quoted are part of remarks you made with assertions about the Deputy President. This is why you made the analogy you made. I

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am saying it is unparliamentary to cast aspersions, and you must withdraw it.

Mr M A PLOUAMMA: Deputy Speaker, I am not saying I will not withdraw, but you are general. Can you just be specific about what I have said?

The DEPUTY SPEAKER: I am not going to repeat the language you used, which is unparliamentary. I am asking you to withdraw it.

Mr M A PLOUAMMA: Do you want me to do it in Northern Sotho because you seem to have a problem with English?

The DEPUTY SPEAKER: In any language, withdraw it. I have no problem with you. I have problems with your language that you know is unparliamentary, and I make no excuses about that.

Mr M A PLOUAMMA: Hon Deputy Speaker, mark my words: I am not going to withdraw this. What I have said is true.

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The DEPUTY SPEAKER: Alright. Thank you. Hon member, there is a door next to you. Just use it, quickly. [Interjections.] No, hon members! You are not the ones responsible for that. I am. Just take it easy and keep your cool, please. Keep your cool, hon members! [Laughter.] Hon Plouamma, leave the House! [Interjections.] Order, hon members, order! Hon Sithole, it is your turn, sir.

The CHIEF WHIP OF THE OPPOSITION: Deputy Speaker, may I address you in terms of Rule 26? Rule 26 says that you have to act fairly and impartially and apply the Rules of the House with due regard to the participation of all members of the House. [Interjections.] I want to ask you, sir, given the ruling that you have just made, why does an ANC Minister like the hon Zulu get away with what she does, but members of the opposition are to be chased out of the House? This is a violation of the Rules of Parliament! You are not acting fairly! She can say what she wants, but anybody else can’t say what they want.

The DEPUTY SPEAKER: Hon members! Can you hold on? I am speaking now. When the presiding officer speaks, you take your

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seat. Hon Steenhuisen, you are misrepresenting the truth. [Interjections.] In the first place, I asked the Minister whether she said that. It is usual in the House to check the Hansard, as the Minister said she didn’t say it. That is fair. I asked him to withdraw his language. What did you want me to do differently? I am acting fairly and according to the Rules. [Interjections.] Of course, I will chase her out if it proves to be right. I am not going to do it because you say it, hon Steenhuisen. I am acting fairly and so on. Let’s proceed, hon members. Hon Sithole?

The CHIEF WHIP OF THE OPPOSITION: That side, you can say what you like, from this side not.

The DEPUTY SPEAKER: No, no. It is a nonexistent story you are painting there, hon member. It is a figment of your imagination. Go ahead, hon Sithole. [Interjections.] Order, hon Steenhuisen! Please allow the House to proceed without your constantly heckling.

Mr X NGWEZI: Deputy Speaker, it is the hon Ngwezi, not Sithole. Deputy President, the IFP welcomes the implementation

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of section 100 of the Constitution in the North West, but our concern is that when the events that have taken place in the North West recently happened, there were early warning signs. Political parties warned national government about the problems in the North West. Whistleblowers have warned this House, and national government didn’t listen.

Again, Deputy President, we are warning you in this House that there are problems in the Free State. There are problems in KwaZulu-Natal. Are you still going to wait for people to damage property in those provinces before you institute any investigation under section 100? Thank you.

The DEPUTY PRESIDENT: Deputy Speaker, I want to take that warning seriously, but the warning must be explicit. [Interjections.] Please can you do that – I don’t say do it here – but I want to hear that warning so that I take you seriously. You see, the next day you will say I warned you, but that was the only word to say I am warning you. Tell me this and this and this and this are going to happen. Put it in writing. You can give it to me. That is a warning that probably I will take. Thank you. [Applause.]

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Mr X NGWEZI: Deputy Speaker, may I address you? Through you to the Deputy President: With due respect, the Auditor-General has released a report that ... [Interjections.]

The DEPUTY SPEAKER: No, no! Hon member, no! No, no! [Interjections.] We haven’t adopted a different Rule so far. You have asked your question. It has been responded to. Sorry. No. [Interjections.] Hon Khubisa?

*IsiZulu:*

Kahleni, kahleni! Ake sithuleni.

*English*:

Hon Hlengwa, I can hear you loudly from where you are sitting. Give us some space. There is a member at the podium, and he would like to respond to members’ questions.

Prof N M KHUBISA: Deputy Speaker, through you to the Deputy President: There have been reports in the media and public domain about the state of health in the North West. For instance, it was said that women who had given birth had to sleep in one bed, and there was no cleaning material at all.

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Do you think the situation will be attended to urgently with the interventions that have been made?

The DEPUTY SPEAKER: Deputy Speaker, definitely. You will be aware that the Minister of Health has been there physically, visiting hospitals, seeing the conditions and the way patients are in those institutions. We are definitely going to respond. We will probably need extraordinary measures, in fact even outside the capacity of the North West, to deal with these problems. We are not just going to go there and see the problems, observe them, note them. These problems are there to be resolved for the sake of our people. Thank you.

Question 18:

The DEPUTY PRESIDENT: Deputy Speaker, the diagnosis of HIV is made using a rapid diagnostic test which comprises two-point of care diagnostic tests. The first test is followed by the second test using a test kit produced by different manufacturers as a confirmatory test.

The use of two rapid tests obviates the need to send bloods to a laboratory that is far away for testing. This means that

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within 15 minutes a patient can be informed if they are

HIV-positive and be offered a treatment. This process applies to patients in all provinces, both in rural and urban areas.

In cases where ELISA, an immunosorbent assay, results are needed for diagnosis, the turnaround there is about 48 to 72 hours. So, patients are usually requested to return to the clinic within three or four days for the results. Like I said, ELISA is a test that detects and measures antibodies in your blood. This test can be used to determine if you have antibodies related to a certain infectious condition.

Delays in treating patients in rural areas may only occur in instances where patients are diagnosed for other conditions either than HIV/AIDS. In this case, blood will need to be sent from a clinic to an off-site laboratory.

Even in rural areas, most district hospitals have on-site laboratories. Very advanced tests such as drug sensitivity test are only performed at reference laboratories. This is because they require very specialised machines and personnel. To optimise the use of limited resources, it was not making

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economic sense to have them in every district as the number of samples usually tested at district level a very fewer.

When it is necessary for bloods to be sent to laboratories far away from the health facilities, which is usually a clinic, blood specimen are collected daily from the facility, transported by vehicles to laboratories and the results are sent back to the referring health facility. This process does not take time and does require that a patient return in less than 72 hours or up to four days.

However, this is not the case for the diagnosis of HIV as it is described above. With the test kits you get your results immediately.

Of course, much more still needs to be done to improve efficiencies in the provision of treatment. Where there are challenges within the provision of drugs we’ll welcome that hon member highlights such specific areas so that as Chairperson of SA National AIDS Council, SANAC, we can attend to such issues urgently so that lives of the affected people are saved as speedily as possible.

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Having said that, I must point out that our struggle should be more on prevention so that we deal with the incidences of new infections. In actual fact, in the last SANAC InterMinisterial meeting committee meeting, there was agreement that an increased focus should be placed on prevention to reduce new infections.

All of us have a role to play in this regard and we are confident that we’ll be effectively dealing with any prevalent challenges if we can focus on prevention. Thank you very much.

Mr M N PAULSEN: Deputy President, I hear you but there’s a huge disparity because students at institutions of higher education continue to face high levels of HIV infections; and the difference between institution of higher education in a rural area and an urban area is that in an urban area there’s easier access to testing and better facilities to do the testing and a quicker response, in most cases it’s right on campus. But what about the Further Education and Training, FET colleges, especially those in rural areas that do not have these facilities? And would have to leave campus and deal with

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delays. The sooner the HIV is detected the better, so what are we doing to address that particular issue?

The DEPUTY PRESIDENT: Well, the question was that there’s a time lush, there’s a delay. A person will present him/herself, blood will be taken and it takes long for the results to come back. And we were sort of differentiating between the two that for HIV/AIDS testing, that is done on the spot, 15 minutes is enough, you’ll be knowing your results; but for other diseases, definitely your blood will be taken to a laboratory where you need specialised people, specialised equipments, but that you’ll be allowed to wait for three to four days, then you are advised to come back and take your results. So, I was responding to that question. But above all, I’m saying it is the duty of our people – as we made them aware – to go and test, screen themselves; that is the campaign that we are going to launch.

But we are saying, dealing with the problem is not enough; let us try and prevent these incidences from happening. But still, we want to encourage our people to go and screen test; and as you test you get your results immediately; as you test for

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HIV/AIDS you can come back with your results, you don’t need to wait.

Mr M N PAULSEN: Deputy Speaker, I must say that the Deputy President didn’t answer the question. He never answered the question.

The DEPUTY SPEAKER: Hon Member, take your seat, we heard you.

The DEPUTY PRESIDENT: It’s a follow-up question, Deputy Speaker?

The DEPUTY SPEAKER: Hon member, it’s the next one. We’ll follow that up [Interjection.]

The DEPUTY PRESIDENT: Well, I’m happy to answer the question and if the Deputy Speaker can allow us, but if not we can [Interjections.]

The DEPUTY SPEAKER: Take your seat hon member, the Deputy President will respond later. Hon Hlengwa, please go ahead. We can’t allow that.

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Mr M HLENGWA: Deputy President, you are speaking about other diseases being three to four days but I put it to you that one of the other challenges with the lack of facilities is the fact that for people who are drinking and driving and are caught, one point in case being one soccer player Andile Jali, is that his court case is going to take place almost a year from now because there’s just not enough capacity with the testing. So, the three to four days is also a very grey area.

But what I wanted to ask you hon Deputy President is the building of capacity and infrastructure in the health institutions in general, because the issues being raised today are just the syndrome of the problem. Look at KwaZulu-Natal for example; the oncology department has collapsed in the whole province because there are no resources and infrastructure. So, the question then becomes what are the practical steps being taken to ensure that our hospitals and health institutions are fully functional, fully resourced, so that they can stomach the demand which is there so that our patients can receive quality health care that we desire for?

Thank you.

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The DEPUTY PRESIDENT: I think you are correct that the capacity of our health department is sort of challenged. That is to be accepted given the history of where we come from. As we speak now, Departments of Health in different provinces are still continuing to build clinics. Year in year out a department must budget for a new clinic in that community and in that community we are budgeting for hospitals; we are still building hospitals. Remember that the kind of health service that was provided in the past was meant for few people; now we are allowing everyone to use our facilities and these facilities were not there; you know it for a fat, yourself. [Applause.] Right? Progressively, everyone is going to receive this service. Day in day out there’s a new hospital there.

Training of professionals: I don’t know how many of our students are all over the world training as doctors at the expense of this government.

There is a complaint now that there’s a shortage of doctors. We are quite aware of that hence there’s an effort of this government to send people outside to go and study and train as doctors. A number of them have returned back qualified; they are in our institution but they are still not enough. So the

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damage that was done in this country is very huge and you can’t take it for granted that it can’t be resolved overnight. [Applause.]

It’s good that you are probably sitting on the other side and you are an opposition to this government of the ANC but the truth – between you and I who grew up in rural areas - you know it very well, where we come from. Thank you very much.

Mr A F MAHLELELA: Deputy Speaker [Interjection.]

The DEPUTY SPEAKER: Hon member, you can’t be throwing at each other that language; you are out of order in the first place. There’s a member speaking there and you are cross firing here, it’s out of order. Order! I didn’t invite it please.

Mr A F MAHLELELA: Deputy President, besides the challenges that you have reflected upon; recent research has shown that there are other barriers to men testing, such as their reluctance to test because of the misguided notion of seeing health facility as being women’s place as well as their unwillingness to be queuing outside testing facilities. Are

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there any plans by government to address these perceptions by men, if so, what are those plans, if not, what will be the hon Deputy President’s response to this perception? Thank you very much.

The DEPUTY PRESIDENT: I think this question of stereotypes that emanates from where we come from as people, our cultural upbringing; this has been identified. And for a long time we have been talking about circumcision, and we realised that we are not making ad way until we had to sit down with traditional leaders and they have accepted. We are seeing a difference in KwaZulu Natal; men are coming forward to be circumcised because the king is leading the charge. So, these are some of the stereotypes that we must probably try and speak to those who can be listened to, who are custodians of culture in those communities. The fact that SANAC has identified the role of traditional leaders ... partnering with traditional leaders in a sense seeks to try to deal with those stereotypes that emanate from where we come from as people and our beliefs. I don’t know whether I’ve assisted the hon member.

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Ms E R WILSON: Deputy President, our hospitals and clinics are well-known for having massive shortages of medicine and crucial medical equipment. It was recently revealed that at least 18 clinics and hospitals in Limpopo were with HIV testing kits after months of shortages of the HIV diagnostics. Now, a rape victim only has a 72-hour chance to prevent themselves from getting infected with HIV and for them to access the post-exposure prophylaxis, but they have to be tested. The reality is that rape survivors cannot get preventative treatment because of the shortage of HIV testing kits. What is the reason for clinics having such shortages of HIV testing kits and why is this government not monitoring it properly? What will be done by this government to ensure that it no longer fails our citizens and ensures that all clinics and hospitals are fully stocked with HIV testing kits and other medical supplies? You cannot be failing the people.

Thank you.

The DEPUTY PRESIDENT: We will try to investigate that because each and everyday we are told “in that hospital, in that clinic, there’s no medication” and when we do a follow-up we find that there is medication. So, I’m interested – not to

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really dismiss this question – beyond this meeting, we want to follow this; these few clinics you’re speaking about where there are no testing kits, it must be followed because it will defeat this campaign that we want to take. If we say we want to take this campaign and people must present themselves for screening and we don’t have facilities like testing kits then we are defeating ourselves. It is important to ensure that we have those testing kits if we are to succeed to get our people to screen. So, if we can get that information about those clinics that don’t have and frequently run out of these kits; we want to understand why. It will help us to detect the problem so that as we rollout this campaign our institutions should be ready to handle the people that will present themselves there. Thank you. [Applause.]

The DEPUTY SPEAKER: Hon members, that concludes questions to the Deputy President. I do wish to state that, hon Paulsen specifically to you, if you still feel that in what the Deputy President said here your question has not been answered, please supply it in writing and he will definitely respond to it. Let’s thank the Deputy President, thank you sir. [Applause.]

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**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON LABOUR - BASIC CONDITIONS OF EMPLOYMENT AMENDMENT BILL**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON LABOUR - NATIONAL MINIMUM WAGE BILL**

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON LABOUR - LABOUR RELATIONS AMENDMENT BILL**

There was no debate.

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

Motion agreed to.

Report on Basic Conditions of Employment Amendment Bill accordingly adopted (Democratic Alliance dissenting).

Report on National Minimum Wage Bill accordingly adopted (Democratic Alliance dissenting).

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Report on Labour Relations Amendment Bill accordingly adopted (Democratic Alliance dissenting).

Mr T RAWULA: The EFF would like to make a declaration.

The DEPUTY SPEAKER: No, there is a debate, Ntate. There is no declaration here.

Mr T RAWULA: No, the EFF wants to make a declaration. [Interjections.]

The DEPUTY SPEAKER: No, no! Order, hon members! Hon member, as I suspected, in the event of a debate following immediately after the adoption of the report, the usual practice is that we don’t have declarations as well. So, let’s move to the next debate.

Mr T RAWULA: Deputy Speaker, the EFF would like to make a declaration as per the rules. We are entitled to make a declaration to any adoption of a Bill. So, we want to make a declaration, please! If the ANC does not want to make a declaration, the EFF wants to do so.

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The DEPUTY SPEAKER: Hon member, it’s the reports. The debate is on the Bills. I am trying to persuade you. I realise what you are asking for and all I am asking for is that, where there is a debate after the adoption of the report, we don’t normally do the declarations.

Mr T RAWULA: Deputy Speaker, the mandate of my caucus is that the EFF must make a declaration. [Interjections.] So, you cannot persuade me here. I am telling you that we are here to make a declaration on the amendments of the Labour Bill.

The DEPUTY SPEAKER: Let me come back to you. Hon Rawula, I would like to persuade you do your declaration in the debate, please! I am making that call for reasons that the Bills are going to be debated. On the report I request that you take my ruling.

Mr T RAWULA: Are you going to add our time? [Interjections.]

The DEPUTY SPEAKER: The practice is that the allocation of time will be as usual, and as you know it, sir. Can we please proceed? Let’s move on. Thank you very much, sir! Please accept my ruling! I plead with you.

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**BASIC CONDITIONS OF EMPLOYMENT AMENDMENT BILL**

(Second Reading Debate)

# NATIONAL MINIMUM WAGE BILL

(Second Reading Debate)

# LABOUR RELATIONS AMENDMENT BILL

(Second Reading Debate)

The MINISTER OF LABOUR: Deputy Speaker, Deputy President, Ministers, Deputy Ministers and hon members, the National Minimum Wage Bill, the first ever since the dawn of democracy in 1994, is a direct response to the call made way back in 1955 through the Freedom Charter that says: “There shall be a National Minimum Wage” and also a direct response to the commitment of the ANC in its 2014 Election Manifesto.

Every journey starts with the first and often a very small step. I am very pleased that the journey towards addressing

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the plight of the lowest paid workers in the labour market has reached this milestone. These Bills carry the real prospects of addressing the perennial wage inequality challenge in South Africa and by extension, poverty. Compared to the magnitude of the labour law amendments of the recent past, the Bills that are a subject of this debate are relatively mild, but ground- breaking in character.

We must remind ourselves that the formulation of labour market policies in South Africa is done in collaboration with our social partners. Therefore, these Bills are all, but the end product of robust engagements by our social partners, further enriched through the public hearings and enhanced by parliamentary processes.

The hype of activism that marked the consideration of these Bills was a reminder that democracy is alive and real in South Africa, and we should all be proud of that. We must however accept that inherent in true democracy, is the recognition that we may not all agree all the times and, it is perfectly normal to disagree at times. Let me, all-be-it very briefly; give a synopsis of the rationale behind each Bill.

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The National Minimum Wage Bill seeks to improve the lives of the lowest paid workers in the labour market and carries the promise of addressing the inequality challenge in South Africa and by extension, poverty. The Bill establishes the National Minimum Wage Commission; the Statutory National Minimum Wage Level and the exemption provisions for those who cannot afford. The National Minimum Wage Commission will take over many of the functions of the current Employment Conditions Commission. The commission will also recommend annual adjustments to the level of the National Minimum Wage and review it on a regular basis in order to take into account the impact of the level on employment, poverty and inequality.

It is significant that South Africa will join several countries around the world that have implemented the National Minimum Wage as an instrument of economic and social development. It must be said however, that setting the level was an extremely delicate balancing act. In order to demonstrate flexibility, provisions for businesses that may be unable to afford the National Minimum Wage, to apply for exemption are included.

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Exemption provisions are not a new feature in our labour laws and as such, we have practical experience of how these instruments work.

The proposed amendments in the Basic Conditions of Employment Amendment Bill are primarily consequential to the introduction of the National Minimum Wage legislation. These are designed to reinforce and create an enabling legal environment for the National Minimum Wage. The Basic Conditions of Employment Amendment Bill also re-defines the role and scope of the Commission for Conciliation Mediation and Arbitration, CCMA, on matters that may arise with respect to the implementation of National Minimum Wage.

It is particularly noteworthy that the Bill streamlines the process that deals with non-compliance and makes access to social justice more accessible than it is currently. This takes away the cost associated with access to the Labour Court and the cost associated with serving writs of execution, as the CCMA will henceforth assume that responsibility on behalf of a worker.

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The Labour Relations Amendment Bill seeks to create provisions to give effect to the Code of Good Practice on strengthening collective bargaining, prevention of violent and prolonged strikes. It also codifies the agreed guidelines that are geared towards enhancing labour market stability and collective bargaining, all of which were part of the ANC 2014 Election Manifesto and subsequently agreed by social partners in the Code of Good Practice Accord. The bulk of the proposed amendments are largely administrative in nature. These provisions are introduced to prevent any attempt or temptation by any employer to side-step the new legislation without following due processes.

The concerns with the proposed amendments to section 127 by some members regarding the accreditation process, ignores the fact that the CCMA Governing Body is made up of representatives from business, workers and government. As such there will always be checks and balances in all its processes. It would not be desirable to write operational matters into the legislation.

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In conclusion, for far too long, millions of South Africans sit on the margins of economic and social progress. As a society we possess great wealth, but there is also a massive disconnect between those at the top and those at the bottom. We need to find a way in which we can bring the two together - the wealth creators and the most disadvantaged sections of our society.

The introduction of the National Minimum Wage is the first step, small as it may sound, but it remains a good start. I also want to emphasise on the definition of a worker. We have defined a worker based on the current legislations that we have as a country including the International Labour Organisation Conventions, ILO, that defines the worker as part of our own convention we have ratified as a country. I therefore appeal to this House to vote for all these particularly piece of legislation. Thank you very much. [Applaud.]

Ms S R VAN SCHALKWYK: Hon Chairperson, hon Deputy President, hon Ministers and Deputy Ministers, hon members of the

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Portfolio Committee on Labour, hon members, guests in the gallery, fellow South Africans, good afternoon.

We started this Workers’ Month with the Workers’ Day debate on

2 May. We then went in depth into issue that will advance the interests of workers during our Budget Vote debate on 15 May. It is now almost the end of May and it is, indeed, fitting to end this month with this debate.

Today marks an historic moment in the history of South Africa and in the lives of the vulnerable workers of our country, as we are introducing the first ever national minimum wage of South Africa. As the honourable late leader, Oliver Tambo, said on 16 June 1984:

The time has come that we should call a halt to this attack on our living standards. The time has come that we wage a national campaign for a just minimum wage which is tied to the cost-of-living index. The time has come that we combine in action to push down prices, rents, fares and rates to levels that we can afford. Now is the moment that we, the exploited, should refuse to pay for our oppression.

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On 26 June 1955, at the Congress of the People in Kliptown, the Freedom Charter included, “There shall be ... a national minimum wage”. At the 11th national congress of Cosatu, in 2012, where I was present as a delegate, a resolution was taken to campaign for a national minimum wage. This decision was consolidated by the federation’s collective bargaining campaigns conference in March 2013. Through engagements between the ANC and Cosatu, the promise of the realisation of a national minimum wage was included in the ANC’s 2014 election manifesto. Based on that promise, during his state of the national address in 2014, previous President, Jacob Zuma, announced that modalities should be investigated for the introduction of a first ever national minimum wage for South Africa.

The portfolio committee started in August 2014, with public hearings in all provinces. During these sessions, the input of different stakeholders, including employed community members from different sectors, the unemployed, trade unions, and employers, was heard. The matter was led by the then Deputy President, Cyril Ramaphosa, after being discussed at the Nedlac Labour Relations Indaba, in November 2014.

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A task team was established under Nedlac and started its work in early March 2015. From May 2015, all trade union federations in Nedlac called on workers to give mandates from the shop-floor level. After an extensive two-year process at Nedlac, the national minimum wage agreement was finally signed, in February 2017. The Bills were referred to Parliament on 24 November 2017.

I want to give this background because there are continuous efforts by people in the public who mislead the workers by saying this is a rushed process. The portfolio committee only received the first briefing from the department on 31 January 2018.

Advertisements inviting public comment were opened until

16 March. After written submissions were received, oral submissions were conducted for all organisations and individuals requesting them. However, after the deadline for oral and written submissions had passed, we received requests for additional presentations. We therefore made special provision to reopen the process to allow the SA Federation of Trade Unions, Saftu, and other organisations to make

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presentations to the portfolio committee. The reason for this decision was based on the fact that these organisations represented workers and other individuals, as well as organisations, like the National Employers Association of South Africa, Neasa, and we valued their input.

After this, the committee took all the views presented in submissions into consideration during its deliberations. Based on a majority of views, it concluded which views should be considered for the amendments. It is unfortunate that not all the views and proposals expressed were convincing enough to the majority of committee members, and as a result, not everyone would be satisfied with the final product.

The parties that are actively represented on the committee are the ANC, DA, EFF, Cope, IFP and Agang SA. We proposed to meet during the March recess to proceed with the Bills, but none of the parties, except the ANC, was availing themselves. This shows how serious some of us are to improve the lives of the people. When someone asked me why we, in the ANC, were rushing the process, I responded that we were not rushing the process, but we see the betterment of wages and conditions of service

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of vulnerable workers as a priority that needs to happen, as in yesterday – the sooner the better.

Today, I am pleased to announce that we, the ANC members, are, indeed, interested in improving the lives of the poor and vulnerable workers, and therefore are ready to deliver on the promises we made to our people. It is especially important for us to ensure the implementation of these Bills because there is an outcry out there from the vulnerable workers who are being exploited by various employers. Some are already not complying with the current sectoral determinations and keep on with practices to avoid paying workers the money that is due to them.

Some resort to the practice of setting targets for workers as a condition to paying the sectoral determination wage. This was re-emphasised during our public hearings by many, like Ms Corina Kana, a farm worker and member of Women on Farms. She said, “You work yourself morsdood [to death] to achieve the targets.”

*Afrikaans*:

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Die boere sit jou op ’n target. Hulle wil nie betaal nie.

*English*:

This is, indeed, a sad reality of the modern-day slavery that workers are subjected to in the workplaces. This happens because many workers, especially in the vulnerable sectors, are not unionised, and therefore are taken advantage of.

I bring to your attention that we are talking about a national minimum wage and not a living wage. It seems as if some people out there are a little bit confused, in this regard. On the basis of their confusion, they are creating chaos out there, and misleading workers who trust them. Let’s set the record straight.

A national minimum wage provides a basic floor, whereas a living wage provides enough to live a decent life. The R20 per hour is only the starting point of the national minimum wage. However, it will increase the income of about 6,6 million working people who are already earning below this level. [Applause.] The benefit of this will, indeed, be felt much wider, as we are aware that most lower-level workers are

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taking care of sometimes more than six extended family members on their meagre wages. This is something that the better part of our members won’t understand. [Interjections.] This initiative is broadly welcomed by many workers, even though some are just doomsayers. As Cde Nomamfengu Siyo-Sokutu told me this morning, “Cde Sarome, half a bread is better than nothing. We appreciate this move.”

Research suggests that moderate increases in minimum wages do not lead to massive job losses. However, instituting a minimum wage of R12 500 at the outset, as suggested by Saftu, would, indeed be a massive shock to the economy and would not be viable, as approximately 90% of the fulltime, formal-sector workforce earns below R12 500 per month. We have to be realistic and not reckless in the process.

A national minimum wage is preferable, in addition to the sectoral minimum wage system because a national minimum wage covers all workers in South Africa, while the sectoral determination system currently excludes approximately 20% of lower-wage workers. It is easier to enforce, it does not set lower minima for sectors which have lower productivity, and it

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can be set to take account of economy-wide economic impacts, rather than only narrow sectoral considerations.

The current sectoral determinations should be brought to the level of the national minimum wage. This excludes the farm workers, who will be on R18 per hour and domestic workers, who will be on R15 per hour. Workers in these two sectors are amongst the most vulnerable in society and we therefore propose that efforts by the National Minimum Wage Commission should be made to bring them up to the level of the minimum wage, or close to that amount. We must take into consideration that currently, domestic workers are employed by, largely, public servants. If we increase their minimum wage by too much, at this stage, it is a sad reality that public servants won’t be able to afford them and they will lose their jobs.

That is a risk we can’t afford to take.

We also have the workers employed on the Expanded Public Works Programme at R11 an hour. This will be proportionately increased to any adjustment of the national minimum wage. They will not stay stagnant. There are also workers who have concluded learnership agreements.

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We have to warn workers that there will be attempts by some employers to reduce the wages that are currently higher than the R20 an hour to this level. Workers should be reminded of their rights and be conscientised to report unfair labour practices, like the unilateral change of conditions by employers. Workers should be better off after the implementation of the national minimum wage than before.

Some members also raised a valid concern that there might be employers who would find ways to get rid of workers only to rehire them or others in the same position after implementation, but at a lower rate. This is a contravention in terms of current legislation and needs to be reported to allow perpetrators to be dealt with in terms of the provisions in the Bill. It will be useful to examine the question of a social compact to reduce unemployment, poverty and inequality.

We note that many of our forebears lost their lives, and a lot of blood and sweat flowed to bring us to this point of the realisation of the national minimum wage. Of course, there are concerns in terms of job security if employers are not able to

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afford to pay the national minimum wage, but not the bloodbath as predicted by the hon Bagraim. It will not happen.

We must, however, warn workers against the myths raised by many people out there. These include that the national minimum wage will be a top-up to current wages. This is not true. We also emphasise that those workers earning below this level, excluding those specified in Schedule 1, need to earn at the level of the national minimum wage after the proclamation by President Cyril Ramaphosa and the declaration of the implementation date. Those workers earning above the national minimum wage need to retain their current wages. Those wages must increase, as directed, and should not stay stagnant.

There are proposals by the DA and the Free Market Foundation, who pretend as if they care, to allow workers to opt out of the national minimum wage. We rejected that proposal. This should never even have been proposed, as it will not necessarily expand employment. It will just mean that businesses will pay less, and increase their profit margins. Again, it shows that, for some hon members, the interests of

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the employers receive priority above the interests of the workers.

The sad reality is that, if given a choice, there might even be workers who would agree to the option to opt out because of the fear of losing their jobs. That’s why we rejected it.

Furthermore, they proposed that job seekers get a job seeker’s certificate, therefore allowing them to accept jobs at a lower rate than that of the national minimum wage. We also rejected that proposal to exploit the unemployed on the basis of their being needy.

The hon Theko will elaborate further on the national minimum wage. The hon Khoarai will expand further on the amendments to both the Basic Conditions of Employment Act and the Labour Relations Act.

The DA refuses the fact that the Bill guarantees workers a minimum of four hours’ remuneration, even if they are asked to work for one hour. The reason for this is that some employers may exploit workers and hire them only for minimal hours to

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pay them less than R80 per day. This provision therefore means that no worker will receive a daily wage lower than R80.

They also indicate that the National Minimum Wage Commission must be totally independent. Our intention is not to create another Chapter 9 institution. Therefore, we reject that proposal.

There has been wide objection to the provision of secret balloting. The wrong perception that the workers’ right to strike is being taken away is widely spread. The truth is that, for five years already, there has been the provision for balloting in the Labour Relations Act. What is new is the word, “secret”. This amendment is necessary due to the phenomenon in recent years of prolonged and violent strikes.

By making ballots secret, workers would be allowed to indicate their preference without fear of intimidation.

I would like to thank the members of the portfolio committee who started this process with great vigour and enthusiasm. I think we should particularly thank those members who don’t form part of the committee anymore, namely, previous

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chairperson, Ms Lumka Yengeni, the hon Thozama Mantashe, the hon Ian Ollis, and the late hon Fezeka Loliwe. We value their contributions in ensuring that we have a final product, today, especially as they came with a lot of knowledge and practical experience.

I really want to extend a word of gratitude to the Chief Whip of the Majority Party for his support, as well as to all the members of the committee from all the political parties for their hard work and dedication throughout this process. They gave tremendous support to me, as acting chairperson, and strengthened the committee with their knowledge and expertise to make this day a realisation.

The input from different stakeholders assisted us greatly to reach conclusion. It wasn’t easy, but it was worth it. We should not downplay the huge role played by His Excellency, the hon Cyril Ramaphosa. He led this process from the beginning.

The ANC promises and the ANC delivers.

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*Afrikaans*:

Die ANC-beheerde regering gee om vir die werkersklas en armes en sal daarom voortgaan om maniere te vind om die lewens van alle inwoners te verbeter.

*English*:

Therefore, vote for the ANC again in 2019. I thank you.

Mr M BAGRAIM: Chair, we are all aware that the President promised to introduce the National Minimum Wage on the 1May 2018. This promise obviously could not be fulfilled despite the fact that the President is fully aware of how the Parliamentary processes work. He apparently is not. Moreover, even once this House debates the Bills it still has to go through the processes at the NCOP and public commentary at the NCOP. Clearly this is not going to become legislation until 2019 and hopefully in an amended form in accordance with the working public’s needs and the Democratic Alliance suggestions.

The undue and very desperate heist in which these Bills have run through the portfolio committee is indicative of a

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legislature wanting to cover up the dire consequences of the implementation of the legislation. Throughout this process the DA has warned our reckless colleagues that they will not be able to mumble the words unforeseen circumstances and consequences.

It should be noted at this point that the second largest trade union federation, SA Federation of Trade Unions, Saftu, has not really had a chance to engage properly in the process and despite the conflict of opinion that I do have with them I strongly support their right to give full and proper input. By denying them this right it has caused a rather unpleasant verbal and physical dispute in one of our portfolio meetings. Over and above the fact that many of the submissions made to the portfolio committee have been largely glossed over and not taken into account we also see various industries that are going to go through enormous struggle once the legislation has been promulgated.

Most people including our besieged president argue that unemployment is the single greatest problem facing South Africa today. This is not new in that unemployment has been

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growing to unbearable proportions for the last 20 years. Today we face one of the biggest unemployment rates in the world. It must also be noted that unemployment affects all aspects of life in South Africa. The unemployment has placed enormous pressure on our welfare institutions, our policing institutions, our jails and our hospitals. It could be said that everything from service delivery to hunger starts with unemployment.

I refer to the fact that our treasury has stated the minimum wage will lead to a further 750 000 job losses and anecdotally we are hearing from businesses who have stopped recruiting in order to assess the outcome of the implementation of the National Minimum Wage. Already we are experiencing the disaster with over 52% unemployment in the youth category. It cannot be business as usual as we are sliding down that slippery slope of unemployment at a greater and greater rate.

It would be politically correct and vote seeking for me to stand here today and say that we want a much greater minimum wage. Promises are cheap but are never kept. Some of our colleagues in this House will shout about a more sustainable

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wage and hundreds of rands per hour. This fanciful thinking will lead to one thing only and that is an actual minimum wage of naught rand per hour.

We are living in a world of a flexible labour market and goods are flowing more freely from jurisdictions that are able to produce at cheaper rates. The higher the minimum wage, the more the influx of goods and the more that local producers will turn to mechanisation, computerisation and industrialisation.

We see newspapers referring to Minimum Wage versus The Robot Age. The digital technology advances mean that the future of work requires revised labour regulations over with lower minimum wages. Over and above this, we are going to have to look at the relaxation of the labour regulatory authority allowing for easier recruitment and dismissals. Workers are right now becoming more expensive than technology.

The only way we are going to handle this is through education to ensure that our workers can earn a sustainable living wage, not a minimum wage, and that they are able to provide the much

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needed productivity in the robot age. The technology will make it accessible to every individual on a more flexible basis.

Individuals however have to be able to perform. The labour markets have become more fluid and our society is going to have to adapt including some sort of increased social insurance.

There must obviously be minimum standards and protection of workers by the employers who will surely only employ in exchange for productivity. Clearly this proposed National Minimum Wage will destroy jobs for the marginal workers and will certainly prevent entrance into the economy from being able to access a position.

Job creation has almost come to a standstill in South Africa and we are hellbent on reducing the workforce with the overheads. This in turn will mean that the few who remain in their jobs will be able to access some sort of benefit but the pressure on them will become far greater.

We all know that the real cost of unemployment is the pressure that it bas placed squarely on the shoulders of the employed.

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Every employed South African statistically fends for five others. As unemployment grows that number of five will increase. The market cannot be changed by legislation.

Our government has clearly seen the folly of the National Minimum Wage when it says that itself it cannot afford twenty rand per hour for the extended public works employees. They have suggested eleven rand an hour which is disgusting and specifically tells a bad story. If the EPWP system would be forced to pay twenty rand an hour we would have to halve the amount of workers within the system. This shows that retrenchment would become the order of the day and that unemployment would burden. Government has a stock answer to the allegation of job destruction in that they say business can apply for exemptions. Historically and notoriously the exemption procedures have been almost impossible and are rarely given.

The real issue with regards to the implementation of this negative legislation is that there is no extra budget for the Department of Labour to implement and enforce the law once it becomes law. In other words the government is going out there

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and making enormous promises which will never be delivered. Already large parts of our labour legislation are unenforceable and have never been implemented.

One of the most basic parts of our legislation is the right for an employee to receive a contract of employment. From this contract flow all the other implementable rights. I stand here to tell you that hundreds of thousands of workers have never seen a letter of appointment and will never see one. The Department of Labour has a mere sixteen hundred inspectors for a workforce of fifteen million souls. The chances of any of this legislation making any in-road into the workforce are negligible. It is all very well to have legislation which looks reasonable on paper but is never translated into action. One area of the Department of Labour, the Commission for Conciliation Mediation and Arbitration which is currently working reasonably well will be brought to its knees. The lawyers will be happy as the labour disputes will be ratcheted up to almost double the current rate. This is a sure fine way to destroy the one functional part of the Department of Labour.

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It is sheer folly for the Minister of Labour to recklessly push ahead with this legislation especially in the face of rampant poverty and unemployment. What our Minister is doing is causing more poverty, more unemployment and extreme unhappiness. We know that more than half of the global labour force is estimated to be informal and we know that South Africa is doing everything in its power to make work more inflexible and scarcer.

A gloating Minister Davies keeps announcing about more investment into factories run by technology and technology only; jobless growth. The only individuals who run these computers and machines... [Time expired.]

Mr T RAWULA: The EFF does not oppose the legislation of the National Minimum Wage but we reject the R3 500 proposal with the contempt it deserves. At the first EFF National Assembly in July 2013 we adopted seven cardinal pillars: expropriation of land without compensation; nationalisation of mines, banks and other strategic sectors; cardinal pillar number five says that there must be massive protected industrial development to create millions of sustainable jobs including the introduction

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of minimum wages to close the wage gap between the rich and the poor, close apartheid wage gap.

Our founding manifesto went further to say that the state should introduce through legislation minimum wages which will better the living conditions of the people. We said areas that need immediate attention is mine workers, farm workers, private security guards, domestic workers, cleaners, petrol attendants, waiters and waitresses and retail store workers.

We did so because we recognise that South Africa’s inequality is the result of the wage gap between the over paid ...

Mr A M SHAIK EMAM: Hon House Chair, on a point of order: can you ask these members to have some respect for the workers? Look at how they are behaving here while the debate is on.

Mr T RAWULA: We did so because we recognise that South Africa’s inequality is the result of the wage gap between the over paid managers and the exploited workers. This means that the levels of under employment are at a crisis level because the absolute majority of workers are not properly paid. It is for this and many reasons that when we call for the National

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Minimum Wage we call for a National Minimum Wage that must go beyond narrow purpose of establishing a minimum floor wage below which no worker can be paid.

The motivation of such socio-economic instruments must be understood in the context of more than 100 years of institutionalised slave wage which have condemn black workers and their families to abject poverty. The reason why Saftu was refused to make an input in the National Economic Development and Labour Council, Nedlack is reason enough to undermine the whole process of Nedlac. Saftu has a legitimate dispute of interest in the National Minimum Wage and government should not have excluded Saftu as a federation. But also the idea that such an important policy that will affect the lives of millions of workers can be agreed upon by groups of elites in Nedlack and some panel appointed by one person shows that at all times it will protect the interests of big business and the poor. We must completely reject it. The new dawn has become the dawn of reversing the gains of workers and protection of white monopoly interest.

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If it was not for the EFF letter to the Chairperson of the Labour Committee, the process was going to be rushed with no oral presentation and also not enough time for the committee to consider the Bills. What is more concerning is the conduct of the Minister and the department. Not only the Minister ignored the input of the committee but she went further and even undermined Nedlac agreement. Therefore, she undermined the entire National Minimum Wage legislation.

We also note the new amendment of calling for the ballot of workers before they could engage into a legitimate strike action. This is ridiculous prerequisite which only serves to weaken the organised labour bargaining power. Further serves to divide workers with the intention to appease the employers at the expense of labour.

The EFF rejects this Bill.

*IsiXhosa:*

Ukuba aniqondanga, niya kufana nabantu abafuye ingcuka eyambethe ufele legusha enguMongameli uRamaphosa. Unibambe

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nge-*New Dawn* kodwa abe exhentsa emtshotshweni kunye noongxowa- nkulu.

*English:*

We reject the Bill. Thank you. [Applause.]

Mr X NGWEZI: Hon house Chairperson, the IFP has on numerous occasions called on this government to introduce sectoral minimum wages. We cannot support a national minimum wage that is standardised across industries. It is unsustainable and quite frankly, unaffordable.

Currently, the proposal to phase out sectoral determinations and to replace it with bargaining councils will cripple sectors. All roads will inevitably lead to job losses across the board should we adopt the National Minimum Wage Bill, as it is before this House.

Businesses are going to close up shop, small businesses will suffer the most and it will deter entrepreneurs from pursuing their dreams in chasing opportunities, as they would not be

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able to afford to become future employers of semi- to skilled workers.

The IFP has been vocal on the fact that small and medium-sized businesses should be exempted from the requirements of the Basic Conditions of Employment and Labour Relations Acts.

However, we cannot support amendments to the LRA, which will dissuade our people from picketing or protesting. We cannot restrict our people, when it is well within their rights to peacefully and lawfully protest. We cannot allow our people to be silenced by our own government.

We believe that labour laws should be administered by the various provincial MECs and departments of labour or economic development.

We are placing the cart before the horse in trying to rush through the implementation of a minimum wage without having to fully consider all arguments on their merits, both for and against.

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Actions and consequences are a packaged deal. Let’s prove to South Africans that we will get the best deal that works for all our people.

A new deal must consist of new ideas and innovation. It cannot be recycled, coupled with mere rhetoric of change and hope. We as we have heard enough of it in this fifth Parliament.

The IFP will not support a national wage, which is standardised across industries. I thank you.

Prof N M KHUBISA: Hon House Chairperson, the National Minimum Wage Bill, 2017 is based on the fact that the South African labour market is characterised by inequality, unemployment and a high level of poverty. Let us think of a number of our youth that are unemployed. Various countries in the world have implemented the minimum wage and they were successful.

However, the NFP wants so reiterate what we said in the Budget Vote debate of the Department of Labour. We said that we accept the whole notion of the minimum wage, but wish to reiterate the fact that R20 an hour is not enough, R160 a day

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is not enough. R3 500 per month is not enough. Therefore, there must be room for discussion and discourse on this matter.

There are many workers who are not aware of this Bill or law. Hence, they become subject to exploitation by their employers. I read in *The Sunday Times* previously that one domestic worker was saying that she only get R1 500 per month and at the end of the year, her employer gives her some groceries and she is satisfied. That shows that many of our domestic workers still need to be educated on such matters.

There is a need for ongoing education. For far too long, our people have been exploited. Let us think of domestic workers, mine workers, farm workers, road workers who have been exploited for years. Most of the workers are exploited. They are not being paid a decent living wage. With the promulgation of National Minimum Wage Bill, it is of paramount importance that all other laws be amended. For example, the salaries of employees that were paid less have to be adjusted, so that they are paid accordingly.

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The Basic Conditions of Employment Act also provides for the wages of learners, interns, apprentices, etc. I want to agree that some of our labour laws are not being enforced accordingly. We are now waiting to see how government is going to enforce some of these laws.

We rely on the labour inspectors who will ensure that they enforce some of these laws like the National Minimum Wage Bill, the Unemployment Insurance Act and the Unemployment Insurance Contributions Act, etc.

The whole issue of compliance has been an issue of concern. There are employers who are not attending to their compliance orders, arbitration orders, and a whole host of other issues. Therefore, we urge the department to attend to all these matters. Thank you very much. We support.

Mr W M MADISHA: House Chairperson, our country‘s Constitution provides for the vision and the means for our socioeconomic emancipation, including the right to fair labour practices.

The Basic Conditions of Employment Act, the Labour Relations Act, and now the proposed, National Minimum Wage Bill, form

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part of a suite of legislation that gives effect to this constitutional imperative and vision.

Cope further notes that our labour market: is characterised by high levels of inequality, unemployment and poverty; that the introduction of a national minimum, but living wage, provides a measure that promotes and respects the right to dignity and fair labour practices; and that the introduction of this Bill provides the legislative means for the enactment of a minimum wage and the mechanism for its annual adjustment. It is not a living wage yet.

Whilst we note the National Minimum Wage Bill, Cope is of the view that, on its own, the Bill is no panacea to the challenges we face in our labour market and the country as a whole.

I beg all hon members here present to look at and accept the truth that South Africans today face an extremely painful situation, because 40% of South Africans are not employed, with 67,4% of that percentage being the youth younger than 25 years of age; that the 60% of the employed people consists of

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people from beyond the borders of South Africa, who are not given salaries by their employers, but instead are paid through tips at restaurants. This does not only happen in restaurants, but even on the farms owned by some of the leaders here. It has been reported. You have a serious problem and these workers are not allowed to join unions, etc. ANC, you are not doing okay.

Ms L C THEKO: House Chair, Deputy President, Chief Whip of the Majority Party, hon Minister of Labour and other Ministers that are here, Deputy Ministers, hon members, guests in the gallery and fellow South Africans ...

*Xitsonga:*

... I madyambu lamanene.

*English:*

While celebrating the centenary of the two stalwarts of our movement, Tata Mandela and Mama Sisulu, let me also take this opportunity to acknowledge my late mother who died in 2009, Comrade Sam Nzima who was buried last Saturday and Comrade Loliwe — may their souls rest in peace. House Chair, Comrade

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Loliwe was passionate about the introduction of the national minimum wage while she chaired this committee. She believed in changing people’s lives. That’s why I am dedicating this speech in her memory. House Chair, the ANC-led government is heeding to the call made by the President to implement the national minimum wage this year.

According to section 7(2) of the Constitution, it imposes an obligation on the state to respect, protect, promote, and fulfil the human rights in the Bill of Rights, which include the right to fair labour practices. In this respect, the proposed national minimum wage seeks to provide measures to eradicate poverty and inequality in our society. The manifesto of the ANC in 2014 committed the ANC government to investigate the modalities for the introduction of the national minimum wage. This commitment was made in the interest of reducing South African’s massive income inequality, to create employment that delivers a fair income, that provides social protection for families and to ensure that all workers are paid reasonably. This commitment was further reaffirmed by the 54th ANC National Conference in 2017 that took a resolution that the national minimum wage must be implemented as a matter

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of urgency as the new minimum wage regime will impact positively on the lives of many low paid workers, hence the improvement in the living conditions of our society. Sir Winston Churchill says: “The price of greatness is responsibility.”

This was clearly amplified during the state of the nation address in February 2018 by His Excellency the President when he directed that an introduction of the first national minimum wage in South Africa be implemented immediately. The President reaffirmed and echoing the resolution of the ANC which had resolved that the national minimum wage must be implemented as a matter of urgency, so as to impact positively on the lives of many who are vulnerable to exploitation. The President further remarked that the introduction of national minimum wage was made possible by the determination of all social partners so as to reduce wage inequality while maintaining economic growth and employment creation. This was also echoed by the hon Minister of Labour during the Budget Vote speech 2018.

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Wage inequality is continually viewed as a challenge in South Africa’s labour market. It also contributes to unfair practices, and industrial relations are affected. Looking at the South African labour market, it is characterised by high levels of unemployment, inequality and poverty. One of the measures to address this problem is the introduction of the national minimum wage.

Clause 4 of the proposed Bill specifies the national minimum wage that was agreed to at National Economic Development and Labour Council, Nedlac, and set out in schedule 1 of the Bill. In terms of this schedule, the national minimum wage is to be R20 for each ordinary hour worked and is due to come into force on the date proposed by the President by proclamation in the *Gazette.*

Clause 5 of the Bill provides for the calculation of the national minimum wage. The amount payable for the ordinary hours of work, meaning that a worker is entitled to receive the minimum wage for the number of hours that the worker works in a day. This does not include the payment of allowances such as transport, tool, food or accommodation allowances, boarding

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or lodging, tips, bonuses and gifts. Provision is also made to the exclusion of other forms of payment by regulation, for example the hospitality industry that the hon member of Cope was elaborating on here.

The legislation in Chapter 3, clause 8 to clause 10 allows the establishment of National Minimum Wage Commission and clause 6 of the Bill provides for the annual review and adjustment of the national minimum wage by the commission. Furthermore, clause 11 of the Bill provides the functions of the commission, and clause 12 of the Bill provides that the commission must determine its own rules in respect of the conduct of its meetings. However the independence of the commission has to be acknowledged. Hence, it stands as our example of what is possible and that we South Africans need to engage in a meaningful dialogue to resolve differences and confront challenges. This measure is to support and strengthen the collective bargaining which will be a build-up to a living wage.

House Chair, it is estimated that when wages are adjusted, the economy grows and there is high productivity by workers

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because workers will stay in their jobs and there will be no movement of workers from one job to the other. Exploitation will be under check. Around the world, it is estimated that countries that have implemented the national minimum wage have resounding economies. In the Southern African Development Community, SADC, only three countries, South Africa being amongst them, have not yet implemented the national minimum wage. However, today I am pleased we are debating the Bill and South Africa will no longer be part of the countries that don’t have these measures.

House Chair, in conclusion, some have argued that this will destroy the economy, investors will run way, but there is academic evidence showing that modest increases in the minimum wage do not necessarily destroy jobs and in fact, it decreases the inequality. While eradicating poverty and at the same time there is job security, fellow South Africans will benefit, especially those who have been marginalised for a very long time. By introducing the National Minimum Wage Bill about

5 million people will benefit according to the Social Economic Impact Assessment. Ordinary people, the youth and women are set to benefit, hence creating an economically vibrant society

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for us all.

Therefore, the ANC supports the proposed National Minimum Wage Bill and I request that it be adopted by this House. Thuma Mina! I thank you. [Applause.]

Ms C N MAJEKE: Chairperson, hon members, this is Mr Filtane’s speech. Most commonly workers have withheld their labour as the chief weapon for the struggle for descent wages and descent life. In other words workers ability to strike has been their most successful and often only means to address systematic inequality.

Any attempt to limit or undermine this weapon constitutes a conscious effort to perpetuate and indeed intensify inequality. This is clearly what the Labour Relations Amendment Bill intends. It is for this same reason that we oppose its provisions on strikes and picketing, in particular.

One of the proposed changes is that trade unions will have to hold a secret ballot to decide on strike action. A secret ballot means each worker will have to decide for themselves

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whether they will strike or no. But a strike is always about workers acting together. It will be more difficult for workers to unite if they don’t know what their comrades are thinking about the strike. This change does not apply to unregistered trade unions or worker committees.

The LRA amendments also say the conciliation period of 30 days before a strike can now be stretched to 35 days. This will give bosses more time to fill up their warehouses, victimise workers and plan to bring in scarabs/scraps to settle or prevent strikes.

And advisory arbitration panel can be set up if the Minister of Labour or the director of the CCMA thinks it is in the public interest, or if it is asked for by any party to the dispute, including the bosses. This means any strike is open to advisory arbitration, even before it starts.

On top of this, bosses will be able to take trade unions to the Labour Court with interdicts if, for example, they think the secret ballot was not conducted properly, or if the union

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did not follow its constitution when not agreeing with the adversary award.

The 20 hourly minimum wages represents a possible advance for some workers, who earn below R20. In 2012 the figure of R3,500 was already deemed as working poor. Furthermore, the national minimum Wage is an amount set far from the minimum living Wage and needs to be brought closer together. In the absence of a guaranteed monthly minimum wage ... [Interjections.]

The HOUSE CHAIRPERSON (MS M G Boroto):

Ms C N MAJEKE: Or guaranteed 40 weekly hours, the minimum wage of R20 per hour will have no real value for many workers. We should guard against employers using the national minimum wage as an instrument to drag down the wages of higher earning workers.

For example, if someone is employed for only four hours a day, they would have outlay the same cost to travel for example to the same location as a person who is working for eight hours yet the person worked only four hours ... [Time expired.

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Mr I M OLLIS: Chairperson, today is my last speech in this House before I retire to go and study. So, I hope you be kind with the few seconds to say good-bye. [Interjections.]

To the Minimum wage, Speaker, the minds of some politicians often reminds me of the sign on an aircraft toilet door: You know, completely vacant.

However, to avoid the inevitable plane crash, most parties write policy statements so that they can convince the public that they have a plan to fix it. The parties in Parliament have carefully crafted their policies on minimum wages in order to show the public that particular vacancy has now become occupied.

For example, the DA has a balanced approach to minimum wages. The DA believes that we must have sectoral minimum wages with exemptions in areas where our unemployment numbers are clearly among the worst in the world. Like the youth, or those in the microenterprise sectors. I would call this sensible approach. This is the way to prevent job losses, which President

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Ramaphoria said in 2117 will obviously happen when we implement the minimum wage. [Interjections.]

Mr P J MNGUNI: Chair, on a point of order, the members are suppose to refer in a respectable manner and in a manner that is parliamentary. We think that we don’t take kindly to the hon member referring to the President in the manner he has so done, and that he must withdraw that forthwith. Thank you.

Mr M OLLIS: I withdraw, President Ramaphosa. The ANC on the other hand, wants one simplistic national wage. What Stalin wants, Stalin gets. Everyone must look the same, work the same, speak the same, wear the same, think the same, and of course, each the same. Eventually, a nuanced approach was developed for the farmworkers and domestic workers because even the most hardened Wits and UWC socialists predicted that there would otherwise be catastrophic job losses, if they didn’t in an election year.

The FF Plus doesn’t want any minimum wages. They are happy that the poor should suffer just a little bit. Unless they are

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FF Plus members and then we will meet you afterwards at the back and we will sort you out. Well, I don’t know.

The IFP looked at this situation and concluded - What Mmusi said! You know, on 1 May, we read, the IFP Leader, Mangosuthu Buthelezi is calling on government to introduce sectoral minimum wages instead of just one national minimum wage. You heard it just now ... [Interjections.] where have I heard that before?

Mr M L HLWENGA: On a point of order, Chair, since the DA always makes a fast about hon, let’s make a fast now, it is hon Buthelezi. Thank you.

Mr I M OLLIS: Well, if he likes, the hon Prince Mangosuthu Buthelezi the Leader of the IFP. The EFF says, the minimum wage should be 12 500 for all. No, no, no, wait, R4 500 for all. No, no, no, actually lots for everyone, because we really believe in everything for free. [Interjections.]

Mr T RAWULA: On a point of order, Chair, the hon member is distorting the EFF. The EFF did not say R12,5 we said R4 500,

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and then for mine workers R12 500. Perhaps, you must give that [Interjections.] and then another category of workers, oh!

Okay.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, I am going to switch off your mike if you continue.

Mr T RAWULA: No, I just wanted to correct him.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, that is a point of debate, continue hon Ollis.

Mr I M OLLIS: Like Santa Clause, the EFF swept in their big red suits to save us all from ourselves and give us lots of free staff. Every one needs that big salary, and a Mercedes, because fighters can’t be without their Mercedes. And a bristling watch, and or a condo in Wendywood, or is that just for Floyd?

Mr M PAULSEN: House Chair, there is no Father Christmas ... [Interjections.]

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Paulsen, please just withdraw.

Mr M PAULSEN: He is useless! [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Paulsen, hon Paulsen, I am not going to give you an opportunity. Hon Paulsen I am going to switch off your mike! Hon Paulsen, you are not allowed to call people names in this House. Will you please ... [Interjections.] ... please withdraw.

Mr M PAULSEN: Yah, okay.

The HOUSE CHAIRPERSON (Ms M G Boroto): No! I want to hear I withdraw.

Mr M PAULSEN: I withdraw foolish boy, foolishness.

Mr I M OLLIS: Thank you, Chair. If the overall fits he must wear it. In fact, the EFF wants every one to live Sandton. I think that the EFF slogan for the next election should be “a piece of land in Sandton for everyone!

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But Speaker, we all know Santa Clause doesn’t really exist

... [Interjections.]

Mr M S MATIASE: House Chair, it is not for him to prescribe how EFF members should wear in Parliament.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Matiase, please take your seat that is not a point of order but a point of debate.

Mr M S MATIASE: And he must decease from making such statements against us. It is not for him to prescribe!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please that is a point of debate. Hon Ollis please stick to the – we know that you are leaving but the decorum of the House is still very important.

Mr I M OLLIS: I am sorry; I can’t be responsible for the decorum of the other members, only for myself. Santa Clause doesn’t exist, you know but we know that your struggling parents have to buy your Christmas presents not Santa Clause.

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Let me come now as my granny, Dorothy, sorry Doris Moroney had a husband, Charles Ollis, who died of cancer at the age of 40 leaving seven underage children to feed. It was only years later that the now adult children realised that the reason whew en and sat in their little kitchen every night while they ate their supper was because there was not enough food to go around. So, she gave it to the kids and she never had any supper herself, she sat in the kitchen.

Remember comrades and the fighters when you are eating the free lunch, someone in the kitchen had to pay for it. We all need to realise that you can’t take money from the kids in school – there ANC – and use it to pay for students in university. Minimum wages can work like that if we are not realistic. If you impose a uniform wage on everyone that small businesses can’t afford that is not related to productivity, someone has got to sit in the kitchen with no food because jobs are hard to come by.

However, I know of a place where the EFF will feel at home. It is called Venezuela. That country so loves the EFF policies

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and they implement them with enthusiasm. Socialism is big in Venezuela ... [Interjections.]

Mr T RAWULA: Chair, on a point of order, we are indigenous people of South Africa, no one must ever redirect us anywhere. We stay in South Africa and we are born in South Africa, we identify with the land of South Africa. So, no one must refer us to anywhere, including Venezuela.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Rawula, we understand what a point of debate is. I am switching off your mike.

Mr I M OLLIS: Thank you. So, I think the EFF slogan to quote the ANC’s new Ambassador to the USA Councillor, Patricia de Lille, let me say that the new EFF slogan should be “One Fighter, One Plane Ticket”. Say it with me: one fighter one plane ticket. Venezuela is calling. [Laughter.] [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Your Time has expired; you wasted a lot of time.

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Mr I M OLLIS: And now as I say goodbye to you for a very long time ... [Interjections.] ... may I say goodbye today, I am done. [Interjections.]

To all my colleagues I wish you all well, especially to my colleagues in the DA, those who are on the Labour committee the ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Ollis, you wasted time.

AN HON MEMBER: We want our land wena Ollis! [Applause.]

The HOUSE CHAIRPERSON (Ms M G Boroto): We wish you well on your endeavours, hon Ollis.

Mr L P KHOARAI: Chairperson, Ministers and Deputy Ministers, Members of Parliament, ladies and gentlemen, comrades and friends, allow me to dedicate my speech to Mr Anchor Moses Maseola. Comrade Anchor was born in Rammolutsi, Viljoenskroon. He went to exile at a young age. His exile name was Bafana Xulu. He trained in Tanzania as a member of uMkhonto weSizwe.

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Comrade Anchor studied nursing while he was in exile and worked again as a nurse in a clinic in his own town when he returned to South Africa. Let me also dedicate my speech to hon Fezeka Loliwe, the former Chairperson of this committee. Comrade Loliwe started this process and she has passed on. May their souls rest in peace.

During the apartheid era, workers fought long and hard for their rights. Black workers on the mines and in factories had to struggle on many fronts. They had to fight against low wages and very bad working conditions. They had to deal with the racism of white workers and management, as well as of the previous government. Workers, especially farm workers, were extremely poorly paid and worked very long hours. Workers fought hard for the right to establish democratic and progressive trade unions, the right to engage in collective bargaining and the right to strike. Industrial relations in the apartheid era were characterised by high levels of racial discrimination, conflict, union repression and cheap labour policies.

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The post-1994 labour legislation was a product of extensive consultation between government, labour and employers, and established institutions to nurture sound, co-operative industrial relations. It was the ANC that made a commitment to ensure rights-based labour dispensation legislated and regulated conditions of service for workers. This has been achieved through putting in place, progressive labour legislation in line with the rights contained in the Constitution, key programmes to create jobs, and labour legislation that prevents discrimination in employment practices.

The 1955 Freedom Charter states that there shall be work and security and the 1992 Ready to Govern policy documents are fundamental principles, which were to safeguard the rights of workers.

The Reconstruction and Development Programme, RDP, called for the following rights of workers to be included in the Constitution: The right to organise and join trade unions; the right to strike and picket on all economic and social matters and the right to information from companies and the

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government. The RDP further emphasised the need for a system of collective bargaining at national, sector and workplace levels, giving workers a key say in decision-making, ensuring that unions were fully involved in designing and overseeing changes at workplace and sector levels. It called for the bargaining forums to play an important role in the implementation of the RDP and that agreements negotiated in such forums should be extended through legislation to all workplaces in that sector

Today these are enshrined in Section 18 and Section 23 of the Constitution. Section 7(2) further imposes an obligation on the state to respect, protect, promote and fulfil the Bill of Rights, which include the right to fair labour practices.

Significant progress has been made by the ANC government to implement these laws since 1994. The country and its organized and unorganised workforce continues to be challenged by unemployment, poverty and inequality. The ANC’s most effective weapon in the fight against poverty and inequality is the creation of decent work.

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The 2007 52nd ANC National Conference put emphasis on economic transformation and the creation of decent job opportunities as the primary focus of economic policies. The subsequent programmes and further commitments to advancing equality and decent work at the workplace, culminated in expression of the 2014 ANC National Election Manifesto. The manifesto took the work further by calling for ...

Today, we are proud to have in our statute book, the revised and progressive Labour Relations Act and Basic Conditions of Employment Act. These labour laws are a true reflection of the aspirations of our people as defined in the Freedom Charter, the ANC’s Election Manifestos and many subsequent declarations of our movement. The recent amendments to our labour laws confirm that indeed, we understand what consolidating the revolutionary gains of the working class means. It is for that reason that those who are against progress and who seek to reinstate the status quo as existed before 1994 have used every trick in the book to attack our labour laws and the recent amendments. Making sure that workers are protected from exploitation can never be anti-economic development, but pro- progress. Therefore, we will not be swayed from our

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resolutions to protect workers in general and vulnerable workers in particular using the legislative instruments at our disposal.

Our labour laws are sound and often referred to as among the best in the world for both employers and employees alike. The checks and balances that are found in our labour laws are sound. I urge you to make time to familiarise yourselves with the amended legislation so that you can see for yourselves how they contribute towards our National Democratic Revolution, NDR, because democracy has worked for the working class of this country.

Collective bargaining remains an important pillar of our labour relations dispensation, and it remains one of the most important instruments to manage the inherent conflict in the industrial relations. It is also my firm belief that collective bargaining is capable of addressing the challenge of unemployment, inequality and poverty in our society. The proposed amendments on the Labour Relations Act are intended to provide a stronger environment for collective bargaining

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and wage negotiations and to ensure that due processes are followed when strikes takes place.

The following stand to benefit from the amendments: Trade unions will benefit from more flexible ways in which strike ballots may be conducted; the extension of collective agreements in a sector and the provision for default picketing rules assists all parties in the dispute.

The Basic Conditions of Employment Act will continue to regulate basic conditions of employment and will provide for enforcement measures including for noncompliance with the National Minimum Wage Bill. The proposed amendments are intended to provide measures that will enhance compliance with the payment of the minimum wage by employers. The amendments introduce enforcement measures that will be easier for workers to pursue. Together let us move South Africa forward by consolidating the gains of the working people of our country.

We remain guided by the Freedom Charter of 1955, the letters of international conventions and the ANC elections manifestos in everything that we do, and you will arrive at the same

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conclusion that we are working towards achieving the objectives of the NDR. What remains to be done, is ensuring that the benefits of these achievements are enjoyed fully by the workers. Thank you, House Chair.

The MINISTER OF LABOUR: House Chair, firstly, let me thank those who have supported us and also appeal to those who have not supported us to go back and read the legislation, particularly when it comes to the principal Acts that are working, currently.

*IsiZulu:*

Ngicela ukulungisa uMhlonishwa uBagraim ukuthi kuzolahleka imisebenzi eyizi-750 000.

*English*:

That was the research done by the Treasury on the basis of the Cosatu call, then, when they said they wanted a national minimum wage of R5 300. That was when that research indicated that 750 000 jobs would be lost.

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Secondly, since the hon Bagraim has become the spokesperson of Saftu ... and I don’t agree that the hon Comrade Vavi might agree with that, because in 2012, Comrade Vavi was leading as general secretary of Cosatu on the national minimum wage. I also want to challenge those who are saying that R20 per hour is nothing, when talking about the national minimum wage, not a sectoral minimum wage.

There are sectoral minimum wages based on the wage agreements by different unions. When you look at all the wage agreements in terms of the national minimum wages, not a single trade union has achieved even R50 an hour when it comes to sectoral minimum wages. Therefore, I want to appeal to the members. It is clear that the majority of you who are against these particular amendments either did not even participate as workers, or in bargaining at that particular time, if you were even workers before.

To the hon Ngwezi, I would like to say that, in terms of the current legislation, when it comes to the small business people, if you establish a company as a small business, you are exempted for two years. However, we can’t allow the

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exemption to be open-ended because that would be exploitation of the workers. We are not going to allow the workers to be exploited in this country.

I also want to say that the national minimum wage will support and strengthen collective bargaining. Hon members, including the hon Khawula ...

The HOUSE CHAIRPERSON (Ms A T Didiza): Order, hon members! Those who are leaving the Chamber must do so quietly.

The MINISTER OF LABOUR: ... just go back and read the Nedlac report about the issues that were agreed upon when it comes to the final agreement. To the hon Bagraim, I also want to say

...

The HOUSE CHAIRPERSON (Ms A T Didiza): Please round up, hon member.

The MINISTER OF LABOUR: ... the SA Federation of Trade Unions, Saftu, was not a member of Nedlac, then. The agreement reached by Nedlac was reached in February and Saftu registered as a

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federation in March 2018, after the agreement had already been reached.

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you, hon member. Your time has expired.

The MINISTER OF LABOUR: Therefore, I want to appeal to the members to go back and read all the legislation, the amendments ...

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

The MINISTER OF LABOUR: ... and the principal Acts. Thank you very much, Chair. [Applause.]

The HOUSE CHAIRPERSON (Ms A T Didiza): ... your time is up. Thank you very much. [Interjections.] Order, hon members!

Order! Hon members, you are not going to hear the instructions on how we are going to deal with these matters. [Interjections.]

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By agreement, in the Portfolio Committee on Labour, as well as has been discussed in the Chief Whips’ Forum, all the Bills were to be debated ... [Interjections.] Order, hon members!

Those of you who are coming in, please come in quietly. There was agreement that all three Bills would be debated simultaneously. However, putting them to the vote will be done individually. I hope you all understand.

HON MEMBERS: Yes!

The HOUSE CHAIRPERSON (Ms A T Didiza): Thank you very much.

Debate concluded.

Question put: That the Basic Conditions of Employment Amendment Bill be read a second time.

Division demanded.

The House divided.

[TAKE IN FROM MINUTES.]

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*IsiZulu*:

USIHLALO WENDLU (Nk A T Didiza): Mam’uKhawula umuntu wangakini uzolungiselwa indaba yakhe. Ngiyabona usene-shop steward kwayena khona la enguMaKhawula. [Ubuwelewele.]

Question agreed to.

Basic Conditions of Employment Amendment Bill accordingly read a second time.

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

Division demanded.

The House divided.

[TAKE IN FROM MINUTES.]

Question agreed to.

National Minimum Wage Bill accordingly read a second time.

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

Question agreed to.

Labour Relations Amendment Bill read a second time.

# COMMUNAL PROPERTY ASSOCIATIONS AMENDMENT BILL

(Second Reading debate)

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon House

Chairperson, hon Ministers, Deputy Ministers and hon members, since the start of the restitution programme during the implementation of the Restitution of Land Rights Act 22 of 1994, one of the challenges facing our department has been post restitution support to beneficiaries, communities and in particular communal property associations, CPAs, and the technical support post CPAs.

The CPAs were created as statutory legal entities to hold and manage property, particularly land, on behalf of beneficiary

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communities. The CPAs, through their committees, continue to manage on day to day basis affairs of beneficiary communities and transacts on behalf of such communities.

Over a period of time since the creation of CPAs, beneficiary communities started to experience some challenges in relation to holding and management of this properties. There were also challenges relating to the technical support of the department to beneficiary communities. I just want to take this opportunity to recommit the department, Mr Deputy President, to supporting the communities post restitution.

With regard to the holding of property by CPAs and the management of such properties, there were many reports of such lack of accountability which we are determined more than ever before to work with our people because ...

*Sepedi*:

... tau tša hloka seboka di šitwa ke nare e hlotša.

*English*:

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... this is our land we mean to make good out of it so that our people become once again food secure, have a proper place of trading and also dwelling but we have to amend the Communal Property Associations Act which was passed in 1996. There was never be a point where the department created or had the necessary dedicated capacity as I said earlier on to make do good out of this.

The Communal Property Associations Act regulates the following: the creation of Communal Property Associations as legal entities with juristic personalities as I said earlier on; the registration thereof; the adoption of governing constitutions by beneficiaries; the processes that must be followed in disposing of properties because this belongs to communities. No individual must be allowed to wake up and drink something fermented and start thinking otherwise; and monitoring of CPAs by the department should be our daily bread and is going to be.

I am also going to, through you Madam Chairperson, wait for inputs from members on what else we should be doing as a department to make that CPA and related bodies work for our

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people without taking too much of your time because people didn’t vote for the sake of. It was because the Freedom Charter said that the land belongs to all those who work it but also that we should be food secured and be able to trade, work, play and do all the things but protect communal land because it doesn’t belong to individuals.

I therefore, present this Bill once again and the amendment thereof and the clarifications thereof of the role of the CPAs and wait for further comments from fellow members. I thank you.

Ms P C NGWENYA-MABILA: Hon Deputy President, hon Ministers and deputy Ministers, hon members, the department passed the Communal Property Associations Act in 1996 as part of the land reform programme During the implementation of the Communal Property Associations Act, some operational challenges and the lack compliance were realised which led to the changes in the Communal Property Associations Act. The department has therefore tabled the Communal Property Associations Amendment Bill to Parliament for further processing. The committee was briefed about the Bill thereafter the Bill was advertised.

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Written comments were received and public hearings were held in all the provinces. Furthermore, stakeholders were engaged about the Bill as per Section 59(1a) of the Constitution. The Bill will address some of the challenges experienced by most Communal Property Associations, CPAs. Challenges such as; the lack of intervention of the department when CPAs have problems as other CPAs were taking the department to court. The alleged corruption of some of the departmental officials, lack of compliance to the Communal Property Associations Act and the Constitution, lack of functionality of some CPAs, conflicts among CPA’s beneficiaries, abuse of power and authority by persons elected to be in the executives of the CPAs, sale of land by some members of CPAs without consulting the department and some beneficiaries, lack of accountability of CPA executives on the finances generated by CPAs through leases and other activities, limited oversight and monitoring of CPAs by the department, lack of training of CPA members on their roles and responsibilities as CPA executives and members, lack of intervention by the department when there are disputes, some councillors who allocate stands on CPA land without the consent of the CPAs.

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Therefore the objective of this Bill is therefore to; establish the CPA’s office to empower the Minister to appoint the Registrar of CPAs whose responsibility: will be to monitor, issue certificates, intervene when there are disputes and perform other CPA-related matters, to protect the rights of beneficiaries in respect of the sale of movable and immovable property held by CPAs, to further regulate on the management of CPAs placed under administration. The establishment of the CPA’s office and the appointment of the Registrar and deputy Registrar will address some of the challenges raised by the CPAs during the public hearings. The submission of the annual report to the Registrar which will be submitted to the Minister who will be expected to table it to Parliament will strengthen the accountability of the CPAs. The secondment of experienced staff on CPA matters from the department and the appointed of the new staff to work in the Registrar’s office will ensure that CPAs are trained, monitored and disputes are addressed on time and CPAs will be able to know who to contact when there is a need. The adoption of the CPA constitution by 60% of members present in the meeting will ensure that thorough consultation is done before any decision is taken to avoid a situation whereby five people

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took decisions as if they are the only CPA members and the land belong to them while other beneficiaries are being sidelined and become spectators in their own land. This Bill will also strengthen transparency, maximum participation and improved consultation. Furthermore, the selling, donating or encumbering of movable property must be done with the consent of the majority members of CPA, not few individuals.

The bill will improve communication between the CPAs, the department and the Registrar. Chairperson, as the committee we will keep on monitoring the effective implementation of this Act and to ensure that there is accountability and some of the CPAs’ challenges are addressed. Let me thank the legal unit of Parliament especially Mr Mjexane and our support staff for making our work easier.

*IsiZulu:*

Mangithi-ke kuma-CPAs wonke aseNingizimu Afrika, ngithi kuwo wonke, sizizwile izinkinga zenu, sibhekane nazo ngqo.

Ningapheli amandla ikakhulukazi i-Rama CPA namanye ama-CPA. Uhulumeni we-ANC uHulumeni wabantu, owakhethwa ngabantu, olalela abantu ukuthi bathini bese uza nesisombululo.

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Uhulumeni ngeke ubuyisele umhlaba kubanikazi bawo bese eyahluleka wukunisiza uma ninezinkinga. Okokugcina, yekelani ukulwa ninodwa nijabulise izitha zethu. Hlanganani nisebenze ngokubumbana, nizoqhubekela phambili izimpilo zenu zizoguquka zibe ngcono kuphele ubuphofu.

*English:*

I therefore request the House to adopt this report on the Communal Property Association Amendment Bill. I thank you. [Applause.]

Ms T MBABAMA: House Chair, Communal Property Associations, CPAs, in their simplicity were not a bad idea as a legal vehicle to allow families and communities to claim back land that was held collectively in the past however it is the settlement on, and allocation of, the land that we in the DA find problematic. Lumping disparate families’ together and ignoring existing social dynamics, customary practices and power relations is a recipe for disaster. This disaster is reflected in the results of the public hearings conducted by the Rural Development and Land Reform Committee last year.

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From province to province we heard of corruption, murderous infighting, conflict and mismanagement in the CPAs. Illiterate and vulnerable beneficiaries were taken advantage of and in some cases the land, recently restituted and held collectively was sold by unscrupulous committee members without the other’s knowledge. All this happened with oversight from state officials and in many cases the officials themselves were responsible for the corruption. Our minority voice was not heard in the committee when we, the DA, spoke of individual title, or clearly defined property rights, being the solution to the problems in CPA’s.

*IsiXhosa:*

Nasezilalini mandulo, umntu wayesikelwa inxiwa lekhaya, aphinde asikelwe intsimi apho aza kulima khona.

*English:*

Not allowing for clearly defined ownership within the CPA is an example of ignoring existing customary practices in allocating the land. The Subdivision of Agricultural Land Act

70 of 1970 allows for the subdivision of agricultural land subject to the consent of the Minister of Agriculture. The DA

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is of the opinion that the Departments of Rural Development and Agriculture should be collaborating in cases affecting land reform to the extent that the exorbitant costs of the subdivisions could be waived. Where subdivision is not possible, for example if the restituted land is a going concern, then other forms of ownership could be explored such as share ownership schemes. The DA will bring change that creates order and builds one South Africa for all. [Applause.] The DA believes that it is time to strengthen definitively the rights of individuals and families to private ownership of land. We thus cannot support the Bill in its current form and will be relying on our presence in the National Council of Provinces, NCOP, to affect changes in the Bill to reflect this. Ndiyabulela. [Applause.]

Mr N S MATIASE: House Chair, the Communal Property Associations Act remains one of the most important pieces of legislation post 1994 and it is an often ignored piece of legislation that opts to provide guidance to how we as a nation think about land administration and governance outside of the neoliberal prescripts of private landownership.

Communal Property associations, CPAs, remains critical

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institutions for democratic governance of land based on the will of the people and should by all intends and purposes receive support from the state to administer land in a manner that serve the interest of a group of people.

Sadly, the state has not been able to provide the necessary support for CPAs over the past decade. Consequently, most CPAs are in a constant state of disarray. There has been no targeted training of CPA committees to ensure that they govern according to the prescript of the law and allow for democratic participation of all committee members.

We recently wrote to the Minister to intervene and resolve the matter relating to the mismanagement of the Koegas Communal Property Association in the Northern Cape and to this very day we have received no correspondence whatsoever from the Minister. Communal Property Associations are chronically under-resourced and inadequately protected legally speaking as compared to instances such as sectional titled bodies, but they deal with a wide range of societal dynamics with huge pressures from communities.

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We would therefore like to see a situation where organs of state entrusted with supporting CPAs doing the work. This must entail a faster process of giving CPAs the necessary administration and legal personal authority and power to manage the affairs of the association. This must also entail a targeted programme of capacity-building of post settlement support services and of investment guided to ensure that those who receive land are able to use it and use it efficiently and economically to benefit communities. It is for this reason that we welcome the establishment and strengthening of the Office of the Registrar of Communal Property Associations to provide a much needed assistance to CPAs.

We are particularly pleased that this Amendment Bill extends the application of the Communal Property Associations Act to labour tenants who have acquired land. More importantly, the Communal Property Association Act and the proposed amendments provided clear example of how the state to together as the people as a whole can facilitate and ensure solid ways of land administration that ensure continued investment and democratic management of land administration. This vindicates our position that eventually, the state must be the custodian of

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all the land in South Africa, with the necessary bodies created for proper administration of this land for the benefit of all the people. The CPAs are examples of such bodies, but to be functional, they require an engaged state that is able to intervene to guide processes of development, resolve disputes timeously and provide the necessary catalytic investment needed for investment.

Sadly, not all is hunky-dory, Madam Minister. During public hearings we have had especially in Bronkhorstspruit, we had a vast number of CPA members who came to the public hearings through lifts, hiking, when they were supposed to be there on their own means. That exposed the committee to the misery and the difficult conditions under which CPAs members find themselves and this are landowners who should be resourced and having the means to access capital, invest the capital and ensure that the land that they have acquired is turned to be productive. We therefore as the EFF support this Amendment Bill as an interim mechanism to take the land back to the people. Thank you so much. [Time expired.] [Applause.]

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Inkosi R N CEBEKHULU: House Chairperson, this Amendment Bill is necessitated by the governance challenges that have arisen through the implementation of the principal Act and principally seeks to correct these challenges by: Firstly, providing that beneficiaries of land must provide the Minister with prior notice when selling the land, as well as secondly, to provide the department with greater powers of intervention in the case of disputes that may arise.

Additionally, it provides for the establishment of Communal Association Office to provide assistance with governance of the associations.

Chairperson, land reform and the question of communal land in South Africa is an issue that will continue to dominate our political discourse for decades to come.

Chairperson, the IFP has been placing the issue of communal land rights on the national agenda since the Convention for a Democratic SA, Codesa, and we remain of the view that ...

*IsiZulu*:

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... amakhosi asuswa ngabantu bawo kulemihlaba. Namhlanje uma umhlaba usubuya amakhosi asephushelwa ngaphandle. Lakukhona khona izinxushunxushu ngenxa yabantu abangafuni ukuthi kuqhutshekelwe phambili, bese kuba ukuthi omunye angasafuni ukuthathelwa umhlaba ubuye ngokusobala eqinisweni kusho ukuthi uhulumeni wayeqonde ukuthi umhlaba awuthenge kuze uma kunemibango abasuse abantu aqhubeke njengoba kuwumhlaba wakhe futhi ukhokhelwa uyena.

Naphezu kokuba kunjalo ke indlela yokuphathwa komhlabathi noma yokulawulwa komhlabathi ubuyiselwe kubantu abasuswa, yebo i- IFP iyakwesekela ukuthi lowo mhlabathi ubuyiswe. Kodwa kukodwa engifuna ukwehluka kukhona, ukuthi naphezu kokuthi sikweseka lo obuthengelwe abantu, kodwa ke emhlabathini womdabu akuhlale kunjalo ukuphathwa kwawo, nokwabela kwabantu lapho ke abanye beqhakambisa indlela yaseNtshonalanga uhlelo lokusiza abaphethe amatayitela ngoba kuthiwa uyokwazi umuntu ukuyotsheleka izimali. Okusalayo ukuthi abantu abaqwashisiwe ukuthi uma umuntu ehlulekile ukukhoka isikweletu sebhange umhlaba uyobe seyawuphucwa kulaba abanunuselwayo ke abahlali emakhaya ekuthiwa kufuneka kube namalungelo angaphezu kwalawo abahleli kuwona. La umhlaba ukhona kuya ngokwabelana

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ngokwesiko ngaphandle kwamaginxiginxi ngoba akekho umuntu okuphuca umhlabathi oyisabelo sakwabo ngoba nje mhlambe ezondwe ngothile.

Ngiyafisa ke ukusho ukuthi umangabe loku kuyokhuthazwa ekugcineni kuyoholela kulento esiyibonayo ezimpini zamatekisi lapho osomatekisi betshelwa ngemali yamabhange bethenga amatekisi behluleka ukuyikhokhela, beqale beshayane ngamunye ngamunye kuthiwa kuvulwa olayini kwenzela ukuthi zinciphe izimoto ezisemgwaqweni ukuze labo abasethubeni abanamandla nezibhamu baqhubeke nomsebenzi.

Okokugcina, okuyoholela abantu bakithi nxa sebehlulekile kuyoba ukuthi bayohlukana nomhlaba bengasophinde bese beba ngondingamtholi bengasenawo umhlaba aboyophinde behlale kuwona, bese sibanemindeni yasemgwaqweni okuyokuba ama-street families. Njengamanje uhulumeni wethu ubhekene nenkinga yoma- street kids [Izingane zasemgwaqweni.] Siya ke esimeni lakhona siyoba khona nethuba lokuba sibe noma-street famailies [Imizi yasemgwaqweni.] nxa ngabe abantu bezonunuselwa ngalamatayitela. Labo abahleli ezindaweni zamakhosi njengamnje ngoba akuzona ezamakhosi. USekela Mongameli uyichaze kahle

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lento wathi umhlaba amakhosi ayezethenjwa kulowo hlaba, hhayi ukuthi umhlaba ungowamakhosi. Ngakho ke laba abaphupha belele emini mabaliyeke iphupho labo. Ngiyathokoza.

*English*:

The HOUSE CHAIRPERSON (Ms A T Didiza): Order. Hon member, I am afraid, your time has expired. Order, hon members, before I call on the hon Shaik-Emam, I just want to say last week there was a matter that occurred in this House and there was a point of order raised when the hon Deputy Minister Landers was at the podium. The ruling has been made, but I just want to say I will hand it over when both members one who raised the point of order and the one who was being alleged to have said something are in the House. That is why the ruling will not be made today. I just wanted to indicate to members that it is not that the ruling is not ready, it is ready, but as it is the rule, it can only be done when both parties are present.

Thank you. Hon Shaik-Emam.

Mr A M SHAIK EMAM: Hon House Chair, the NFP supports the report of the rural development and land reform on the Communal Property Association Amendment Bill tabled here today

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Chairperson allow me to start of this being Child Protection Week, to extend our condolences to the family of nine-year-old Sadia Sukhraj an innocent child that was gunned down during a hijacking in Shallcross Durban. May her soul rest in peace.

Also allow me Chair, to condemn the actions of Mortimer Saunders who sexually abused and murdered three-year-old Courtney Pieters by his own submissions. We call on the authorities to impose the harshest severe punishment possible and call as the NFP have previously done for the death penalty to be reintroduced in South Africa. The latest news is that the child that went missing earlier on today has just been found.

Hon Chairperson, the matter before this House today is to establish legal institutions to enable disadvantaged communities to acquire, manage and own property and more importantly to provide protection against abuse of power by other members.

Hon Chairperson, the sectional titles is where lots and lots of our people are experiencing great difficulties as well that

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a few members are appointed or elected on to the body corporate, they take loans and bonds to these properties without due authority of all the members participating and for that reason you would find many, many of these properties are at the crisis situation and very heavily debt and you will find that municipal expenses are not even been paid and it seems to be a serious problem.

However, hon Chairperson, I will be failing in my duty if I wanted to tell the hon Ollis that you know you are not leaving a legacy when you are leaving behind you are leaving a very crippled and crises torn DA. You are leaving them at a lowest level that you can actually leave them and contrary to what I had earlier on you are in a crisis it is all over the media, you are about to disintegrate. It is a matter of time when you will be going. And for John Steenhuisen, let me tell you, you will always say the issue of HIV is a conspiracy because you will collude and remember you have tried everything before 1994 to hold on to power which you failed. Alright. And so, you will see this as a conspiracy because you were part and parcel of that. Yes.

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Mr M WATERS: Chairperson, on a point of order.

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

Mr M WATERS: Hon Chairperson, I rise on a point of order. Rule 92.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, what is your point of order.

Mr M WATERS: Hon Chairperson, my point of order is: First of all the hon member is misleading this House. Hon Steenhuisen never got up today and said that HIV was a conspiracy theory. Secondly, he is casting aspersions on the hon member, will he withdraw that.

The HOUSE CHAIRPERSON (Mr C T Frolick): No, unfortunately the hon member is not here to say exactly what he said. Continue, hon Shaik-Emam. Hon Shaik-Emam can you continue, please.

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Mr A M SHAIK-EMAM: Thank you, hon Chairperson. The provision in this amendment provides additional protection to members, particularly the preventing self-interest and disposal of community properties. I think my colleague was either too busy because he was disrespecting what was happening in the House so, he could not remember exactly what his colleague had actually said. However, clearly his colleague has said that they were talking about integrity and I do not understand what integrity they are talking about because as Whips, they are responsible for the R60 million a year that they are steeling from Parliament in any event. So, I cannot seem to understand. The NFP supports the amendment tabled here today. Thank you, very much. [Time expired.] [Applause.]

Mr A F MADELLA: House Chairperson, Minmisters, Deputy Ministers, hon members and guests in the gallery, good afternoon.

I am profoundly honoured to take part in this important debate this evening. But before I say anything further on the Communal Property Associations Amendment Bill, let me pause to congratulate President Cyril Matemele Ramaphosa on his

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achievements in his first 100 days in office. [Applause.] Thanks to you Mr President our country is firmly on course to economic growth and our outlook are rated as stable and positive by rating agencies. Under your leadership government has taken decisive steps in tackling corruption, rescuing government from state captured, strengthening corporate governance in our state-owned enterprises, SOEs, tackling youth unemployment through the Youth Environmental Services, Yes, programme and soon more than 6 million workers will earn a minimum wage of R3 5000. We have just adopted that Bill.

This is substantially more than they used to earn. The land question is being addressed with new energy and purpose.

Indeed, a new dawn has arrived and our people are filled with new hope.

Indeed, our country our people can't wait to give our movement, the ANC, a decisive victory in the next lections so that you Mr President can continue with your great work.

The Communal Property Association Amendment Bill is intended to address many of the weaknesses and shortcomings identified by the portfolio committee and the Department of Rural

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Development and Land Reform in working with communal property associations over many years. The former Minister of Rural Development and Land Reform hon Gugile Nkwinti summarised the core challenges of communal property associations as follows:

There are challenges with regards to compliance, CPAs, with their reporting obligations to the department and their accountability to their members. To this end numerous interventions have been made by the department in noncompliant CPAs. Our concerted efforts in intervening and supporting these CPAs are aimed at ensuring that all members of the CPAs enjoy the full benefits of their membership.

He also said, and I quote:

once more that the productive and fully operational CPA’S have the potential to create jobs, improve the livelihood of their members and contribute to the, gross domestic product, GDP, of the country.

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The CPA’S are land holding entities designed to serve the needs of beneficiaries of land reform programmes such as Land Redistribution and Land Restitution. Recent reports indicated that a total of 1 526 CPA’S are registered across the Country but the vast majority are noncompliant with the principal Act. Indeed, compliance is a major challenge and often goes hand in hand with dysfunctionality. Some of my colleagues have revfere to those dysfunctionalities.

The picture painted by the former Director-General Mr Shabane in the 2014-2015 CPA annual report of dysfunctionality, infighting amongst CPA members, noncomplaince, lack of institutional support, lack of monitoring and evaluation of activities, lack of operating capital, has hon Matias has referred to, poor information management, unceasing litigation amongst membership, etc, remains very much still much very prevalent today and it is envisaged that the amendments to the CPA Act will aid rapid regularisation, institutional support, compliance and compliance enforcement.

This picture emerged very strongly during all the public hearings when members of CPAs across the country raised the

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very same issues of lack of democratic practices, unilateral disposal of CPA assets including the land by the CPA chairperson, conflict amongst membership, lack of support from the departmental Officials. We have the DA saying that the issue of ownership will mitigate all circumstances. Many of these problems will go away if title deeds have been issued.

The reality is in the CPAs, a large number of title deeds have been issued. Actually, lands that are being sold could not be sold if one doesn’t have a title deed.

The CPA Amendment Bill presented to you for your endorsement in this debate seeks to strengthen the Communal Property Associations Act of 1996 in a number of ways but I will limit myself to only the question of democratic control and decision making of CPA membership over their own affairs.

In this regard, the portfolio committee received widespread support during the public hearings from CPA members favouring the amendment of the principal Act to ensure that decisions relating to the disposal and or encumbering of the immovable assets of the CPA must be subjected to a resolution adopted by 60% of verified members of the CPA physically present when

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such a resolution is debated. The CPA members have very good reasons to support such an amendment because many CPA members discovered after the fact that their land was sold by one or two members who they have entrusted to lead them.

The Madidi community in Gauteng, in Garankuwa are such members. The members of the Rama CPA have made a discovery that their land which was first mortgaged with a R20 million bond was sold for for a meagre R500 000 . [Time expired.] We certainly support the Amendment Bill. Thank you very much. [Applause.]

Mr M L W FILTANE: Chairperson, the department’s submission that it is in capable of assisting CPAs using current legislation is most welcome. And so it is its concession that even the CPAs themselves are unable to administer their affairs in the current and prevailing scenario. It is hoped that the proposed amendments will go a long in plugging the legislative holes to the benefit of both parties.

A more democratic regime for the CPAs is being produced by this Bill. The 60% requirement for critical decisions by the

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CPA members replaces the old autocratic practice by the CPA chairpersons whereby they were at liberty to unilaterally albeit unlawfully disposed CPA properties without any threat of legal recourse. Thos days will soon be a thing of the past. To that extent this Bill is a modern creation of the Rural Development portfolio committee with hardly a descending voice.

The introduction of punitive provisions in this Bill will hopefully enhance the desirable deterrence effects on potential transgressors. Regrettably, the current high levels of theft, fraud and corruption in the ANC-led administration send a negative message to the CPA’s administrators who seem to think that it is okay to sti;ll public property.

The biggest fear from our part is whether this department in its current configuration with so many vacant senior positions including that of the director-general, DG, will actually be able to administer this Act to be. To add to that, the mismatch of the skills mix , then you have a disaster or a disappointment waiting to happen.

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During the public hearings there was a regular countrywide concern and fear expressed by the participants that the critical proposed register post should not be filled by someone from the current establishment of the department. Trust between the CPAs and the department is currently at a very very low ebb.

The Bill reinforces the ownership of the land under CPA administration. Land remains to be owned by the communities themselves. They repeatedly said that we don’t want to trust administrators, but we want to own the land , and we considered that and reflected that into the Bill. The UDM proudly support the Bill. We have to construct it. Thank you.

Mr K P ROBERTSON: Hon Chair, the Communal Property Associations, CPAs, contributes toward the 92% failure rate of all post settlement land reform projects. According to the High Level Panel, out of 1500 CPAs, only 14% comply with the CPA regulations which now demands administrative intervention at the cost of our tax payers. Throwing legislation at compliance issues will not bring CPAs that have the opportunity of

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generating profit, any closer to alleviating poverty and sustaining progressive rural development.

Beneficiaries have been led to believe that communal claims on land, means the immediate alleviation of poverty.

Beneficiaries thought that restitution of land rights and access to land ultimately meant that ownership once lost through historic injustices of the past would be totally reinstated. How wrong they were!

The actual claimants originally dispossessed of land now find themselves thrown into a system where individual rights are now communal rights and are now shared with thousands of other beneficiaries. In some cases, with as many as 300 O00 beneficiaries as is the case with one CPA in the North West.

How does the state expect them to work together and generate profits on this property? It is impossible to do so under these circumstances.

We need to ask ourselves whether the CPA model itself is the best model available. Is it best for our beneficiaries, our

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economy, or for the progression of South Africans once excluded from economic participation?

The Bill suggests that legislative assistance is needed through the appointment of a registrar; however, we regard many of the amendments to be futile and insignificant when compared to the real challenges faced by CPAs. The number of embattled CPAs now relying on our courts to settle internal issues is astounding.

The fighting amongst beneficiaries should have made the department to look earnestly at individual rights, shares and title deeds instead of communal models. There is an unwillingness by many beneficiaries to work with one another which suggests the need for individual rights. So, as a suggestion, subdivide restored and restituted land as Restitution Act allow for it.

The DA supports land reform and individual ownership through subdivision that could be instilled which will totally eradicate infighting and post settlement corruption. We believe that post settlement support is critical in ensuring

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success and the state can ensure assistance to individual owners as opposed to CPAs consisting of thousands of beneficiaries where the emphasis of success could be lost.

The reasons why the ANC say they have opted for expropriation without compensation is because of budgetary constraints and slow processing of claims which according to them will take up to 144 years to finalise through the willing-buyer willing- seller model.

However, we know that poor policy objectives and planning, systemic corruption and elite capture inhibit meaningful progress in land reform. Well connected individuals benefit at the expense of the poorest of the poor. The CPA policies as described by Corruption Watch have indicated that the policy is open to abuse by corrupt officials, and this is exactly what is happening.

The DA supports land reform and land redistribution and we must definitely support individual ownership. The reason why we need to consider policy changes regarding CPAs is because the amount of CPAs that have so dismally failed.

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The DA offers Title Deeds and has handed out close 100, 000 thus far. We have brought nearly 100, 000 once desolate South Africans one step closer to economic inclusion through property ownership. We promote voluntary shares between commercial farmers and labour tenants and our commodity approach to all emerging farmers largely includes the buy in of commercial farmers.

The DA insists that all South Africans must own their own piece of South Africa and that our economy must be vibrant with our new found land owners. We cannot support the proposed amendments to the Bill and we will rely on our colleagues in the NCOP to push for the necessary amendments to this Bill. I thank you very much.

Mr P J MNGUNI: Hon House Chair, I rise to support the Bill on behalf of the ANC just like my colleagues have done. Let me greet the House Chair, Deputy President, hon Ministers, Deputy Ministers, Chief Whip and members of the House. I just thought that my anticipation was spot on. I knew that the DA was going to argue for individualism, title holds and you name them and that is the kind of orientation. I have dedicated this speech,

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though it will be on a high level and very few of you will understand this. We want to challenge the philosophical underpinnings of individualism.

I dedicate the input to the definite astute African intelligentsia who lived in my lifetime. In discussing the Communal Property Associations Amendment Bill, There is a definite linkage to this unique yet advanced cadre of political commissars. It is no accident that even Isithwalandwe tata Nelson Mandela advocated for the values of Ubuntu. You will not understand Communal Property Associations if you miss this one. Some other leaders who are now gone come to mind including Isithwalandwe Oom Govan Mbeki and the great giant alongside him is the Lion of the KwaZulu-Natal Midlands Mdala Joshua Thembalam Harry Gwala. These giants held such clarity of thought and vision that our society has to bring them to the room whenever examining complex socioeconomic and political historical questions of the day.

We are privileged to continue to have in our midst the likes of the veterans, Stalin Mtshali, Mfengu Makhalima and others. In this same breath and context, as we debate the tightening

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of the Communal Property Associations we need to consult and take seriously the words of such political educators. On my rounding up of the political educators’ issue linking up to the values of Ubuntu, the African traditions, one would like to refer to some who continue to write and talk to us amongst this intelligentsia.

We would like to bring to the fold the useful teachings of the personae available; the great educators like Kgalema Montlanthe and similarly the great historian Comrade Pallo Z Jordaan. They continue to write and to talk to us. The question is whether we are listening to them as they write and talk to us. We want to thank Pallo Jordan, Montlanthe for their very clear thoughts that they continue to guide us.

With all these intellectual giants amongst others we know turn to examine the theoretical conceptual basis of the Communal Property Associations. It has been collaborated by extensive insights drawn from public hearings held across the country in 2017. The people spoke and we listened just like our Chair said and we now act. We have been to every corner of this country.

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Contrary to any or on all forms of pessimism and or dooms saying about Communal Property Associations, we wish to point abundant evidence for a continued roll-out and existence of Communal Property Associations beyond 1 502 as of last financial year. This abundant evidence cuts across the fields of analysis be it the historical, political, legal, organizational, cultural and the economy, among others. We do not have much time to visit each of these areas and motivate why we need Communal Property Associations to continue to exist and to be strong as organs of people’s economic power.

Those who call for individualism, if you go to a community and in this household they have just some faint old pictures of their claim to the land, for argument sake, and in the other household they have got an old veteran who can trace some elements of history; maybe forced removals. In another household there are nice young researchers and intelligentsia. If you go the individualism route, you will lose the point all together but if people come together as communities they win. That is why in the Constitution in Section 25, 5(6&7) it clearly stated that a person or a community. These Communal

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Property Associations are created either via the tool of restitution.

*IsiXhosa:*

Ngumhlaba obuyileyo ubuyiswa ngurhulumente...

*English:*

... or alternatively the tool of redistribution as per Section 25(5).

*IsiXhosa:*

Ngumhlaba urhulumente awunika abantu ukuba baziphilise.

*English:*

The people have to work together. For those who like economics, if you have got 250 families and the government grants them R40 000 each. In three months the R40 000 would have been gone. Please note this DA and come back to the committee and argue this point. These 250 families if they bring that 40 000 together it means that they have R10 million amongst themselves as a community. They can buy tools; fence

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their property; create jobs and they can advance their common cause as a people.

Economists talk about economies of scale but also culturally – please sell us DA your cultural values if you know of any – I have not understood any cultural values on your side – culturally, our people in communal areas have always emerged together in our communities. In our communities there is collectivism and people work together.

In our communities you do not have to eat a sheep alone but I guess in affluent communities where you come from, most of you DA, I guess, you can slaughter a sheep on your own and put it on your refrigerator and eat with your wife and kids, all by yourselves. In our communities we are communal and we live together. When we talk about home, we do not mean my house, me, my wife and kids. When we talk about home, there is 10 or

12 of us who claim that same home equally. Communal Property Associations are all about people being communal living together, sharing and working together.

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Your individualism is not appealing to us. Sell us a different model of individualism, title deeds and all these. The cases of rama north of Tshwane – I will leave the DA – it is very shameful against our redistribution and restitution programmes. A greedy person, chairperson buys taxis and come here in Cape Town and many other cases. It is an issue of greed. We want to caution the greedy people out there. Do not go to the Communal Property Associations if you are greedy.

The ANC would wish to support because it believes that this would create jobs. The ANC supports the Communal Property Associations Amendment Bill. Thank you House Chair. [Time expired.]

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: House Chair

...

*Sepedi:*

... ke tšea sebaka go leboga maloko a komiti, modulasetulo wa komiti, le wena Sefepisegolo. Ke kgopela gore batho ba ba mokgatlo woo ke sa nyakego go o bitša ka leina ka lebaka la gore ga se ke emele bona mo, ba se ke ba re senyetša.

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Tlogelang batho ba rena ba itireleng se ba nyakago go se dira ka naga ya bona.

*English*:

Let’s support them in the responsible departments, be it Co- operative Governance and Traditional Affairs or Water. All the departments that are responsible in making the availability of land for our people real, lets allow them to work together to make it real. Let’s make the Communal Property Associations, CPA, work for our people. Don’t force us to live the way you want. This is not the time for you to be asking for how you should be dividing us further.

In the name of uMama uSisulu, uTata uMandela ...

*Sepedi*:

... wo ngwaga wo, re tlogeleng le boipušo bjo le re filego bjona; re a tseba gore bo ra goreng. Re rile re tlile go lwela lefase, Motlatšamopresidente. Ga re a swanela go botšwa gore re phele bjang.

*English*:

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Communal Property Associations is one mechanism that needs strengthening.

*Sepedi*:

Robinson, ke tshepa gore o be o sa le yo monnyane ka nako ye go bolelwa gore naga e swanetše e bušetšwe go beng ba yona. O se ke wa tla mo go re ruta gore re phele bjang?

Ms A STEYN: Hon Chairperson!

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

Ms A STEYN: I am rising on a point of order. The Minister has just said Robinson.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Minister, will you refer to members in a proper way.

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon

Bobinson ...

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*Sepedi***:**

... o be o sa le yo monnyane.

*English*:

I withdraw.

Mr K P ROBERTSON: Point of order, hon Chairperson!

*Sepedi*:

TONA YA TLHABOLLO YA DINAGAMAGAE LE PEAKANYOLESWA YA NAGA: O

be o sa le yo monnyane; re kgopela gore o se ke wa re ruta gore re phele bjang.

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

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: No, I still

have a minute.

Mr K P ROBERTSON: Hon Chair, I just like to remind the Minister that my surname is Robertson not Robinson.

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The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, that’s not a point of order. Hon Minister, there is one second left. It is not a minute.

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: I thank you

ANC for supporting and all the parties that supported this. Thank you. [Applause.]

Debate concluded.

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

Division demanded.

The House divided.

[TAKE IN FROM MINUTES]

Question agreed to.

Bill accordingly read a second time.

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**CONSIDERATION OF LEGISLATIVE PROPOSAL TO AMEND THE PUBLIC INVESTMENT CORPORATION ACT, SUBMITTED BY STANDING COMMITTEE ON FINANCE**

Ms T V TOBIAS: Hon Chairperson, Deputy President good afternoon. Hon members, the Public Investment Corporation Bill seeks to introduce amendments to the Public Investment Corporation Act and its objective is to promote transparency and good governance. The ANC is of the view that, as part of addressing corruption in general, we need laws that will tighten accountability. Hence the committee has agreed to look at this specific state-owned company for better performance.

Some of the clauses in the legislation will ensure compulsory and annual submission of both listed and unlisted investments by the Minister of Finance to table to through the annual report of the department. Therefore, hon members, there will be no conspicuous investment hidden under unlisted investments which will escape public scrutiny.

The ANC also took into account concerns raised by trade union movements to have a say in investment decisions of workers’

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money. Therefore, the Bill takes into account the role of all stakeholders by participating in the Public Investment Corporation, PIC board and the role of the shareholder represented by Treasury. Arguments have been raised on whether the Deputy Minister should chair the PIC board and this matter is a debate for another day.

As the Public Finance Management Act empowers the executive to administer the Act on behalf of the state. The ANC is on record that state-owned entities and companies remain instruments to pursue transformation and development. The PIC will assist government to realise this objective. The PIC will continue to participate in economic growth by investing government pension funds as per the shareholder mandate given unto it.

However, we should also register the recklessness at which the DA wants to expose SOEs to rivals on market sensitive matters under the guise of transparency. It is for this reason that the ANC wants to support the committee report and not the expeditious tabling of a Private Members Bill which is a smoke

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screen to represent the interests of business at the expense of the poor working class.

The ANC will continue to ensure transparency in our SOEs and will demand good governance. We hereby request the House to approve the tabled report on Standing Committee on Finance which genuinely represents the progressive amendments to the above mentioned legislation.

*IsiXhosa:*

Zijikile izinto.

*English:*

This is the New Dawn. Send the ANC. I thank you.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, we move that permission be given for the proposal to be proceeded with. Thank you very much House Chair.

Question put.

*Declarations of vote*:

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Mr D J MAYNIER: Thank you, Chairperson. When it is introduced the Public Investment Co-operation Amendment Bill will to a large extend be a carbon copy of the Private Memmbers’Bill entitled the Public Investment Co-operation Amendment Bill of 2018, which is aimed at promoting transparency and good governance at the public investment co-operation; and it was introduced by myself on the 17 January 2018, in this Parliament.

The fact is that the Public Investment Co-operation Amendment Bill 2018, is being introduced by the governing party to neutralise any political advantage that may flow from my Private Member’s Bill, and it being done with the support of the Deputy President of the EFF, Floyd Shivambu, who seems suspiciously eager to please the governing party and play the role of the opposition to the opposition when it comes to the Public Investment Co-operation Amendment Bill in the Standing Committee on Finance.

We are concerned about the state of the Public Investment Co- operation Amendment Bill, but they seem to be more concerned

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about who gets the political advantage from proposals to seek out the Public Investment Co-operation Amendment Bill.

What a pity when good ideas are rejected or neutralised simply because they come from an opposition party in South Africa. I thank you.

Mr N M PAULSEN: Thank you, House Chair. The EFF supports the introduction of the Public Investment Co-operation Amendment Bill, and we want to put it on record for the Public Investment Co-operation Amendment Bill and all other Bills that are going to come before this Parliament that the owners of making legislation rest with Members of Parliament as law makers.

The National Treasury and all other stakeholders are welcome to give commend and to make inputs. There is a need for all decisions of the Public Investment Co-operation to benefit workers whose monies are being managed through the government employee pension fund.

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The issue of transparency in the Public Investment Co- operation is therefore non-negotiable. Only fit and proper individuals who understand the investment space should be appointed to the PIC board. The Deputy Minister of Finance must continue to chair the Public Investment Co-operation. The position must not be depoliticised just because this is the Public Investment Co-operation. The notion that all politicians are inherently incompetent should be done away with as it is not always true.

We must not allow that our immediate frustration pressures us to make permanent decisions. There is a democratic process underway, hon Maynier, and that must be respected. The Public Investment Co-operation is a very important institution as it deploys more than R2 trillion, into the mainstream economy, and whoever wins elections they are the ones that must provide strategic direction.

Mr Maynier because the DA has been frustrated by previous events at the Public Investment Co-operation and in government, you are trying to use this to change the makeup and processes of appointments in the body; but as the EFF we

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are here. We will guide this process and we will provide proper political leadership. Thank you very much, Chairperson.

*Declarations of Vote:*

*IsiZulu*:

Mnu M HLENGWA: Kahle hle Sihlalo angazi ukuthi kubangwani ngoba le nto iyafana, nje ukuthi ifike nobani, izokwenziwa ngubani – u-6 no 9. Ekupheleni kosuku uma yenzekile ngoba ...

*English:*

...what is ultimately important is that there is transparency at the Public Investment Co-operation, the PIC. We will ensure that good governance becomes the order of the day, restore it to the credible status because it remains a strategic economic vehicle in this country. Of course, there are lessons to be learned from past experiences and we need to be circumspect about those. Take the time to reflect positively and draw on those lessons. Strengthen the PIC and take it forward.

Hon Chairperson, I think, having said all of that, about the fact that matters not to actually arrive here with the amendments for the Bill. At the centre of the democracy and

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constitutional discourse of this country, it is the duty and responsibility of Members of Parliament to initiate legislation. I think that my former colleague, the late Dr Ambrosini when he went to the Constitutional Court to fight for this right had that in mind, to challenge Members of Parliament to actually be at the forefront of the legislative change in this country. However, in the end of the day, look, it’s already before us. It is the matter of the chicken or the egg. Do we now sit here and bang our heads against the wall.

Let’s get to work. Let’s get to the business that is before us. Whatever hon Maynier has, we must take that that on board. I don’t think as a committee, we are so blind to ideas that we are not going to consider what he has to say. It’s just a matter of who is going to be the author of the Bill, but the Bill in the final must be a qualitative Bill. So, Chairperson, just lead us in this process ...

*IsiZulu*:

... sidlule kuyona. Asikwazi ukudlala umacashelana okwenganekwane ukuthi ubani wathini kanjani –kanjani.

*English:*

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The PIC is far bigger than ...

*IsiZulu*:

... umdonsiswano onjalo okungathi siyizingane enkulisa sisePhalamende lapha. Ngiyabonga Sihlalo. [Ihlombe.]

*English:*

Mr A M SHAIK EMAM: Hon House Chair, the NFP welcomes the proposal to amend the Public Investment Co-operation Bill tabled here today. Hon Chairperson, it is common knowledge that the PIC has been experiencing some great difficulties and some poor investments. Yet, I think the proposals that are put forward today will go a long way in ensuring that there is accountability, transparency and that it will be in the best interest of its depositors.

Now hon Chairperson, amongst other things, this Bill if amended will secure funding investment sustainability and security. It will also protect local job, but in addition creates more jobs. It will accelerate the transformation of the economy by giving preference to investment, locally. I think these are some of the things that we should actually

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take into consideration before we decide whether we should support it or not. Thus far, if you read the amendments that are tabled, it is clearly in the interest of the country and its depositors that these things be passed. I am not sure why some of my colleagues will not want to support it. However, they don’t support anything. Hon Chairperson, a system with the financing of buying of property by members of the government employees’ pension fund must also be welcomed. The reason why it must be welcomed, it is not easy for government to be able to provide housing for everybody in order to address the inequalities of the past. I think if we are able to provide funding to people, particularly to employees of the government employees pension fund to purchase their own houses. I think there is enough security there. I think, it will go a long way being able to address the inequalities.

Coming back to one of my colleagues who said earlier on about Venezuela, I want to say Venezuela is one of the most equal countries in the world. [Applause.] The only problem is because of sanctions and interference from the super powers that interfere all over the world. That is why they are experiencing some difficulties. We also welcome the

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composition of the Board, which will include the Minister or the Deputy Minister, participation of the trade unions also in light of the fact that they represent employees and employees’ monies are being invested there and they will protect that. So I think it is also good initiative. Hon Chairperson, the PIC like I said have made some mistakes before and I think now the room for them to make any further mistakes is very limited.

The NFP also calls on the Office of the Auditor-General to structure and report on value for money in terms of the investments. If this is done timeously and more often we will be able to get an inside as to exactly how the monies are being invested. The NFP supports the Report tabled. Thank you.

Mr Y I CARRIM: Comrade Chair, comrades, and friends, once again, you have it. This morning the same thing happened. Every opposition party, apart from the DA, is agreeing with the ANC.

Can I ask Mr Paulsen, if he is listening at all, how can you justify this alliance you have with the DA? [Laughter.] What

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do you have in common with them? It is a rhetorical question. Let’s walk outside.

Mr N M PAULSEN: On a point of order, Chairperson: The speaker at the podium is misleading the House. There is no alliance between us and the DA.

Mr Y I CARRIM: Tactical!

Mr N M PAULSEN: There is no such thing! We only use them to punish you for looting this country!

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you, hon Paulsen. Take your seat.

Mr N M PAULSEN: You have learned your lesson!

Mr Y I CARRIM: What Mr Paulsen ...

The HOUSE CHAIRPERSON (Mr C T Frolick): Thank you for the information.

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Mr Y I CARRIM: ... except that you have exhausted them. What do you want to do with them anyway? You are poles apart. My friend, I withdraw what I said.

Mr N S MATIASE: No, no, no! House Chair ...

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

Mr N S MATIASE: Yunus, wait a minute. You could do better if we are not to grandstand.

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

Mr N S MATIASE: I am saying he is capable of doing better. The least of the things he must do is to grandstand.

The HOUSE CHAIRPERSON (Mr C T Frolick): That is not a point of order. Continue, hon Carrim.

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Mr Y I CARRIM: The DA also needs reflect that Mr Shaik Emam is meant to hold the government to account but most, of his life, he is holding the DA to account because they just have nothing to offer, right? They are completely isolated and marginalised. Here it is again. It is Mr Maynier, right? Mr Maynier is at the heart of this alienation, and there is no prospect of unity amongst the opposition parties.

Let us deal with Mr Maynier. Firstly, there is some overlap between their Bill and our Bill – well, his Bill. It is always about “me”, “my Bill”, “me”, “I”. He never mentions the DA, Mr Waters. He never talks about the DA, as if he is an individual hanging in the air like that, not a DA member. I don’t think he’s ever mentioned the DA. He always says “I, I, I, me, me, me, my, my, my”. [Interjections.] There you have it.

So, the next thing is ... no, it is not a carbon copy! He is misleading the House once again, to put it mildly. We have fundamental differences. In the first instance, unlike his Bill – and it is his Bill; I don’t know if it is a DA Bill – our Bill says these are the investment criteria the Public Investment Corporation, PIC, must take into account. They also

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say – and we are not foolhardy, we are not foolish, and we are not some Pol Pottists or whatever you might say. We say in the first instance you must get the rate of return on the investments. These are workers’ monies, not Mr Maynier’s money, not Mr Maynier’s party’s money.

Thandi Tobias-Pokolo is right. You know, they argue about transparency and openness. In whose interest is this? It is not in the workers’ interest. So, Mr Maynier, as Thandi Tobias-Pokolo says, is very opportunistic because he spends

most of his life – he thinks activism is sitting at a computer and issuing three, four, or five emails per day to the media and engaging on a computer. [Interjections.] He has two full- time staff members, and so what they do is prepare the Bill very quickly. [Interjections.] Who represents the working class? Who has an alliance with Cosatu? [Interjections.] So, it is very opportunistic and Comrade Tobias is, once again, very astute.

The next thing I want to say is what are our differences? Firstly, we have clear developmental criteria, whilst recognising rate of return on investment’s importance.

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Secondly, we say no. No, we just can’t appoint any independent person to chair this committee, this board. It must be the Deputy Minister or Minister, as it happens. However, at the end of the day, the fiscus will have to come to the rescue.

Because we have a defined pension for workers in the public sector, in my view rightly, if they were to lose out, who is going to rescue them? It is the Budget. Thirdly, we have argued ...

Mr S P MHLONGO: Chairperson, this tendency of distorting the working class ...

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

Mr S P MHLONGO: Cosatu doesn’t represent the working class. It represents workers.

The HOUSE CHAIRPERSON (Mr C T Frolick): Please take your seat. That is not a point of order.

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Mr S P MHLONGO: He cannot! It is a distortion of the world order!

The HOUSE CHAIRPERSON (Mr C T Frolick): That is a point for debate, hon member. You can debate that with the hon member.

Mr S P MHLONGO: It is not a point of debate. It is a reality!

The HOUSE CHAIRPERSON (Mr C T Frolick): Take your seat now! Thank you.

Mr S P MHLONGO: We must correct you when you are distorting

...

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon member, take your seat. I am switching off your microphone now. Continue, hon Carrim.

Mr Y I CARRIM: Chairperson, it is an empirical fact that Cosatu is in alliance with the ANC, not the EFF. The EFF has no trade union alliance, so it is a fact. Let’s come to this. We have said that up to three union representatives must be in

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the PIC board, having discussed that in the bargaining council. We said up to three. We also point out that where the PIC has assets, and to cover the missing middle, with the state – I think Mr Shaik Emam said this – not being able to cover them, consideration needs to be towards a housing loan.

Let’s be very clear: All parties in the committees are concerned about some of the investments the PIC is making. So, there is no party-political difference. In fact, in a November 2015 study group of the ANC, Comrade Tobias-Pokolo will confirm, we decided to call the PIC to the committee to

answer for some of its challenging ... some of its investments which you can challenge.

Of course, Mr Maynier, being on his computer, issued some media statement. They don’t write a letter to me. It is actually media statements in the guise of “I have written to the chairperson Carrim”; “I have written to the chairperson Carrim”. Of course, I get the letter long after the media rings me to say I have been written to, and I don’t know that I have been written to. Then I discover, well, five hours

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after the media statement Mr Maynier has yet again issued, I now have a letter.

Let’s talk about public participation. It overlaps with the earlier debate. We are the only committee we know of in this Parliament that allows public hearings, and then we call National Treasury, as it happens in this case, to reply to those public hearings. Then we invite the stakeholders to reply to National Treasury, as it happens in this case. Then National Treasury replies to them, which frustrated Minister Derek Hanekom – where is he now? – immensely, as he had never come across that process. You know what? This is what the ANC wants. We want a Parliament in the best traditions of the national democratic transition.

It is meant to be a people’s tribune. It is meant to be a people’s organ of power. Where necessary, we must hold the executive to account in the interest of the masses out there. That is what Parliament is meant to be. So, we allow public hearings until the very last moment. In fact, on the day we vote on a Bill, anybody can come to our committee, within reasonable limits, and present their case. Sadly, who comes?

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It is Mr Maynier’s constituency – big capital and the people linked to them – because they can afford the resources. They have full-time parliamentary liaison people here, and they can fly people all the time.

During these public hearings, for those within the ANC ranks who might have some reservations, and we understand it, we can assure you that we are not being populist here. We are not plunging headlong into workers’ command of the PIC. We are being balanced. We are allowing ... well, workers represent

... it is their money, not Mr Maynier’s. I don’t know why he chooses to have – oh, by the way, we did approach Mr Maynier several times, both on and off the record, if you like, and we said to him, look, there are many things you say in your Bill we agree with. Why don’t we merge the Bill? Floyd Shivambu also said you are wasting your time, chairperson. He won’t agree because he wants this as his legacy. For him, it is a personal thing. He needs to put it on his curriculum vitae. He needs his grandchildren to know that he did it. [Interjections.] It is about personal things.

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Basically, who cares, as the opposition says? Let’s deal with the issues. We just want a Bill that is progressive but balanced, bearing in mind the macroeconomic framework and the need for transition.

Mr N S MATIASE: Chairperson, I rise on a point of order.

The HOUSE CHAIRPERSON (Mr C T Frolick): Hon Carrim, will you take your seat? I want to hear what the point of order is.

Mr Y I CARRIM: I am not fighting with you. I am fighting with the DA! [Interjections.]

The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon Carrim! Let me hear what the hon member has to say. Order, hon members!

Mr N S MATIASE: Chairperson, the hon Yunus Carrim should appreciate that my comrade and deputy president of the EFF provides some progressive ideas in the committee.

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The HOUSE CHAIRPERSON (Mr C T Frolick): No, hon member. That is information, not a point of order. Hon member, take your seat.

Mr N S MATIASE: It is not for self-aggrandisement. It is to provide superior logic.

The HOUSE CHAIRPERSON (Mr C T Frolick): Yes, hon member. Take your seat now. [Interjections.] Thank you!

Mr N S MATIASE: All we ask is that you appreciate that.

Mr Y I CARRIM: Well, we already decided long ago that Mr Maynier is not worth engaging with. Finally, can I say one thing? I look forward to the end of this term very much. I am finding it excruciatingly boring replying to Mr Maynier. Give us a Colin Eglin, a Raenette Taljaard, a Dene Smuts who could engage, not this sort of same, same, same stuff. It is boring, Mr Maynier. Go! [Time expired.] [Applause.] [Interjections.]

Motion agreed to (Democratic Alliance dissenting).

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Permission accordingly given to the Standing Committee on Finance to proceed with the legislative proposal.

The House adjourned at 19:04.